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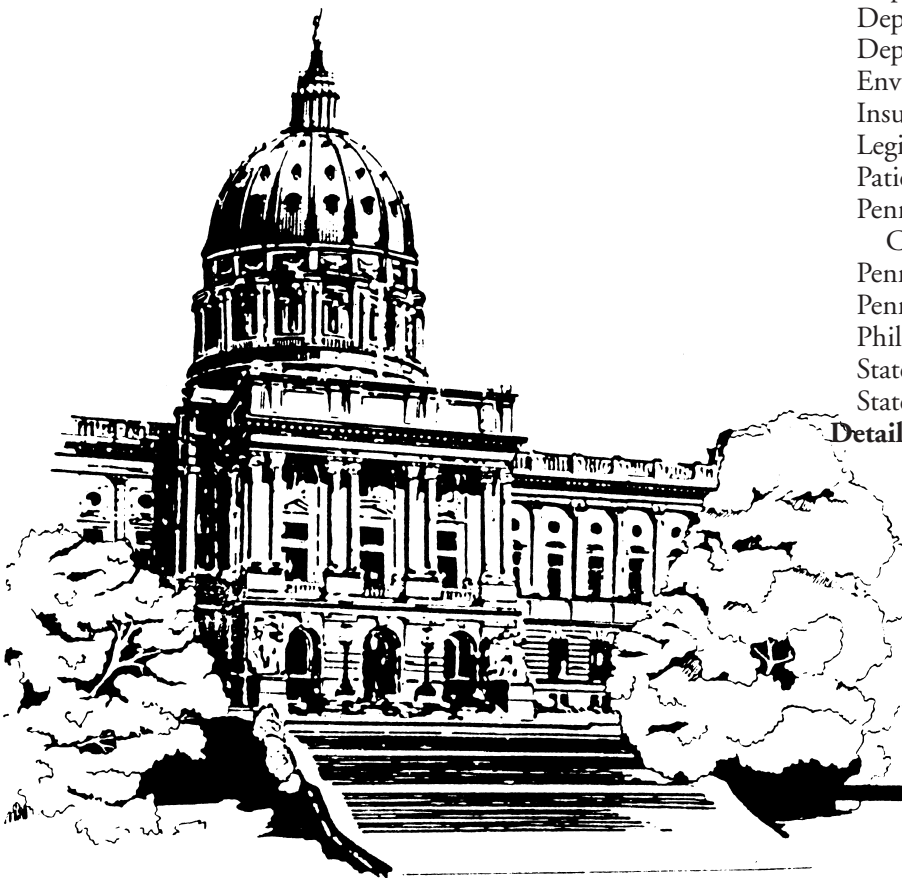
# PENNSYLVANIA BULLETIN

Volume 43  
Saturday, November 16, 2013 • Harrisburg, PA  
Number 46  
Pages 6751—6872

## Agencies in this issue

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The Courts  
Department of Banking and Securities  
Department of Conservation and Natural Resources  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Transportation  
Environmental Hearing Board  
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Patient Safety Authority  
Pennsylvania Alzheimer's Disease Planning Committee  
Pennsylvania Gaming Control Board  
Pennsylvania Public Utility Commission  
Philadelphia Regional Port Authority  
State Board of Medicine  
State Board of Nursing

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

**No. 468, November 2013**

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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 Pennsylvania Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

Source Notes give 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*.

A chronological table of the history of *Pennsylvania Code* sections may be found at [www.legis.state.pa.us](http://www.legis.state.pa.us).

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

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### 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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# THE GENERAL ASSEMBLY

## Recent Actions during the 2013 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during 2013 Regular Session

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
<b>2013 General Acts of Regular Session Enacted—Act 073 through 079</b>					
073	Oct 9	HB0025	PN1551	Immediately*	Judicial Code (42 Pa.C.S.) and Notaries Public (57 Pa.C.S.)—uniform laws on attestation in the areas of unsworn foreign declarations and notarial acts
074	Oct 16	HB0108	PN2370	Immediately	Insurance Company Law of 1921—definitions, children's health care and expiration
075	Oct 23	HB0421	PN2415	Immediately*	Unemployment Compensation Law—omnibus amendments
076	Oct 25	HB1483	PN2426	60 days	Portable Electronics Insurance Act—authority of vendors of portable electronics and termination of portable electronics insurance
077	Oct 25	HB0493	PN2493	Immediately	Capital Facilities Debt Enabling Act—omnibus amendments
078	Oct 25	HB1481	PN2160	Immediately*	Insurance Company Law of 1921—electronic delivery of information and posting of policies and endorsements and risk management and own risk solvency assessment
079	Oct 25	SB0379	PN1279	60 days	Benevolent Gesture Medical Professional Liability Act—enactment
<b>2013 Joint Resolutions of Regular Session Passed—JR 003</b>					
003	Oct 15	HB0079	PN0058		Constitution of Pennsylvania—compensation and retirement of justices, judges and justices of the peace

\* denotes an effective date with exceptions

### Effective Dates of Statutes

The effective dates specified previously for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective dates of statutes).

### Advance Copies of Statutes

Section 1106 of Title 1 of the Pennsylvania Consolidated Statutes provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the *Laws of Pennsylvania* are generally available. Section 2406(h) of The Administrative Code of 1929 provides that the Department of General Services (Department) shall distribute advance sheets of the *Laws of Pennsylvania* to each law judge of the courts, to every county and public library of this Commonwealth and to each member of the General Assembly. These copies shall be furnished without charge. The Department shall also mail one copy of each law enacted during any legislative session to any person who pays to it the sum of \$20.

VINCENT C. DeLIBERATO, Jr.,  
Acting Director  
Legislative Reference Bureau

[Pa.B. Doc. No. 13-2147. Filed for public inspection November 15, 2013, 9:00 a.m.]

**COMMISSION ON SENTENCING****Meetings Scheduled**

The Commission on Sentencing announces the following meetings to be held at the Harrisburg Hilton and Towers Hotel, One North Second Street, Harrisburg, PA and at the Pennsylvania Judicial Center, 601 Commonwealth Avenue, Harrisburg, PA:

Wednesday, December 4, 2013	6 p.m.	Dinner Meeting Harrisburg Hilton and Towers Hotel One North Second Street Harrisburg, PA
Thursday, December 5, 2013	9 a.m.	Policy Committee Meeting Pennsylvania Judicial Center 601 Commonwealth Avenue Harrisburg, PA
	1 p.m.	Commission Meeting Pennsylvania Judicial Center 601 Commonwealth Avenue Harrisburg, PA

MARK H. BERGSTROM,  
*Executive Director*

[Pa.B. Doc. No. 13-2148. Filed for public inspection November 15, 2013, 9:00 a.m.]

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# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART V. PROFESSIONAL ETHICS AND CONDUCT [ 204 PA. CODE CH. 81 ]

#### Amendment of Sections 81.501(e) and (g) and 81.502(a) of the Pennsylvania Interest on Lawyers Trust Account Regulations for Pro Hac Vice Admission; No. 121 Disciplinary Rules Doc.

#### Order

*Per Curiam*

And Now, this 30th day of October, 2013, *It Is Ordered* that Sections 81.501(e), 81.501(g) and 81.502(a) of the Pennsylvania Interest on Lawyers Trust Account Regulations (*Pennsylvania Code* Title 204, Part V, Subpart A, Chapter 81, Subchapter D, Sections 81.501(e) and (g) and Section 81.502(a)) are hereby amended as follows.

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

#### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART V. PROFESSIONAL ETHICS AND CONDUCT

##### Subpart A. PROFESSIONAL RESPONSIBILITY

##### CHAPTER 81. RULES OF PROFESSIONAL CONDUCT

##### Subchapter D. INTEREST ON LAWYER TRUST ACCOUNT REGULATIONS FOR PRO HAC VICE ADMISSION

#### § 81.501. Definitions.

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(e) *Court*. Any **Pennsylvania magisterial district court, the Philadelphia Municipal Court (except for Traffic Division), any** Pennsylvania court of common pleas, the Pennsylvania Superior Court, the Pennsylvania Commonwealth Court, the Supreme Court of Pennsylvania, and any other Pennsylvania court established after the effective date of these regulations which is not a special court.

(f) *IOLTA Board*. The Pennsylvania Interest on Lawyer Trust Account Board.

(g) *Special court*. [ **Any Pennsylvania magisterial district court, the** ] **The Traffic Division of the Philadelphia Municipal Court, [ the Philadelphia Traffic Court, ]** the Pittsburgh Municipal Court, and any other special court of similar jurisdiction.

#### § 81.502. Scope.

(a) An attorney, barrister or advocate who is qualified to practice in the courts of another state or of a foreign jurisdiction may be specially admitted to the bar of this Commonwealth for purposes limited to a particular case. **Admission pro hac vice shall not be required in order to participate in a case solely as amicus curiae.**

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[Pa.B. Doc. No. 13-2149. Filed for public inspection November 15, 2013, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### CARBON COUNTY

#### Adoption of Local Rule of Criminal Procedure CARB.R.Crim.P. 570.1 Attendance in Court of Incarcerated Individuals; No. CP-13-AD-0000005-2013

#### Administrative Order No. 18-2013

And Now, this 29th day of October, 2013, in order to provide for a uniform practice for the preparation, filing and presentation to the Court of writs, it is hereby

*Ordered and Decreed*, that effective November 1, 2013, the Carbon County Court of Common Pleas *Adopts* Local Rule of Criminal Procedure CARB.R.Crim.P. 570.1 governing the Attendance in Court of Incarcerated Individuals.

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

1. File one (1) certified copy of this Administrative Order and Rule with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies, one (1) computer diskette and a copy of the written notification received from the Criminal Procedural Rules Committee with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. Publish a copy of this Rule on the Unified Judicial System's website at: <http://ujportal.pacourts.us/localrules/ruleselection.aspx>.
4. Forward one (1) copy for publication in the *Carbon County Law Journal*.
5. Forward one (1) copy to the Carbon County Law Library.
6. Keep continuously available for public inspection copies of the Order in the Clerk of Courts' Office.

*By the Court*

ROGER N. NANOVIC,  
*President Judge*

**Rule 570.1. Attendance in Court of Incarcerated Individuals.**

1. *Attendance Requested*—At any proceeding before the Court at which the attendance is requested of an individual who is incarcerated, a writ shall be prepared, filed and presented by the party requesting attendance of said individual at least five (5) working days before the scheduled event.

2. *Attendance Required*—With respect to proceedings at which the defendant's attendance is required, defense counsel shall be responsible for the preparing, filing and presenting of this writ to the Court at least five (5) working days before the scheduled event. In the case of a pro se defendant, the Commonwealth shall be responsible

for the preparing, filing and presenting of the writ required under this rule.

3. *Non-Compliance*—Any writ filed that is not in compliance with this rule shall be entertained only if the opportunity to timely file it did not previously exist or the interest of justice so requires. In the event any such writ required by this rule is not prepared, filed and presented, the Court reserves the right, in its discretion, to impose the appropriate sanctions. In no event, where the defendant's attendance is required, shall a proceeding occur without the defendant being present. In that case defense counsel shall file a continuance, and if pro se, the Commonwealth shall file the continuance.

[Pa.B. Doc. No. 13-2150. Filed for public inspection November 15, 2013, 9:00 a.m.]

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# PROPOSED RULEMAKING

## PENNSYLVANIA GAMING CONTROL BOARD

[ 58 PA. CODE CHS. 421a, 423a, 425a, 427a, 429a,  
431a, 433a, 435a, 437a, 440a, 441a, 461a, 465a,  
609a, 623a, 633a, 643a AND 645a ]

### Licensing; Slot Software; Count Room Characteristics; Credit; Table Game Rules

In accordance with 4 Pa.C.S. Part II (relating to gaming), the Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(9)—(23) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. §§ 1205, 1206(f) and (g), 1207(1) and (2), 1208(1)(iii), 1209(b), 1212, 1213, 13A11, 13A12, 13A13, 13A14, 13A15 and 1802 and 4 Pa.C.S. Chapter 13 proposes to amend Chapters 421a, 423a, 425a, 427a, 429a, 431a, 433a, 435a, 437a, 440a, 441a, 461a, 465a, 609a, 623a, 633a, 643a and 645a to read as set forth in Annex A.

#### *Purpose of the Proposed Rulemaking*

This proposed rulemaking is a comprehensive amendment package addressing 13 chapters in Subpart B (relating to licensing, permitting, certification and registration). This proposed rulemaking should provide clarity, delete redundant provisions, decrease the number of copies of applications required, allow for an increase in ownership of licensees by institutional investors and ensure that a background investigation is completed on nongaming employees every 4 years.

#### *Explanation*

##### *General revisions*

The Board is referenced throughout Subpart B. However, many of the provisions currently listed as Board functions are functions associated with a specific bureau within the Board. To provide some clarity to the regulated community, “Board” is proposed to be replaced, when relevant, with a specific bureau.

Additionally, all references to the Board’s web site are proposed to be deleted. The definition of “Board web site” in § 401a.3 (relating to definitions) is applicable to Part VII (relating to Gaming Control Board) and eliminates the need to revise references should the address change again in the future.

##### *Chapter 421a. General provisions*

In § 421a.1 (relating to general requirements), references to “approval” are proposed to be replaced with “authorization” to reflect that gaming service providers (GSP) may receive an authorization to conduct business prior to being certified or registered with the Board.

In subsection (b), the reference to the type of investigation conducted is proposed to be deleted. Investigations are addressed in § 421a.3 (relating to investigations; supplementary information).

Proposed subsection (e)(2) requires applicants for and holders of licenses, permits, registrations, certifications or qualifications to report changes in circumstances that may render the applicant or holder unsuitable or ineligible to continue to apply for or hold a license, permit, certification, registration or qualification. This require-

ment is not new, simply proposed to be moved, without revisions, from Chapter 435a (relating to key, gaming and nongaming employees; Board-issued credentials). It is necessary to move these provisions into this section because Chapter 435a is applicable to key, gaming and nongaming employees; however, this standard is applicable to anyone with a license, permit, registration, certification or qualification.

Language in subsection (f) is redundant with proposed subsection (e)(2) and therefore is proposed to be deleted. Language in subsection (h) also is proposed to be deleted as redundant with language in subsection (a).

In accordance with 4 Pa.C.S. Part II, applicants for and holders of a license, permit, registration or certification have an ongoing duty to report information to the Board that may impact the applicant or holder’s suitability or eligibility to hold a license, permit, registration or certification. If applicants or holders do not maintain suitability or eligibility, the Board may revoke, suspend or not issue or renew a license, permit, registration or certification. Proposed language in subsection (i) is added to reiterate that any person regulated by the Board has an ongoing duty to maintain suitability and eligibility in accordance with 4 Pa.C.S. Part II and the Board’s regulations.

Language also is proposed to be deleted from subsection (i). The Board does not believe this language provides specificity as to which parties might be jointly and severely liable for conduct. The chapters on management companies, GSPs, manufacturer designees, and the like address joint and several liability with slot machine licensees.

Subsection (j) is proposed to be deleted. This provision is a requirement of the Board not the regulated entities. It is a statutory requirement of 4 Pa.C.S. Part II and is therefore unnecessary to recite in the regulations.

Section 421a.2(a)(4) (relating to disqualification criteria) is proposed to be amended. The Board believes proposed language in this section provides a clearer standard regarding the circumstances under which the Board may deny, suspend or revoke an applicant for or holder of a license, permit, registration or certification.

Proposed subsection (a)(6) is existing language moved from § 435a.1(o) (relating to general provisions). As previously stated, Chapter 435a relates to key, gaming and nongaming employees and this requirement is applicable to all individuals applying for a license (including principals), permit, registration or certification. Proposed language in subsections (b)—(e) is existing language which is also moved from § 435a.1(e)—(j).

Proposed § 421a.3(c) requires applicants to reimburse the Board for actual expenses incurred in conducting background investigations. This is existing language moved from §§ 427a.2(c), 429a.2(c), 431a.2(c) and 435a.2(d). Because applicants are required to reimburse the Board for actual expenses it made logical sense to include this provision in the general requirements applicable to all applicants.

The provisions on presuitability determinations in § 421a.4 (relating to presuitability determination) are proposed to be amended to delete the requirement that a request for the presuitability determination be made by petition to the Board. Typically if a presuitability determination were conducted, the Bureau of Investigations and Enforcement (BIE) would already be investigating

the applicant's eligibility and suitability in conjunction with an underlying application for a license or in conjunction with a petition for change of control or ownership. Requiring an additional petition for a presuitability determination would therefore be redundant and unnecessary. Instead, a request may now be made directly to the BIE.

The provisions regarding presuitability determinations in § 421a.4 are applicable to licensees but have not been applied to GSPs that are registered or certified. The reference to certification or registration in subsection (c) is therefore proposed to be deleted.

Section 421a.5(a) (relating to undue concentration of economic opportunities and control) is proposed to be amended to replace "other" license with "principal" license. Principals, specifically, are those individuals and entities that have ownership interest in or control over a licensee.

Language is proposed to be added to subsection (c)(1)(iii)—(v) to reflect the legalization of table games. Subsection (c)(1)(vi) is proposed to be deleted as this provision would not be applicable in making a determination as to whether there was an undue concentration of economic control of a slot machine licensee. Gross terminal revenue, not ticket-in, ticket-out, is indicative of overall play.

*Chapter 423a. Applications; statement of conditions; wagering restrictions*

Proposed language in § 423a.1(b) (relating to general requirements) reflects that gaming and nongaming employees file applications electronically using the Board's SlotsLink system.

Subsection (c) is proposed to be deleted as redundant. The requirements in this subsection are covered in subsections (b) and proposed subsection (d).

In proposed subsection (c), "Board staff" is proposed to be added because the Bureau of Licensing (BOL) or the BIE may need additional information from an applicant to process an application or complete an investigation.

Proposed subsection (d) is combined with the language in current subsection (f). The remaining subsections are proposed to be renumbered.

Language is proposed to be added to § 423a.2(a)(3) (relating to preliminary submission review). Applicants may be required to execute authorization forms for the release of information from other entities such as credit bureaus or banking institutions. Therefore, "other entities" is proposed to be added.

Subsection (c) is proposed to be deleted as inconsistent with current practice. The Board does not return applications but may deem the application abandoned or denied if an applicant doesn't cure deficiencies.

Section 423a.3(a)(1) and (2) (relating to application processing) is proposed to be deleted. An application is filed when submitted and an applicant will be given an opportunity to cure deficiencies if a part of the application is missing or incomplete. Subsection (a)(1) is proposed to be deleted as unnecessary. Subsection (a)(2) is proposed to be deleted to reflect Board practice. In only a few circumstances, pertaining primarily to the filing of an application for a slot machine license or table game certificate, is the applicant or an attorney for the applicant notified, in writing, that the application has been officially accepted.

Proposed subsection (a)(1) is proposed to be amended to reflect that the Board makes determinations regarding

the information obtained by Board staff during an investigation. The remaining paragraphs are proposed to be renumbered.

Section 423a.5(a) (relating to application withdrawal) is proposed to be amended to reflect that the Board no longer requires the filing of a petition for most individuals requesting to withdraw their applications. Only entities that have applied for a license, certification or registration and individuals who have applied for a principal license or GSP qualification are still required to petition the Board to withdraw. For other individuals (key, gaming and nongaming employees), a request form is submitted to the BOL. Subsection (c) is therefore proposed to be deleted as redundant with the proposed language in subsection (a).

Current subsection (d)(1) and (2) is proposed to be deleted. Provisions regarding restrictions on subsequent application after a withdrawal with prejudice has been granted are already in § 423a.7 (relating to restriction on application after withdrawal with prejudice, denial or revocation).

Subsection (e) is proposed to be deleted to reflect Board practice. If an applicant fails to cure deficiencies with the application before it is officially accepted, the BOL may deem the application abandoned. Alternatively, if the applicant failed to cure deficiencies because the applicant failed to cooperate with an investigation, the Board may deny the application.

Section 423a.6(b) (relating to license, permit, registration and certification issuance and statement of conditions) is proposed to be amended for clarity and to reflect Board practice. GSPs, unlike licensees, are now required to execute a statement of conditions at the time of application because a GSP or gaming related GSP can be given interim authorization to conduct business prior to obtaining registration or certification from the Board.

Proposed § 423a.6a (relating to restriction on wagering after issuance of a license, permit, registration or certification) is language moved from § 435a.1(k)—(n). As previously stated, Chapter 435a is primarily applicable to key, gaming and nongaming employees; however, wagering restrictions are also applicable to principal licensees and qualifiers. For clarity to the regulated community, wagering restrictions are therefore proposed to be moved into a new section.

Section 423a.7(f) is proposed to be deleted as unnecessary. Typically when an individual's petition to reapply is denied, the Board will set a time period in which the person may reapply.

*Chapter 427a. Manufacturers*

Section 427a.1(d) and (e) (relating to manufacturer general requirements) is proposed to be deleted. Subsection (e) is a provision not applicable to the regulated community but to the Board, both provisions are already in 4 Pa.C.S. Part II and are therefore unnecessary to recite in the regulations. Language similar to subsection (e) is proposed to be deleted from §§ 429a.1(d) and 431a.1(c) (relating to manufacturer designee general requirements; and supplier general requirements).

Section 427a.2(a) (relating to manufacturer license applications and standards) is proposed to be amended to reflect that only one copy of an application is required instead of three. The number of required copies is also proposed to be reduced in Chapters 429a, 431a, 433a, 437a and 441a.



Subsection (a)(5) is proposed to be deleted. Gaming employee applications are not required to be filed with the application for a manufacturer license. Typically the suitability of an employee of a licensee is considered separately from the suitability or eligibility of the licensee and its principals (owners, officers and directors). Similar language is proposed to be deleted in § 431a.2(a)(5) (relating to supplier license applications and standards).

Subsection (a)(6) is also proposed to be deleted. Copies of Securities and Exchange Commission (SEC) filings are no longer required to be submitted as part of the application packet. The BIE, when conducting its investigation, will review all SEC filings for any publicly traded applicant. All SEC filings are available online. If an applicant is publicly traded on a foreign exchange, the BIE may request specific information from the applicant during the investigation if the information is not publicly available through a foreign exchange regulator. Similar language is proposed to be deleted § 429a.2(a)(5) (relating to manufacturer designee license applications and standards) and § 431a.2(a)(6).

Language in subsection (a)(5) is proposed to be deleted for consistency with 4 Pa.C.S. Part II. Similar language is proposed to be deleted in §§ 429a.2(a)(5) and 431a.2(a)(7).

Subsection (b)(1) is proposed to be deleted in this section and other sections in chapters regarding licensing. This is a current requirement of all applicants, as specified in § 421a.1(g) and proposed paragraph (1) requires all applicants to comply with Chapter 421a (relating to general provisions). This provision is proposed to be deleted as redundant with § 421a.3(c).

Proposed amendments to subsection (c) are made for clarity and to delete a reference to key employee suitability. As previously stated, the suitability of an employee of a licensee, in most instances, is not considered at the time the Board evaluates the suitability of an entity or its owners, officers or directors (principals) to hold a license. Similar language is proposed to be deleted in proposed § 429a.2(c) and § 431a.2(c).

Section 427a.5(a)(1) and (2) (relating to responsibilities of a manufacturer) are proposed to be deleted. These paragraphs are proposed to be deleted in sections in other chapters regarding licensing as these provisions are already in Chapter 421a. Subsection (a)(3) is proposed to be deleted and replaced with language in proposed subsection (a)(2). Similar language is proposed to be added in § 429a.5(a) (relating to responsibilities of a manufacturer designee) and proposed § 431a.4(c)(2) (relating to responsibilities of a supplier).

Subsection (b) is proposed to be amended for clarity. Similar amendment are made in proposed §§ 429a.5(b) and 431a.4(d).

Subsections (c) and (d) are proposed to be deleted because they do not relate to the chapter or section heading. Similar language is also proposed to be deleted from § 431a.4(f)—(h).

Proposed § 427a.6 (relating to change of control of a manufacturer licensee) provides guidance to unlicensed companies regarding the proper procedure for acquiring a manufacturer licensee. These requirements will also ensure that the acquiring company and its officers, owners and directors (principals) apply for licensure and are investigated before a manufacturer licensee is acquired. The approval requirement is also applicable to manufacturer designees in proposed § 429a.8 (relating to change of control of a manufacturer designee licensee) and to

supplier licensees in proposed § 431a.6 (relating to change of control of a supplier licensee).

#### *Chapter 429a. Manufacturer designees*

Proposed amendments to § 429a.3 (relating to additional manufacturer designee licenses) specify that if a manufacturer designee has already been licensed, it does not need to receive a separate manufacturer designee license to supply or repair gaming equipment on behalf of a different manufacturer. Instead, manufacturer designees submit an abbreviated application (Additional Manufacturer Designee Application and Disclosure Information Form) to receive a subsequent designation.

Proposed amendments to § 429a.3(c) reflect proposed amendment to § 429a.2(b) and (c).

Section 429a.5(b) is proposed to be deleted. This is a statutory requirement applicable to suppliers but is not applicable to manufacturer designees.

Section 429a.7 (relating to manufacturer designee agreements) is proposed to be amended for clarity and to reflect Board practice. When a manufacturer designee enters into an agreement with a manufacturer, the designee, as part of its application for a designee license, is required to submit all agreements for review. The agreements are reviewed as part of the background investigation. Any subsequent agreements, after licensure, are reviewed by Board staff. If there are issues or questions regarding the terms of the agreement, Board staff will notify the parties and request additional information or clarification.

#### *Chapter 431a. Supplier licenses*

Section 431a.4(b) is proposed to be deleted. This subsection relates to financial suitability. The information would be included in the application for a supplier license and would be reviewed during the applicant's background investigation. If the applicant is not financially suitable, it would not be awarded a supplier license.

Section 431a.5(c) (relating to supplier log books) specifies that licensed, permitted or registered employees of a supplier are not required to register in the log book. Language is therefore proposed to be added to subsection (b)(5) for clarity.

#### *Chapter 433a. Principal licenses*

Section 433a.1 (relating to definitions) is proposed to be amended to delete "principal slot operations officer of a slot machine licensee" from the definition of "officer." Facilities have a slot operations director; the individual is licensed as a key employee not as a principal.

Section 433a.3(a)(3) (relating to interests in licenses held by individuals) is proposed to be amended for clarity and consistency. Similar amendments are proposed to be made to §§ 433a.4(a)(3) and 433a.7(a)(3) (relating to interests in licenses held by entities; and trusts).

Sections 433a.3(d) and (e) and 433a.4(d) and (e) are proposed to be amended or deleted to reflect the requirements in proposed §§ 427a.6, 429a.8 and 431a.6. The remaining subsections are proposed to be renumbered.

Section 433a.5 (relating to institutional investors) is proposed to be amended to allow institutional investors to acquire a greater ownership interest in all licensee without requiring a waiver from the Board.

Previously, institutional investors were capped at a 15% ownership interest in a principal affiliate of a manufacturer, manufacturer designee and supplier licensee and a 10% ownership interest in a principal affiliate of a slot

machine licensee. This proposed amendment will allow institutional investors to acquire less than a 20% interest in all licensees provided the institutional investor files the notice of ownership form and passive investor affirmation. Additionally, before acquiring an interest in a slot machine or management company licensee that is between 10% and 20%, the institutional investor shall provide the BIE with additional information relating to the institutional investor's operations and sources of funds.

Based on the nature of the funds associated with institutional investors, the reporting obligations to the SEC and the permissible ownership interests in other gaming jurisdictions, the Board has determined that increasing the allowable ownership interest to less than 20% would not adversely impact the integrity of gaming. Additionally, allowing institutional investors to acquire an ownership interest of less than 20% would not have other licensing implications related to changes of control or ownership.

Management companies are proposed to be deleted from subsection (a)(1). Management companies act on behalf of a slot machine licensee, are subject to the same requirements as slot machine licensees and therefore the requirements in subsection (a)(2) are applicable.

Subsection (c) and additional language in proposed subsection (d) are proposed to be added to address institutional investor ownership in licensees whose securities are publicly traded on a foreign exchange.

In regard to § 433a.6 (relating to lenders and underwriters), as previously stated, management companies act on behalf of a slot machine licensee and are therefore subject to the same requirements as slot machine licensees. Therefore, for clarity, management companies are proposed to be added to several of the sections throughout this chapter.

In subsection (f), language at the end of the sentence is proposed to be deleted as unnecessary.

Section 433a.7(b) currently requires trusts to notify the Board and submit a complete application prior to possessing any interest in paragraphs (1)–(5). The notification requirement is proposed to be deleted as unnecessary. Submitting applications will serve as notice. Subsection (c) is proposed to be amended for clarity.

*Chapter 435a. Key, gaming and nongaming employees; Board-issued credentials*

The requirements in § 435a.1(c), (e)–(j) and (o) are applicable to all applicants and holders of a license, permit, registration or certification. However, this chapter is pertinent only to key, gaming and nongaming employees. The requirements in this section are therefore proposed to be moved to §§ 421a.1 and 421a.2.

The wagering restrictions in subsections (k)–(n) are also applicable to holders of a license, permit, registration, certification or qualification and are proposed to be moved to proposed § 423a.6a.

Section 435a.5 (relating to nongaming employee registration) addresses nongaming employee registrations. Currently registrations do not have an expiration date. Nongaming employees do not submit a renewal application and therefore a subsequent background investigation is not conducted beyond initial registration. The Board believes that submission of a renewal application and subsequent background investigation is necessary to protect the integrity of gaming as it will ensure that every nongaming employee remains eligible and suitable to hold a registration.

Additionally, placing an expiration date on nongaming registrations will eliminate unnecessary administrative expenses associated with an ever growing number of individuals who no longer work in the gaming industry. There are currently over 5,500 nongaming employees who remain registered with the Board but have not worked in a position that requires registration for 2 years or more.

The regulation will require that nongaming employee registrations be renewed every 4 years. The application will be submitted electronically through the Board's SlotsLink system. The renewal will cost around \$40 which will cover the cost of fingerprinting with the Pennsylvania State Police and the criminal background check. Regarding the renewal schedule, each Board credential issued to a nongaming employee has a date by which the credential shall be reissued with an updated employee photo. The BOL will use the expiration date on the credential as the renewal date which will ensure that renewals are staggered and will not all occur within the same month or year.

Section 435a.6 (relating to Board credentials) is proposed to be amended for clarity. Specifically, subsection (c) is proposed to be divided in two subsections, with subsection (c) addressing the wearing of Board-issued credentials by State employees and proposed subsection (d) addressing the wearing of credentials by individuals who are not State employees.

Language in proposed subsection (e) reflects that all employees who are on the gaming floor are required to have a Board-issued credential. Current subsection (e) is proposed to be deleted as unnecessary.

The heading of § 435a.8 (relating to temporary credentials) relates to temporary credentials for principal and key employees and the heading of § 435a.9 (relating to temporary credentials for nongaming employees) relates to temporary credentials for nongaming employees. Neither section addresses the issuance of temporary credentials for gaming employees. To reflect the Board practice of issuing temporary credentials to gaming as well as principals, keys and nongaming employees, language is proposed to be added. Both sections, which address the same topic, are proposed to be combined into § 435a.8.

Section 435a.9a(a)(1) (relating to gaming service provider employee temporary access credentials) is proposed to be amended for clarity. Subsection (a)(2) would no longer require an employee from the licensee's security department to escort a GSP employee provided that another employee of the licensee who is authorized to have access to the area escorts the GSP employee and both individuals sign in with the Board's casino compliance representatives. This will ensure that Board staff is aware of who is performing the work in the licensed facility and the individual responsible for supervising that employee.

Proposed language in subsection (c) allows additional flexibility, when circumstances warrant, to extend the time period to allow an employee to complete work beyond 12 days in a 12-month period.

Language in current subsection (d) addresses a prohibition on the issuance of temporary access credentials to manufacturers, designees and suppliers. However, the section heading relates to GSP temporary access credentials. The language is proposed to be deleted as misplaced and unnecessary.

The proposed language in subsection (d) specifies that if an operator is going to use an emergency GSP, any employee providing emergency services shall obtain a

temporary access credential in accordance with this section prior to performing any emergency services at the licensed facility. This section corresponds with proposed amendments to § 437a.10 (relating to emergency gaming service provider).

Section 435a.10 (relating to loss, theft or destruction of credentials) is proposed to be amended to reflect that credentials are obtained from the Board's casino compliance representatives and are not distributed or controlled by a licensee's security department. This subsection is proposed to be amended to reflect that typically the employer not the employee will request replacement credentials from the Board.

*Chapter 437a. Gaming service provider certification and registration*

The proposed amendments to § 437a.1 (relating to general gaming service provider requirements) are made for clarity and to replace language with defined terms in § 401a.3.

Proposed language in § 437a.2 (relating to gaming service provider registration applications) should provide GSPs with some guidance as to when to file a sponsored versus unsponsored application. If a GSP already has a contract to provide goods or services to a slot machine licensee, the GSP completes a sponsored application. If the GSP does not have a contact with a specific licensee but anticipates that a licensee may utilize the GSP's services in the future, the GSP would complete the unsponsored application.

Proposed language in subsection (d) reflects the requirements in § 435a.3 (relating to occupation permit) and § 435a.5.

Section 437a.3(d)—(f) (relating to gaming service provider certification applications) is proposed to be deleted and added as proposed § 437a.3a (relating to single transaction waiver). This is proposed to be done because the section heading is not pertinent to waivers. Additionally, both registered and certified GSPs may request a single transaction waiver.

Section 437a.5 (relating to construction subcontractors) is proposed to be amended to provide clarity to the regulated community. These provisions are applicable to subcontractors providing goods and services to other subcontractors while the licensed facility is under construction.

Subsection (c) is proposed to be amended to reflect that prior to a casino opening, a licensed facility is, in essence, a construction site. Closer to opening, onsite Board staff will specify a date as to when an area of the licensed facility becomes a live gaming floor. Once designated, only those persons who hold a Board-issued credential are allowed onto the gaming floor.

In 2010, the Board amended the GSP regulations and exempted publicly traded GSPs from the requirements of certification or registration. To be eligible for the exemption, each publicly traded GSP was required to complete an authorization form to be placed on the authorized GSP list. At that time, there was not an expiration placed on exemption. Although the Board believes that publicly traded GSPs should still be exempt from the certification and registration requirements, the Board has placed an expiration date on the exemption. Every 4 years, publicly traded GSPs that are exempt will have to submit the authorization form to verify that the GSP has continued to provide goods and services to licensed facilities and is still eligible for the exemption. Language relevant to the

exemption expiration and renewal is therefore proposed to be added in § 437a.6 (relating to registration and certification term and renewal).

Language is proposed to be added in § 437a.7 (relating to registered, certified and authorized gaming service provider responsibilities) to reflect that the requirements applicable to a GSP that is registered or certified are also applicable to a GSP that is on the authorized list to conduct business prior to obtaining registration or certification.

Subsections (b) and (c) are proposed to be amended for clarity and to utilize terms that are already defined in § 401a.3. The Board also proposed to delete the requirement that offsite supervisors obtain a registration. Language is proposed to be deleted and a cross reference added in subsection (e) as these provisions are already addressed in § 435a.9.

Subsection (f) is proposed to be added to address amendments in proposed rulemaking 125-168 published at 43 Pa.B. 2152 (April 20, 2013), which proposed to delete § 501a.6 (relating to check cashing) and move those requirements to § 465a.20 (relating to personal check cashing). The personal check cashing provisions in § 501a.6 were applicable to licensees and GSPs, while the requirements in Chapter 465a (relating to accounting and internal controls) are applicable only to slot machine and management company licensees unless otherwise specified. Subsection (f) is necessary to ensure that requirements of personal check cashing are the same regardless of whether a licensee or a GSP acting on the licensee's behalf, are performing those functions.

Section 437a.10 is proposed to be amended to no longer require an emergency GSP that is not already registered or certified to file for registration or certification after providing emergency services. An employee of the emergency GSP will be required to obtain a temporary access credential before providing services. The BOL will review the explanation for use of the emergency GSP to ensure that this provision is not used to circumvent the registration and certification requirements.

*Chapter 440a. Management companies*

Section 440a.1 (relating to general requirements) is proposed to be amended to reflect current practice. Many of the applicants for the available Category 2 slot machine license have contracted with a management company to manage the licensed facility should the slot machine applicant be awarded the license. The management company has filed an application with the Board and if the slot machine applicant were awarded the license, the management company would be licensed at that time as well.

Section 440a.2 (relating to applications) is proposed to be amended to reflect that there is only one application for all categories of slot machine license. Additionally, if a management company is going to act on behalf of the slot machine applicant/licensee, the management company is required to complete the same application as the slot machine applicant.

Section 440a.3 (relating to management company license term and renewal) is proposed to be amended to reflect that a management company acts as the slot machine licensee and neither a slot machine license or a management company license is transferrable.

A portion of § 440a.5(c) (relating to management contracts) is proposed to be moved into subsection (d) and amended for clarity. The language in current subsection

(d) is proposed to be deleted as the business plan is essentially addressed in the requirements in subsection (f). Subsection (f) is proposed to be amended to address the management of table game operations.

#### *Chapter 441a. Slot machine licenses*

Terms are proposed to be added to § 441a.1 (relating to definitions). The use of these terms is explained in the provisions proposed to be added in §§ 441a.11a, 441a.20a and 441a.24—441a.26.

Section 441a.2(a) (relating to slot machine application deadlines) is proposed to be deleted for consistency with 4 Pa.C.S. Part II. Subsection (c) is proposed to be deleted as unnecessary. The handling of deficiencies in applications is addressed generally in § 423a.2 and in § 441a.3 (relating to slot machine license application).

Section 441a.3 is proposed to be amended to no longer require applications from key employees at the time the slot machine applicant submits an application for licensure. In most instances, key employees have not yet been identified at the time a slot machine applicant submits its application for licensure nor do most applicants hire employees unless and until the Board awards the applicant a slot machine license. The language regarding application requirements is proposed to be deleted as unnecessary as application requirements for keys and principals is in Chapter 433a (relating to principal licenses) and Chapter 435a.

In subsection (a)(5), language is proposed to be added to recognize that an authorized designee can sign on behalf of a chief executive officer to legally bind a slot machine applicant. Subsection (a)(6) is proposed to be amended to reflect the proposed provisions for approval of a licensee's initial or modified plan of development in proposed § 441a.20a (relating to changes to a slot machine licensee's initial or modified plan of development).

As specified in § 423a.1(g), once submitted to the Board, applications and related materials will not be returned to the applicant. The inconsistent language in subsection (b) is proposed to be deleted.

Subsection (d) is proposed to be amended to correct conflicting requirements. This subsection currently requires that the local impact report be submitted to the Board with the application and simultaneously to the municipality. Licensees were also required to submit proof that the municipality was served at the time the application was submitted to the Board. The language is proposed to be amended and still requires licensees to submit the local impact report simultaneously to the municipality and the Board (with the application) but provides that the applicant submit proof that the municipality was served within 5 days after the application is submitted to the Board. Subsection (e) is in § 421a.3 and therefore is proposed to be deleted.

Section 441a.5(e) (relating to license fee payment bond or letter of credit requirements) is proposed to be amended to reflect that a slot machine license will not be issued until the license fee has been paid. The Board or Board staff, typically the BOL, will specify the date by which the fee shall be paid.

Most of the proposed amendments to § 441a.7 (relating to licensing hearings for slot machine licenses) are made for clarity. Language in subsections (i) and (n) is proposed to be amended to reflect that 4 Pa.C.S. § 1206(a) (relating to Board minutes and records) was deleted. Confidential information may be presented not in closed delibera-

tions but during executive session in accordance with 65 Pa.C.S. § 708(a)(5) (relating to executive sessions).

Section 441a.11 (relating to notification of new financial sources) is proposed to be deleted and replaced with the more detailed provisions in §§ 441a.24—441a.26 (relating to notification of equity securities offering; approval of material debt transactions; and notification of refinancing transaction).

Section 441a.11a (relating to duty to maintain financial suitability; notification of change in financial status) is proposed to be added. Subsection (a) reflects requirements in 4 Pa.C.S. Part II. Subsection (b) is proposed because a material change in financial status, as defined in § 441a.1, is directly related to a licensee's overall financial suitability. If a licensee or any of its intermediaries, subsidiaries or holding companies defaults on any provision of its loan agreements, immediate notification to the Board is required.

Section 441a.15(b)(2) (relating to slot machine license issuance bond requirement) is proposed to be deleted. Board staff reviews submitted payment bonds. If there are issues with the payment bond, the BOL notifies the applicant that was awarded the license if corrections are necessary or if additional information about the surety is required. The slot machine license will not be issued until all information is received and any necessary corrections are made.

Section 441a.17(b)—(e) (relating to change in ownership or control of slot machine licensee and multiple slot machine license prohibition) is proposed to be deleted. The proposed language should provide clarity and specificity to the regulated community regarding the procedure to acquire an interest in a slot machine licensee which would trigger the change in control or ownership provisions of 4 Pa.C.S. Part II. The remaining subsections are proposed to be renumbered.

Minor revisions are proposed to be made to § 441a.18(b)(2) and (c) (relating to employee status report). Subsection (b)(2) is proposed to be deleted because applicants for a slot machine license do not typically have employees and are therefore not required to submit an employee status report to the Board. Subsection (c) is proposed to be amended to reflect that a signature on an electronically submitted employee status report is not required.

Proposed § 441a.20a provides further detail on a requirement that is already in § 441a.3(a)(6). A licensee may change its approved plan of development is not required with approval of the Board.

In proposed § 441a.24, if a licensee or its holding company is going to issue a class of securities, the licensee shall notify the Board in writing prior to the offering. Board approval of these transactions is not required; however, licensees will be required to submit all documents associated with the offering which will be reviewed by Board staff.

Section 441a.25 is proposed to be added. If a licensee is going to incur additional debt, those transactions will require the approval of the Board if the incurrence of debt is greater than \$25 million for privately held entities and \$50 million for publicly traded entities. The incurrence of additional debt may impact the licensee's overall financial suitability. Therefore the Board believes approval of these transactions is necessary. If the licensee is borrowing on

an already approved line of credit, those transactions will not require additional approval of the Board.

Proposed § 441a.26 requires licensees to provide documents to Board staff if the licensee is refinancing its existing debt. These transactions will not require Board approval unless Board staff after reviewing the documents determines that approval is necessary. If a licensee or its holding company incurs additional debt in conjunction with a refinance, § 441a.25 would apply.

*Subpart E. Slot machines and associated equipment; accounting and internal controls*

Specificity is proposed to be added in § 461a.7 (relating to slot machine minimum design standards) regarding how the Bureau of Gaming Laboratory Operations will calculate the theoretical payout percentage for slot machines.

A minor revision is proposed to be made in § 465a.24(b)(1) (relating to count room characteristics) to clarify that the alarm device does not need to signal both security and surveillance. The licensee can designate which department will receive the audible alarm signal. The language at the end of the sentence is proposed to be deleted as unnecessary. Every time the count room door is opened the audible alarm signal should be sent to security or surveillance. In subsection (b)(2), the language requiring exits door to contain locks is proposed to be deleted. Only entrances require dual key control. Proposed subsection (b)(3) addresses exiting the count room and requires that licensees specify what type of door device will be used.

*Subpart K. Table games*

Language is proposed to be added in § 609a.4 (relating to approval of credit limits) to reflect the statutory requirement that any increase in credit, whether temporary or permanent, requires reverification of a patron's credit information.

Proposed amendments to § 609a.5 (relating to derogatory information; reduction or suspension of credit) clarify the following: if derogatory information is received, the licensee's credit department shall reverify the patron's casino credit information; if a patron's check is returned, the patron's credit privileges must be suspended; and if a patron's credit has been suspended, the licensee is required to reverify the patron's casino and consumer credit information before reinstating credit.

Proposed amendments to §§ 623a.4 and 623a.5 (relating to making and removal of wagers; and payout odds) add clarity regarding the paying of wagers and the collection of vigorish.

The payout procedure in § 633a.7(i) (relating to procedure for dealing the cards; completion of each round of play) is proposed to be amended to allow operators to either payout immediately when a player has a Blackjack or in accordance with the current regulation. Section 633a.9 (relating to surrender) is proposed to be amended to allow operators to collect a surrendered hand immediately or in accordance with the current regulation.

In § 643a.12(b) (relating to payout odds; payout limitation), a new payout table is proposed to be added for the Five Card Bonus Wager.

Section 645a.5(i)(3) (relating to shuffle and cut of the cards; procedures for determining the starting position for dealing cards) is proposed to be deleted as unnecessary.

*Fiscal Impact*

*Commonwealth.* The Board does not expect that this proposed rulemaking will have a substantial fiscal impact

on the Board or other Commonwealth agencies. Although nongaming employees and publicly traded GSPs will be required to submit renewals, the renewals are conducted once every 4 years and will not occur at the same time. Additionally, the Board may see some administrative cost savings associated with nongaming employees who no longer work in the gaming industry. Currently there are over 5,600 nongaming employees under the Board's jurisdiction who have not worked in a position that requires a registration in 2 years or more.

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

*Private sector.* All individuals and entities that apply for a license, permit, registration, certification or authorization will be required to comply with the requirements in this proposed rulemaking. Most of the amendments in this proposed rulemaking will not have a fiscal impact on the regulated community with two exceptions: nongaming employees and GSPs.

Nongaming employees will be required to renew their registration once every 4 years. The renewal fee will be approximately \$40 to cover the cost of fingerprinting and a criminal background check with the Pennsylvania State Police. There are approximately 4,000 individuals who hold a registration.

Publicly traded GSPs will also be required to renew their exemption from the certification and registration requirements once every 4 years. The renewal fee is \$250. There are approximately 85 publicly traded GSPs that are currently not required to comply with the certification and registration requirements.

Additionally, GSPs that provide services to slot machine licensees on an emergency basis will no longer be required to complete an application for certification or registration, a cost savings of at least \$2,500. It is unclear how many emergency GSPs will benefit from this proposed rulemaking.

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

*Paperwork Requirements*

This proposed rulemaking will eliminate the requirement that applicants for and holders of a slot machine, management company, manufacturer, manufacturer designee or supplier license file copies of SEC filings with the Board. A one-page notification is required. Additionally, applicants will no longer be required to submit three copies of applications, only an original and one copy.

Although nongaming employees will be required to renew their registration, the application is submitted electronically through the Board's Slots Link system and a paper submission typically is not required.

For publicly traded GSPs that will be required to renew their exemption, the application is approximately three pages long and is available on the Board's web site.

Regarding institutional investors, the Institutional Investor Notice of Ownership form and Passive Investor Affirmation, which are required under § 433a.5, is a single page, plus instructions and affirmation.

The Notification of Financial Transaction form which slot machine licensees would be required to complete in conjunction with a securities offering, a material debt transaction or when refinancing debt (§§ 441a.24—441a.26) will provide to Board staff an overview of a contemplated transaction.

*Effective Date*

This proposed rulemaking will be 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 Regulation # 125-175.

*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 November 4, 2013, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee. A copy of this material is available to the public upon request and is available on the Board's web site at [www.gamingcontrolboard.pa.gov](http://www.gamingcontrolboard.pa.gov).

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.

WILLIAM H. RYAN, Jr.,  
Chairperson

**Fiscal Note:** 125-175. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART VII. GAMING CONTROL BOARD**

**Subpart B. LICENSING, PERMITTING, CERTIFICATION AND REGISTRATION**

**CHAPTER 421a. GENERAL PROVISIONS**

**§ 421a.1. General requirements.**

(a) A license, permit, certification or registration issuance, renewal or other [ **approval** ] **authorization** issued by the Board is a revocable privilege. No person holding a license, permit, certification or registration, renewal, or other [ **approval** ] **authorization** is deemed to have any property rights related to the license, permit, certification or registration.

(b) By filing an application with the Board, an applicant consents to an investigation, **to the extent deemed appropriate by the Bureau**, of the applicant's general suitability, financial suitability, character, integrity and ability to engage in, or be associated with, gaming activity in this Commonwealth [ **to the extent deemed appropriate by the Board** ]. [ **The investigation may include a background investigation of the appli-**

**cant, employees of the applicant, all persons having a controlling interest in the applicant and other persons as determined by the Board. ]**

(c) By filing an application for a license, permit, certification or registration issuance, renewal or other [ **approval** ] **authorization** from the Board, an applicant agrees to:

(1) Abide by the provisions of the act and this part.

(2) Waive liability as to the Board, its members, its employees, the Pennsylvania State Police, the Commonwealth and its instrumentalities for damages resulting from disclosure or publication in any manner, other than a willfully unlawful disclosure or publication of material or information acquired during an investigation of the applicant.

(3) Execute all releases requested by [ **the** ] **Board staff**, including releases whereby the applicant consents to the release of information that may be requested by the individual under **section 1** of the Freedom of Information Act (5 [ **U.S.C.** ] **U.S.C.A.** § 552) [ **to the Board** ].

(d) An applicant for or holder of a license, permit, certification [ **or** ], registration **or authorization** may not give or offer to give, compensation or reward or a percentage or share of the money or property played or received through gaming to a public official or public employee in consideration for or in exchange for obtaining a license, permit, certification or registration issued pursuant to this part.

(e) An applicant for or holder of a license, permit, certification [ **or** ], registration **or authorization** shall have a **continuing** duty to inform the Bureau of [ **an** ]:

(1) **An** action which the applicant for or holder of a license, permit, certification [ **or** ], registration **or authorization** believes would constitute a violation of the act. A person who so informs the Bureau may not be discriminated against by an applicant for or holder of a license, permit, certification [ **or** ], registration **or authorization** for supplying the information.

(2) **A change in circumstances that may render the applicant for or holder of a license, permit, certification, registration or authorization ineligible, unqualified or unsuitable to hold a license, permit, certification, registration or authorization under the act and this part including an arrest, charge, indictment or conviction for:**

(i) **An offense involving moral turpitude.**

(ii) **An offense under 18 Pa.C.S. (relating to Crimes Code).**

(iii) **An offense under 75 Pa.C.S. (relating to Vehicle Code) which is punishable by 1 year or more.**

(iv) **An offense under section 13(a) of The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. § 780-113(a)), regarding prohibited acts and penalties.**

(v) **A felony offense.**

(vi) **A comparable offense in other states or foreign jurisdictions.**

(f) An applicant for **or holder of** a license, permit, certification [ **or** ], registration **or authorization** shall have a continuing duty to inform the [ **Board** ] **Bureau**

of **Licensing** of changes in the information supplied to the [ **Board** ] **Bureau of Licensing** in or in conjunction with the original or renewal application. [ **An applicant for or holder of a license, permit, certification or registration shall have a continuing duty to inform the Board of a change in circumstances that may render the applicant for or holder of a license, permit, certification or registration ineligible, unqualified or unsuitable to hold a license, permit, certification or registration under the standards and requirements of the act and of this part. ]**

(g) An applicant for **or holder of** a license, permit, certification [ **or** ], registration **or authorization** shall have a continuing duty to promptly provide information requested by [ **the** ] **Board staff** relating to its application [ **or regulation** ] and cooperate with [ **the** ] **Board staff** in investigations, hearings, and enforcement and disciplinary actions.

(h) [ **An application submitted to the Board constitutes the seeking of a privilege.** ] An applicant shall at all times have the burden of proof. It shall be the applicant's affirmative responsibility to establish the facts supporting its suitability under the act and this part by clear and convincing evidence, including why a license, permit, certification [ **or** ], registration **or authorization** should be issued or renewed by the Board.

(i) A person holding a license, permit, certification [ **or** ], registration **or authorization** issued by the Board [ **who violates a provision of the act or this part may be held jointly or severally liable for the violation** ] shall have a continuing duty to maintain suitability and eligibility in accordance with the act and this part.

[ **(j) The Board will maintain lists of applicants for licenses, permits, certifications or registrations under this part as well as a record of the actions taken with respect to each applicant. The lists will be posted on the Board's web site (www.pgcb.state.pa.us).** ]

#### § 421a.2. Disqualification criteria.

(a) An application for issuance or renewal of a license, permit, certification [ **or** ], registration **or authorization** may be denied, or a license, permit, certification [ **or** ], registration **or authorization** may be suspended or revoked if:

(1) The applicant has failed to prove to the satisfaction of the Board that the applicant or any of the persons required to be qualified, are in fact qualified in accordance with the act and with this part.

(2) The applicant for or holder of a license, permit, certification [ **or** ], registration **or authorization** has violated the act or this part.

(3) The applicant for or holder of a license, permit, certification [ **or** ], registration **or authorization** is disqualified under the criteria in the act.

(4) The applicant for or holder of a license, permit, certification [ **or** ], registration **or authorization** has [ **materially departed from a representation made** ] **misrepresented, falsified or omitted a fact** in the application for licensure or renewal.

(5) The applicant for or holder of a license, permit, certification [ **or** ], registration **or authorization** has failed to comply with Federal [ **or** ], state **or local** laws or regulations.

(6) The applicant for or holder of a license, permit, certification, registration or authorization is not current or is in arrears on a financial obligation owed to the Commonwealth or a subdivision thereof, including court-ordered child support payments.

(b) An individual will be disqualified from obtaining or holding:

(1) A principal or key employee license if the individual has been convicted of a:

(i) Felony offense in any jurisdiction.

(ii) Misdemeanor gambling offense in any jurisdiction, unless 15 years have elapsed from the date of conviction for the offense.

(2) A permit if the individual has been convicted of a felony or misdemeanor gambling offense in any jurisdiction unless 15 years have elapsed from the date of conviction for the offense.

(c) When considering an application for registration from an individual who has been convicted of a felony or misdemeanor gaming offense in any jurisdiction, a permit from an individual who has been convicted of a felony or misdemeanor gaming offense in any jurisdiction when 15 years have elapsed from the date of the conviction for the offense or a license from an individual who has been convicted of a misdemeanor gaming offense in any jurisdiction when 15 years have elapsed from the date of the conviction for the offense, the Board will consider:

(1) The nature and duties of the applicant's position with the licensed entity.

(2) The nature and seriousness of the offense or conduct.

(3) The circumstances under which the offense or conduct occurred.

(4) The age of the applicant when the offense or conduct was committed.

(5) Whether the offense or conduct was an isolated or a repeated incident.

(6) Evidence of rehabilitation, including good conduct in the community, counseling or psychiatric treatment received and the recommendation of persons who have substantial contact with the applicant.

(d) For purposes of this section, a felony offense is any of the following:

(1) An offense punishable under the laws of the Commonwealth by imprisonment for more than 5 years.

(2) An offense which, under the laws of another jurisdiction, is either:

(i) Classified as a felony.

(ii) Punishable by imprisonment for more than 5 years.

(3) **An offense under the laws of another jurisdiction which, if committed in this Commonwealth, would be subject to imprisonment for more than 5 years.**

(e) **An individual may not be employed in this Commonwealth by an applicant for or holder of a license, certification or registration under this part in any capacity unless the individual is a citizen of the United States or can demonstrate that he holds a current and valid work authorization and is not restricted from working in the capacity for which employment is sought or held. Authorization to work in the United States may be demonstrated by submitting one of the following:**

- (1) **A permanent resident alien card.**
- (2) **A temporary employment authorization card.**
- (3) **An employment authorization number and expiration date.**
- (4) **A document which the Bureau deems to be sufficient evidence or authorization.**

[ (b) ] (f) **A denial of an application or nonrenewal, suspension or revocation of a license, permit, certification or registration may be made for a sufficient cause consistent with the act and the public interest.**

**§ 421a.3. Investigations; supplementary information.**

(a) The [ Board ] **Bureau** may make an inquiry or investigation concerning an applicant for or holder of a license, permit, certification [ or ], registration **or authorization** or any affiliate, intermediary, subsidiary or holding company of the applicant for or holder of a license, permit, certification [ or ], registration **or authorization** as it may deem appropriate either at the time of the initial application or at any time thereafter.

(b) It shall be the continuing duty of applicants and a holder of a license, permit, certification [ or ], registration **or authorization** to provide full cooperation to the [ Board ] **Bureau** in the conduct of an inquiry or investigation and to provide supplementary information requested by the [ Board ] **Bureau**.

(c) **An applicant for an initial or renewal license, permit, registration, certification or authorization will be required to reimburse the Board for additional costs, based on the actual expenses incurred, in conducting the background investigation.**

**§ 421a.4. Presuitability determination.**

(a) Upon request from an eligible applicant for or holder of a license and upon receipt of an application and appropriate fees, the [ Board ] **Bureau** will make an inquiry or investigation of a potential purchaser of an applicant for or holder of a license[ , **certification or registration** ] as if the purchaser were an eligible applicant. The eligible applicant for or holder of a license may [ **petition the Board, on behalf of the purchaser, for a Statement of Investigation under § 493a.4 (relating to petitions generally)** ] **request that the Bureau conduct a presuitability determination investigation.**

(b) The eligible applicant for or holder of a license making the request shall reimburse the costs associated with the inquiry or investigation.

(c) This inquiry or investigation does not replace the application process required under the act and this part which is a requirement for licensure[ , **certification or registration** ].

**§ 421a.5. Undue concentration of economic opportunities and control.**

(a) In accordance with section 1102(5) of the act (relating to legislative intent), a slot machine license, management company license or [ **other** ] **principal** license may not be issued to or held by a person if the Board determines that the issuance or holding will result in the undue concentration of economic opportunities and control of the licensed gaming facilities in this Commonwealth by that person.

\* \* \* \* \*

(c) In determining whether the issuance or holding of a license by a person will result in undue concentration of economic opportunities and control of the licensed gaming facilities in this Commonwealth, the Board will consider the following criteria:

(1) The percentage share of the market presently controlled by the person in each of the following categories:

- (i) Total number of slot machine licenses available under section 1307 of the act (relating to number of slot machine licenses).
- (ii) Total gaming floor square footage.
- (iii) Number of slot machines **and table games**.
- (iv) Gross terminal **and table game** revenue.
- (v) Net terminal **and table game** revenue.
- (vi) [ **Total amount of money, vouchers and electronic money transfers through the use of a cashless wagering system made to slot machines.**
- (vii) ] Number of persons employed by the licensee.

\* \* \* \* \*

**CHAPTER 423a. APPLICATIONS; STATEMENT OF CONDITIONS; WAGERING RESTRICTIONS**

**§ 423a.1. General requirements.**

(a) For the purposes of this section, a reference to an applicant includes the applicant's affiliates, intermediaries, subsidiaries and holding companies.

(b) An application shall be submitted on forms **or in an electronic format** supplied or approved by the Board, contain the information and documents required by the Board and include the applicable fees.

(c) [ **The applicant shall file with the application all supplemental forms required by the Board. The forms require full disclosure of all details relative to the applicant's suitability to conduct business in this Commonwealth under the act.**

(d) ] Upon request of the Board **or Board staff**, the applicant shall further supplement information provided in the application. The applicant shall provide requested documents, records, supporting data and other information within the time period specified in the request, or if no time is specified, within 30 days of the date of the request. If the applicant fails to provide the requested information within the required time period as set forth in the request, the Board may deny the application.

[ (e) **Information provided to the Board must be true and complete.** ] (d) **The application, and**



amendments thereto, and other specific documents designated by the Board shall be sworn to or affirmed by the applicant before a notary public. If there is any change in the information provided to the Board or Board staff, the applicant shall promptly file a written amendment.

[ (f) ] The application and amendments thereto and other specific documents designated by the Board shall be sworn to or affirmed by the applicant before a notary public.

[ (g) ] (e) The Board will deny the application of an applicant that refuses to submit to a background investigation or provide requested information as required under the act.

[ (h) ] (f) An applicant that submits a document to the Board which is in a language other than English shall also submit an English translation of the non-English language document. At its discretion, the Board may accept an English summary of a document in lieu of a complete translation of the document. The summary or translation must include the signature, printed name, address and telephone number of the translator and a verification by the translator of the truth and accuracy of the summary or translation.

[ (i) ] (g) An application [ that has been accepted for filing ] and related materials that have been submitted to the Board will become the property of the Board and will not be returned to the applicant.

#### § 423a.2. Preliminary submission review.

(a) Upon receipt of an application submission, the [ Board ] Bureau of Licensing will review the submission to [ insure ] ensure that it contains:

- (1) The applicable application fee.
- (2) The applicable application forms and additional information and accompanying documentation required by the act or the Board's regulations governing the specific type of application.
- (3) Completed authorization forms for release of information from [ Federal and state ] governmental agencies and other entities required for the specific type of application.
- (4) For slot machine license applications only, a bond or letter of credit as required by section 1313(c) of the act (relating to slot machine license application financial fitness requirements).

(b) If an application submission fails to include one or more of the items in subsection (a), the applicant will be notified [ that the application has not been accepted for filing and the applicant will be ] and given an opportunity to cure the [ insufficiency ] deficiency.

[ (c) If the applicant fails or is unable to cure the insufficiency within the time period set by the Board, the submission and related materials will be returned to the applicant. ]

#### § 423a.3. Application processing.

(a) Upon a determination that an application is required and the prerequisites for filing have been met, the [ Board ] application will be accepted for filing and Board staff, if applicable, will:

- (1) [ Accept the application for filing.

(2) Notify the applicant or the applicant's attorney, if any, in writing of the fact that the application has been accepted for filing and the date of the acceptance for filing. The Board will also notify the applicant that the acceptance for filing of the application will not constitute evidence that any requirement of the act has been satisfied.

(3) [ Obtain [ and evaluate ] information as may be necessary to determine the qualifications of the applicant and any matter relating to the application.

[ (4) Request the Bureau to promptly ] (2) Promptly conduct an investigation and provide the information necessary to determine the qualifications of the applicant and any matter relating to the application.

[ (5) ] (3) Request the Pennsylvania State Police to provide a criminal history background investigation report, determine employee eligibility consistent with § 435a.1 (relating to general provisions), conduct fingerprinting, photograph applicants and perform other related duties in accordance with the act.

[ (6) ] (4) Request the Department to promptly conduct a tax clearance review.

[ (7) ] (5) Request the Department of Labor and Industry to perform an Unemployment Compensation Tax clearance review and a Workers Compensation Tax clearance review.

[ (8) ] (6) Request any agencies, entities or persons to conduct investigations or evaluations or to provide information to the Board as deemed necessary by the Board.

(b) The Board will keep and maintain a [ list ] record of all applicants under this part together with a record of all actions taken with respect to applicants.

(c) An application submitted under this part and information obtained by [ the ] Board staff relating to the application shall be part of the evidentiary record [ of the licensing proceeding ]. The Board's decision to issue or deny a license, permit, registration or certification will be based solely on the evidentiary record before the Board.

#### § 423a.5. Application withdrawal.

(a) A request for withdrawal of an application [ for a license, permit, certification or registration ] may be made [ by petition to the Board filed ] at any time prior to the Board taking action on the application[ . ] in accordance with the following requirements:

(1) A request for withdrawal of an entity applying for a license, certification or registration, or an individual applying for a principal license or a qualifier of an entity applying for a license or certification shall be made by filing a petition with the Board in accordance with § 493a.4 (relating to petitions generally).

(2) A request for withdrawal of an individual applying for a key employee license, a permit or registration shall be made on a form supplied by the Bureau of Licensing. If Board staff objects to the request for withdrawal, the person filing the form will be notified and required to file a petition for withdrawal with the Board in accordance with § 493a.4.

(b) The petition or form must set forth the reasons for the withdrawal.

(c) [ An applicant may petition for the withdrawal of its application or an application submitted by one of its affiliates, intermediaries, subsidiaries or holding companies or persons or entities required to be qualified under section 1311 of the act (relating to additional slot machine license requirements), or both.

(d) ] When rendering a decision on a petition for withdrawal, the Board may set the conditions of withdrawal and may deny or grant the request with or without prejudice.

[ (1) If a petition for withdrawal is granted with prejudice, the person or entity whose application has been withdrawn will not be eligible to apply for a license, permit, certification or registration with the Board until after expiration of 5 years from the date of the withdrawal.

(2) If a petition for withdrawal is granted without prejudice the Board may, in the order granting the petition, impose restrictions on when the person or entity whose application has been withdrawn will be eligible to apply for a license, permit, certification or registration.

(e) The Board may convert an application with deficiencies that an applicant fails to cure under § 423a.4(a) (relating to deficient applications) to a petition for withdrawal.

(f) ] (d) Unless the Board otherwise directs, fees or other payments relating to the application will not be refundable by reason of the withdrawal. Additionally, fees and costs owed to the Board related to the [ application ] investigation shall be paid prior to granting a petition to withdraw.

§ 423a.6. License, permit, registration and certification issuance and statement of conditions.

\* \* \* \* \*

(b) *Statement of conditions.*

(1) For the purposes of this subsection, the term “executive officer” means the individual holding the highest ranking management position within the entity and who is authorized to [ contract on behalf of ] legally bind the entity. If the entity elects to designate another competent individual with a direct reporting relationship to its executive officer to execute the statement of conditions required in this section and otherwise legally bind the entity, the entity shall adopt a resolution identifying and authorizing the individual to act on behalf of both the entity and its executive officer. A copy of the resolution shall be provided to the Bureau of Licensing and attached to the Statement of Conditions.

(2) If the Board approves an entity’s application for or renewal of a license[ , certification or registration, or for the renewal of a license, certification or registration, the Board may require ] the executive officer of the entity [ whose application has been approved ], or other competent individual designated by the entity in accordance with paragraph [ (3), to ] (1), shall execute a Statement of Conditions in the manner and form required by the Board. Execution of the Statement of Conditions constitutes the acceptance of each provision contained in the Statement of Conditions by both the entity and the executive officer. The executive

officer shall ensure that the entity fully complies with each provision contained in the statement of conditions.

(3) [ Prior to the issuance of a license, certification or registration to an entity, the entity shall determine whether the entity will designate its executive officer or another competent individual with a direct reporting relationship to its executive officer to execute the statement of conditions on behalf of both the entity and its executive officer. If the entity elects to designate another competent individual with a direct reporting relationship to its executive officer to execute the statement of conditions on behalf of the entity and its executive officer, the entity shall adopt a resolution identifying the individual so designated, authorizing that individual to execute the statement of conditions on behalf of both the entity and its executive officer, and evidencing the executive officer’s concurrence in that individual’s designation. A copy of the resolution, certified as true and correct, shall be provided to the Board and attached to the statement of conditions. ] At the time of application for registration or certification, the executive officer, or other competent individual designated by the applicant in accordance with paragraph (1), of a gaming service provider or gaming related gaming service provider shall execute a Statement of Conditions in the manner and form required by the Board. The execution of the Statement of Conditions constitutes the acceptance of each provision in the Statement of Conditions by both the entity and the executive officer. The executive officer shall ensure that the entity fully complies with each provision in the Statement of Conditions.

(4) [ If the Board approves an individual’s application for ] An individual who has been approved for the issuance or renewal of a license, permit, certification or registration[ , or for the renewal of a license, permit, certification or registration, the Board may require the individual whose application has been approved to ] shall execute a statement of conditions in the manner and form required by the Board. The execution of the Statement of Conditions constitutes the acceptance of each provision contained in the statement of conditions [ by the individual ]. [ The individual shall fully comply with each provision contained in the Statement of Conditions. ]

(5) Failure to fully comply with any provision contained in an executed Statement of Conditions constitutes a violation [ of the Statement of Conditions ] and may result in [ the imposition of ] Board-imposed administrative sanctions, up to and including revocation, against the individual or entity to whom the license, permit, certification or registration was issued[ , and, in the case of an entity, against the entity and its executive officer or other designee under paragraph (3) ].

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

§ 423a.6a. Restriction on wagering after issuance of a license, permit, registration or certification.

(a) An individual who holds a license, permit or registration and is currently employed by or is a principal of a slot machine licensee may not wager at any slot machine or table game in the licensed facility in which the licensee, permittee or registrant is currently employed or

associated. The licensed, permitted or registered individual shall wait at least 30 days following the date that the individual is no longer employed in a position that requires a license, permit or registration before the individual may wager at the licensed facility.

(b) An employee of a slot machine licensee who is not required to obtain a license, permit or registration may not wager in the licensed facility in which the employee is currently employed.

(c) An individual who holds a license, permit or registration and is currently employed by a manufacturer, manufacturer designee, supplier or gaming related gaming service provider may not wager at a slot machine or table game in the licensed facility in which the individual is servicing or installing table games, table game devices, slot machines or associated equipment while the individual is at the licensed facility in the performance of the individual's job duties.

(d) An individual who is a qualifier of a gaming junket enterprise or an individual who is employed as a gaming junket representative may not wager at a slot machine or table game in the licensed facility in which the gaming junket enterprise has an ongoing contractual agreement.

§ 423a.7. Restriction on application after **withdrawal with prejudice**, denial or revocation.

(a) A person whose application has been **withdrawn with prejudice**, denied or whose license, permit, registration or certification has been revoked, may not apply for a license, permit, certification or registration for 5 years from the date that the application was **withdrawn with prejudice**, denied or the license, permit, certification or registration was revoked.

(b) The 5-year restriction in subsection (a) will not apply:

(1) To applicants for a slot machine license if the denial was for reasons other than unsuitability.

(2) If the denial or revocation was based on pending charges for a disqualifying offense under section 1213 or section 1518 of the act (relating to license or permit prohibition; and prohibited acts; penalties), 18 Pa.C.S. (relating to crimes and offenses) or the criminal laws of any other jurisdiction and the pending charges [ **do** ] **did** not result in conviction of the disqualifying offense.

(c) Two years from the date that the application was **withdrawn with prejudice**, denied or the license, permit, certification or registration was revoked, a person may file a petition for permission to apply for a license, permit, certification or registration before the expiration of the 5-year period.

(d) A petition filed under subsection (c) shall be filed in accordance with § 493a.4 (relating to petitions generally).

(e) Petitions filed under subsection (c) must contain:

(1) An explanation of how the conditions that were the basis for **withdrawal with prejudice**, denial or revocation have been corrected or no longer exist.

(2) Supporting materials that demonstrate that the person meets the requirements for a license, permit, certification or registration.

(3) If the **withdrawal with prejudice**, denial or revocation was the result of a conviction, the petition must include evidence of rehabilitation, such as:

\* \* \* \* \*

[ (f) If a petition filed under subsection (c) is denied, a person may not file another petition under subsection (c) for 1 year from the date of the denial of the petition. ]

CHAPTER 425a. LICENSED ENTITY REPRESENTATIVES

§ 425a.1. Registration.

\* \* \* \* \*

(c) The Board will maintain a list of licensed entity representatives. The registration list will be available for public inspection at the offices of the Board and on the Board's [ **website (www.pgcb.state.pa.us)** ] **web site**.

CHAPTER 427a. MANUFACTURERS

§ 427a.1. Manufacturer general requirements.

(a) A manufacturer seeking to manufacture slot machines, **table game devices** and associated equipment for use in this Commonwealth shall apply to the Board for a manufacturer license.

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

(c) A licensed manufacturer [ **or a licensed** ], manufacturer designee **or supplier** may supply or repair any slot machine or associated equipment manufactured by the licensee.

[ (d) A licensed manufacturer may contract with a licensed supplier to supply or repair slot machines or associated equipment manufactured by the manufacturer licensee.

(e) Limitations will not be placed on the number of manufacturer licenses issued or when an application for a manufacturer license may be filed. ]

§ 427a.2. Manufacturer license applications and standards.

(a) An applicant for a manufacturer license shall submit:

(1) An original and [ **three copies** ] **one copy** of the Manufacturer Application and Disclosure Information Form for the applicant and each of the applicant's principal affiliates.

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

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

(4) An application from every key employee under § 435a.2 (relating to key employee license) and principal under Chapter 433a (relating to principal licenses) as specified by the Manufacturer Application and Disclosure Information Form and other persons as determined by the Board.

(5) [ **A Gaming Employee Application and Disclosure Information Form for each of the manufacturer's known gaming employees.**

(6) **If applicable, copies of all filings required by the SEC during the 2 immediately preceding fiscal years, including annual reports filed with the SEC,**

under section 13 or 15D of the Securities Exchange Act of 1934 (15 U.S.C.A. §§ 78m and 78o-6), quarterly reports filed with the SEC, under section 13 or 15D of the Securities Exchange Act of 1934, current reports filed with the SEC, under section 13 or 15D of the Securities Exchange Act of 1934, and proxy statements issued by the applicant.

(7) ] An affirmation that neither the applicant nor any of its affiliates, intermediaries, subsidiaries or holding companies is **an applicant for or holder of a slot machine [ licensee ] license**; and that the applicant has neither applied for nor holds a supplier license. **[ In applying this provision to an applicant for a manufacturer license, the Board will not include interests that are held by individuals in any of the following manners:**

(i) **In mutual funds when the value of the interest owned does not exceed 1% of the total fair market value of the applicant or licensee and provided that the mutual fund is not a nondiversified fund invested primarily in entities operating in, or connected with, the gaming industry.**

(ii) **Through defined benefit pension plans.**

(iii) **Through deferred compensation plans organized and operated under section 457 of the Internal Revenue Code of 1986 (26 U.S.C.A. § 457).**

(iv) **In blind trusts over which the holder does not exercise managerial control or receive income during the time period the holder is subject to these provisions.**

(v) **Through tuition account plans organized and operated under section 529 of the Internal Revenue Code of 1986 (26 U.S.C.A. § 529).**

(vi) **Through plans described in section 401(k) of the Internal Revenue Code of 1986 (26 U.S.C.A. § 401(k)).**

(vii) **An interest held by a spouse if an action seeking a divorce and dissolution of marital status has been initiated in any jurisdiction by either party to the marriage.**

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

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

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

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

[ (3) ] (2) Demonstrate that the applicant has the ability to manufacture, build, rebuild, repair, fabricate, assemble, produce, program, design or otherwise make modifications to slot machines, **table game devices** or associated equipment which meet one or more of the following criteria:

(i) Are specifically designed for use in the operation of a slot machine **or table game device.**

(ii) Are needed to conduct an authorized game.

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

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

(c) **[ An applicant for a manufacturer license will be required to reimburse the Board for any additional costs, based on the actual expenses incurred by the Board, in conducting the background investigation.**

(d) ] In determining whether an applicant is suitable to be licensed as a manufacturer under this section, the Board will consider the following:

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

(2) If all principals of the applicant **[ individually qualify ] are eligible and suitable** under the standards of section 1317.1 of the act (relating to manufacturer license).

(3) The integrity of all financial backers.

(4) The suitability of the applicant and the principals **[ and key employees ]** of the applicant based on the satisfactory results of:

(i) The background investigation of the principals **[ and key employees ]**.

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

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

**§ 427a.4. Alternative manufacturer licensing standards.**

(a) If an applicant for a manufacturer license holds a similar license in another jurisdiction in the United States, the applicant may submit a Manufacturer Application and Disclosure Information Form Addendum 1 with its application required under § 427a.2(a) (relating to manufacturer license applications and standards) for the Board to adopt an abbreviated licensing process under section 1319 of the act (relating to alternative manufacturer licensing standards) **[ to review a manufacturer license application ]**.

(b) The Board may use the abbreviated process if:

(1) The Board determines, after investigation, that the licensing standards in the jurisdiction in which the applicant is licensed are similarly comprehensive, thorough and provide equal, if not greater, safeguards as provided in the act and that granting the request is in the public interest.

(2) The applicant has provided a copy of its most recent application or renewal for the similar license in the other jurisdiction and a copy of the license or the order issued by the other jurisdiction granting the license.

(3) The applicant has no administrative or enforcement actions pending in another jurisdiction or the applicant has adequately disclosed and explained the action to the satisfaction of the Board.

(4) There are no pending or ongoing investigations of **[ possible material violations by ]** the applicant in another jurisdiction **which may render the applicant**

unsuitable or the applicant has adequately disclosed and explained the investigation to the satisfaction of the Board.

(c) This section may not be construed to waive fees associated with obtaining a license through the application process in this Commonwealth.

**§ 427a.5. Responsibilities of a manufacturer.**

(a) A holder of a manufacturer license shall have a continuing duty to:

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

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

(3) Provide a copy of all SEC filings listed in § 427a.2(a)(6) (relating to manufacturer license applications and standards) that are filed after the date of issuance of its license. The copy shall be submitted no later than 30 days after the date of filing with the SEC. ]

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

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

(b) An employee of a licensed manufacturer [ whose duties of employment or incidental activities related to employment require the employee to be on the gaming floor or in a restricted area shall be required to obtain an occupational ] who is a gaming or nongaming employee as defined in § 401a.3 (relating to definitions) shall obtain a permit under § 435a.3 (relating to occupation permit) or registration under § 435a.5 (relating to nongaming employee registration).

[ (c) A slot machine licensee may service or repair slot machines or associated equipment at its licensed facility.

(d) A slot machine licensee may perform routine maintenance directly related to the availability of slot machines for play, customer service or a clean and gracious playing environment. The routine maintenance includes installation or replacement of the following: batteries; hardware, including hinges, screws, bolts and custom handles; light bulbs; locks on slot machines and slot cash storage boxes, including the rekeying of the locks; printers, exclusive of printer software; and paper stock.

**Routine maintenance also includes external cleaning and the clearing of paper, bill and coin jams which do not require removal or dismantling of the mechanisms. ]**

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

**§ 427a.6. Change of control of a manufacturer licensee.**

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

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

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

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

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

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

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

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

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

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

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

(1) The acquirer is an existing licensed manufacturer.

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

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

**CHAPTER 429a. MANUFACTURER DESIGNEES**

**§ 429a.1. Manufacturer designee general requirements.**

(a) A manufacturer designee seeking to supply or repair slot machines, **table game devices** and associated

equipment for use in this Commonwealth shall apply to the Board for a manufacturer designee license.

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

(c) A licensed manufacturer designee may supply or repair slot machines, **table game devices** or associated equipment manufactured by a manufacturer with whom the manufacturer designee has an agreement or has executed a contract authorizing the manufacturer designee to do so.

**[ (d) Limitations will not be placed on the number of manufacturer designee licenses issued or when an application for a manufacturer designee license may be filed. ]**

**§ 429a.2. Manufacturer designee license applications and standards.**

(a) An applicant for a manufacturer designee license shall submit:

(1) An original and **[ three copies ] one copy** of the Manufacturer Designee Application and Disclosure Information Form unless otherwise directed by the Board.

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

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

(4) An application from every key employee under § 435a.2 (relating to key employee license) and principal under Chapter 433a (relating to principal licenses) as specified by the Manufacturer Designee Application and Disclosure Information Form.

**(5) [ If applicable, copies of all filings required by the SEC during the 2 immediately preceding fiscal years, including all annual reports filed with the SEC, under sections 13 or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C.A. §§ 78m and 78o-6), quarterly reports filed with the SEC, under sections 13 or 15(d) of the Securities Exchange Act of 1934, current reports filed with the SEC, under sections 13 or 15(d) of the Securities Exchange Act of 1934, and proxy statements issued by the applicant. ]**

**(6) ] An affirmation that neither the applicant nor any of its affiliates, intermediaries, subsidiaries or holding companies [ , holds any direct or indirect ownership interest in any applicant for or holder of a slot machine license or supplier license, or employs, directly or indirectly, any person who satisfies the definition of a principal or key employee of a slot machine applicant or licensee or supplier applicant or licensee ] is an applicant for or a holder of a slot machine license. [ In applying this provision to an applicant for a manufacturer designee license, the Board will not include interests that are held by individuals in any of the following manners:**

**(i) In mutual funds when the value of the interest owned does not exceed 1% of the total fair market value of the applicant or licensee and provided that the mutual fund is not a nondiversified fund in-**

**vested primarily in entities operating in, or connected with, the gaming industry.**

**(ii) Through defined benefit pension plans.**

**(iii) Through deferred compensation plans organized and operated under section 457 of the Internal Revenue Code of 1986 (26 U.S.C.A. § 457).**

**(iv) In blind trusts over which the holder may not exercise any managerial control or receive income during the time period the holder is subject to these provisions.**

**(v) Through tuition account plans organized and operated under section 529 of the Internal Revenue Code of 1986 (26 U.S.C.A. § 529).**

**(vi) Through plans described in section 401(k) of the Internal Revenue Code of 1986 (26 U.S.C.A. § 401(k)).**

**(vii) An interest held by a spouse if an action seeking a divorce and dissolution of marital status has been initiated in any jurisdiction by either party to the marriage.**

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

(b) In addition to the materials required under subsection (a), an applicant for a manufacturer designee license shall [ :

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

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

**(c) [ An applicant for a manufacturer designee license will be required to reimburse the Board for any additional costs, based on the actual expenses incurred by the Board, in conducting the background investigation.**

**(d) ] In determining whether an applicant will be licensed as a manufacturer designee under this section, the Board will consider the following:**

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

(2) If all principals of the applicant are individually eligible and suitable under the standards in section 1317.1 of the act (relating to manufacturer licenses).

(3) The integrity of all financial backers.

(4) The suitability of the applicant and all principals **[ and key employees ]** of the applicant based on the satisfactory results of:

(i) A background investigation of all principals **[ and key employees or their equivalent in other jurisdictions ]**.

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

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

**§ 429a.3. Additional manufacturer designee licenses.**

(a) A licensed manufacturer designee whose license is in good standing may [ **apply** ] **submit** for an additional manufacturer [ **designee license** ] **designation** for a different licensed manufacturer by submitting:

(1) An original and [ **three copies** ] **one copy** of the Additional Manufacturer Designee Application and Disclosure Information Form unless otherwise directed by the Board.

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

(b) [ **An applicant for an additional** ] **A** manufacturer designee [ **license** ] **that has requested an additional manufacturer designation** shall also comply with [ **§ 429a.2(b)(1), (2) and (c)** ] **§ 429a.2(b)** (relating to manufacturer designee license applications and standards).

**§ 429a.4. Manufacturer designee license term and renewal.**

(a) The initial manufacturer designee license will be valid for 1 year from the date of [ **issuance** ] **approval** of the license by the Board. Renewals of a manufacturer designee license will be valid for 3 years from the date of the approval of the renewal of the license by the Board.

\* \* \* \* \*

**§ 429a.5. Responsibilities of a manufacturer designee.**

(a) A holder of a manufacturer designee license shall have a continuing duty to:

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

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

(3) **Provide a copy of all SEC filings listed in § 427a.2(a)(5) (relating to manufacturer license applications and standards) that are filed after the date of issuance of its license. The copy shall be submitted no later than 30 days after the date of filing with the SEC. ]**

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

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

(b) [ **A holder of a manufacturer designee license shall establish a place of business in this Commonwealth.**

(c) ] **An employee of a licensed manufacturer designee [ whose duties of employment or incidental activities related to employment require the employee to be on the gaming floor or in a restricted area shall be required to obtain an occupation ] who is a gaming or nongaming employee as defined in § 401a.3 (relating to definitions) shall obtain a permit under § 435a.3 (relating to occupation permit) or registration under § 435a.5 (relating to nongaming employee registration).**

**§ 429a.6. Manufacturer designee as agent.**

(a) Notwithstanding any provision to the contrary in a contract between a licensed manufacturer and a licensed manufacturer designee, the licensed manufacturer designee shall be [ **deemed to be** ] an agent of the licensed manufacturer for the purposes of imposing liability for any act or omission of the licensed manufacturer designee in violation of the act or this part.

\* \* \* \* \*

**§ 429a.7. Manufacturer designee agreements.**

(a) **Agreements, and any amendments thereto, between a licensed manufacturer and a licensed manufacturer designee shall be submitted to the Bureau of Licensing for [ approval ] review. [ An agreement between a licensed manufacturer and a licensed manufacturer designee will not become effective and a manufacturer designee license will not be issued until the Bureau of Licensing has reviewed and approved the terms and conditions of the agreement. ]**

(b) **Amendments to agreements between a licensed manufacturer and a licensed manufacturer designee shall be submitted to the Bureau of Licensing for [ approval ] review at least 30 days prior to the effective date of the proposed amendment. [ The amendment may not become effective until the Bureau of Licensing has reviewed and approved the terms and conditions of the amendment. ]**

(c) **An agreement between a licensed manufacturer and a licensed manufacturer designee submitted for Bureau of Licensing review [ and approval ] must enumerate with specificity the responsibilities of the licensed manufacturer and the licensed manufacturer designee.**

(d) **Agreements must contain a provision that describes with particularity any terms related to compensation of the licensed manufacturer or the licensed manufacturer designee.**

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

**§ 429a.8. Change of control of a manufacturer designee licensee.**

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

(1) **More than 20% of a manufacturer designee licensee's securities, assets or other ownership interests.**

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

or other securities or other ownership interests of the manufacturer designee licensee.

(3) Any other interest in a manufacturer designee licensee which allows the acquirer to control the manufacturer designee licensee.

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

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

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

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

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

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

(e) The requirements of this section do not apply to the acquisition of a controlling interest in a manufacturer designee licensee when the following conditions are met:

(1) The acquirer is an existing licensed manufacturer designee.

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

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

#### CHAPTER 431a. SUPPLIER LICENSES

##### § 431a.1. Supplier general requirements.

(a) A supplier seeking to sell, lease, offer or otherwise provide, distribute or service slot machines, **table game devices** or associated equipment to a slot machine licensee within this Commonwealth [ **through a contract with a licensed manufacturer** ] shall apply to the Board for a supplier license.

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

[ **(c) Limitations will not be placed on the number of supplier licenses issued or when an application for a supplier license may be filed.** ]

##### § 431a.2. Supplier license applications and standards.

(a) An applicant for a supplier license shall submit:

(1) An original and [ **three copies** ] **one copy** of the Supplier Application and Disclosure Information Form for the applicant and each of the applicant's [ **affiliated entities** ] **principal affiliates**.

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

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

(4) An application from every key employee under § 435a.2 (relating to key employee license) and principal under Chapter 433a (relating to principal licenses) as specified by the Supplier Application and Disclosure Information Form and other persons as determined by the Board

(5) [ **A Gaming Employee Application and Disclosure Information Form for each of the supplier's known gaming employees.**

(6) **If applicable, copies of all filings required by the SEC during the 2 immediately preceding fiscal years, including all annual reports filed under section 13 or 15D of the Securities Exchange Act of 1934 (15 U.S.C.A. §§ 78a and 78o(d)), quarterly reports filed under section 13 or 15D of the Securities Exchange Act of 1934, current reports filed under section 13 or 15D of the Securities Exchange Act of 1934, and proxy statements issued by the applicant.**

(7) [ **An affirmation that neither the applicant nor any of its affiliates, subsidiaries, intermediaries and holding companies [ holds any direct or indirect ownership interest in an applicant for or holder of a manufacturer license or slot machine licensee, or employs, directly or indirectly, any person who satisfies the definition of a principal or key employee of a manufacturer or slot machine applicant or licensee ] is an applicant for or holder of a slot machine license. [ In applying this provision to an applicant for a supplier license, the Board will not include interests that are held by individuals in any of the following manners:**

(i) **In mutual funds when the value of the interest owned does not exceed 1% of the total fair market value of the manufacturer or slot machine applicant or licensee and provided that the mutual fund is not a nondiversified fund invested primarily in entities operating in, or connected with, the gaming industry.**

(ii) **Through defined benefit pension plans.**

(iii) **Through deferred compensation plans organized and operated under section 457 of the Internal Revenue Code of 1986 (26 U.S.C.A. § 457).**

(iv) **In blind trusts over which the holder does not exercise any managerial control or receive income during the time period the holder is subject to these provisions.**



(v) Through tuition account plans organized and operated under section 529 of the Internal Revenue Code (26 U.S.C.A. § 529).

(vi) Through plans described in section 401(k) of the Internal Revenue Code (26 U.S.C.A. § 401(k)).

(vii) An interest held by a spouse if an action seeking a divorce and dissolution of marital status has been initiated in any jurisdiction by either party to the marriage.

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

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

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

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

[ (3) ] (2) Demonstrate that the applicant has or will establish a principal place of business in this Commonwealth.

(c) [ An applicant for a supplier license shall be required to reimburse the Board for any additional costs, based on the actual expenses incurred by the Board, in conducting the background investigation.

(d) ] In determining whether an applicant is suitable to be licensed as a supplier under this section, the Board will consider the following:

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

(2) If all principals of the applicant [ individually qualify ] are eligible and suitable under the standards of section 1317 of the act (relating to supplier licenses).

(3) The integrity of financial backers.

(4) The suitability of the applicant and principals [ and key employees ] of the applicant based on the satisfactory results of:

(i) A background investigation of principals [ and key employees ].

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

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

§ 431a.3. Supplier license term and renewal.

(a) The initial supplier license will be valid for 1 year from the date of [ issuance ] approval of the license by the Board. Renewals of a supplier license will be valid for 3 years from the date of the approval of the renewal of the license by the Board.

\* \* \* \* \*

§ 431a.4. Responsibilities of a supplier.

\* \* \* \* \*

(b) [ At the time of licensure, a supplier shall have assets or available lines of credit to support the sale, financing, servicing or repair of all slot machines to be placed in service or repaired by the supplier. The assets and available lines of credit shall be from a source independent of slot machine manufacturers and licensed gaming entities. Notwithstanding the forgoing, a licensed manufacturer may extend financing or payment terms to a licensed supplier, at prevailing market rates and terms, for the acquisition or leasing of slot machines, to be secured by the slot machines sold, leased or transferred.

(c) ] A supplier shall submit to the [ Board ] Bureau of Licensing for review any agreements with a licensed manufacturer or with a slot machine licensee and detailed business plans. The [ Board's ] review may include, but not be limited to, financing arrangements, inventory requirements, warehouse requirements, warehouse space, technical competency, compensative agreements and other terms or conditions to ensure the financial independence of the licensed supplier from any licensed manufacturer or licensed gaming entity.

[ (d) ] (c) A holder of a supplier license shall have a continuing duty to:

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

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

(3) Provide a copy of the SEC filings listed in § 431a.2(a)(6) (relating to supplier license applications and standards) that are filed after the date of issuance of its license. The copy shall be submitted within 30 days after the date of filing with the SEC. ]

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

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

[ (e) ] (d) An employee of a licensed supplier [ whose duties of employment or incidental activities related to employment allow the employee access to slot machines or associated equipment or require the employee to be on the gaming floor or in a restricted area shall be required to obtain an occupation ] who is a gaming or nongaming employee as

defined in § 401a.3 (relating to definitions) shall obtain a permit under § 435a.3 (relating to occupation permit) or registration under § 435a.5 (relating to nongaming employee registration).

[ (f) A slot machine licensee may service or repair slot machines or associated equipment at its licensed facility.

(g) A slot machine licensee may perform routine maintenance directly related to the availability of slot machines for play, customer service or a clean and gracious playing environment. The routine maintenance includes installation or replacement of the following: batteries; hardware, including hinges, screws, bolts and custom handles; light bulbs; locks on slot machines and slot cash storage boxes, including the rekeying of the locks; printers, exclusive of printer software; and paper stock. Routine maintenance also includes external cleaning and the clearing of paper, bill and coin jams which do not require removal or dismantling of the mechanisms.

(h) A licensed manufacturer or a manufacturer's designee may supply, install, service or repair slot machines or associated equipment manufactured by the licensed manufacturer. ]

§ 431a.5. Supplier log books.

\* \* \* \* \*

(b) The supplier licensee shall record or cause to be recorded in the log book the following:

\* \* \* \* \*

(5) [ If applicable ] For individuals who are not employees of the supplier, the individual's Board license, permit, certification or registration number, if applicable.

\* \* \* \* \*

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

§ 431a.6. Change of control of a supplier licensee.

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

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

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

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

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

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

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

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

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

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

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

(1) The acquirer is an existing licensed supplier.

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

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

CHAPTER 433a. PRINCIPAL LICENSES

§ 433a.1. Definitions.

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

\* \* \* \* \*

Officer—A president, chief executive officer, chief operating officer, secretary, treasurer, principal legal officer, principal compliance officer, principal financial officer, principal accounting officer, chief engineer or technical officer of a manufacturer, [ principal slot operations officer of a slot machine licensee, ] senior surveillance and audit executives of a principal affiliate of a slot machine licensee and any person routinely performing corresponding functions with respect to an entity whether incorporated or unincorporated.

\* \* \* \* \*

§ 433a.3. Interests in licensees held by individuals.

(a) An individual shall apply for and obtain a principal license from the Board prior to possessing any of the following:

(1) A direct ownership interest in a slot machine or management company licensee.

(2) A 1% or greater indirect ownership interest in a slot machine or management company licensee. An ownership interest that is held indirectly by an individual through one or more intervening entities will be determined by successive multiplication of the ownership percentages for each link in the vertical chain.

(3) A right to receive a payment from a slot machine or management company licensee based [ **directly or indirectly on the** ] or contingent upon a licensee's earnings, profits or receipts from the slot machines, table games and associated equipment for use or play in this Commonwealth.

\* \* \* \* \*

(d) An individual seeking to acquire a direct or indirect ownership interest of 20% or greater in a licensed manufacturer, licensed supplier or licensed manufacturer designee shall [ **submit the following, at least 30 days prior to acquiring the ownership interest:** ] comply with the requirements in § 427a.6, § 429a.8 or § 431a.6 (relating to change of control of a manufacturer licensee; change of control of a manufacturer designee licensee; and change of control of a supplier licensee).

[ (1) A Notification of a Change in Control of a Licensee Form.

(2) A completed principal application.

(e) Notwithstanding subsection (d), the Board may require an individual to obtain a principal license prior to acquiring a direct or indirect ownership interest of 20% or greater in a licensed manufacturer, licensed supplier or licensed manufacturer designee.

(f) (e) Notwithstanding subsections (a) and (b), an individual whose ownership interest in a licensee consists of less than 5% of the voting securities of a publicly traded corporation will not be required to be licensed as a principal.

(g) (f) Notwithstanding subsections (a) and (b), an individual who indirectly owns less than 5% of the voting securities of a publicly traded corporation through one or more privately held entities will not be required to be licensed as a principal.

(h) (g) Notwithstanding subsections (a) and (b), an individual who indirectly owns less than 5% of the voting securities of a publicly traded corporation through a private investment fund that has been exempted from licensure under § 433a.4(h) (relating to interests in licenses held by entities) will not be required to be licensed as a principal.

(i) (h) Notwithstanding any provision in this section, the Board may require any individual who has any financial interest in a licensee to be licensed as a principal.

§ 433a.4. Interests in licensees held by entities.

(a) An entity shall apply for and obtain a principal license prior to possessing any of the following:

(1) A direct ownership interest in a slot machine or management company licensee.

(2) A 1% or greater indirect ownership interest in a slot machine or management company licensee. An ownership interest that is held indirectly by an entity through one or more intervening entities will be determined by successive multiplication of the ownership percentages for each link in the vertical chain.

(3) A right to receive a payment from a slot machine or management company licensee based [ **directly or indirectly on** ] or contingent upon the earnings, profits or

receipts from the slot machines, table games and associated equipment for use or play in this Commonwealth.

\* \* \* \* \*

(d) An entity seeking to acquire a direct or indirect ownership interest of 20% or greater in a licensed manufacturer, licensed supplier or licensed manufacturer designee shall [ **submit the following, at least 30 days prior to acquiring the ownership interest:** ] comply with the requirements in § 427a.6, § 429a.8 or § 431a.6 (relating to change of control of a manufacturer licensee; change of control of a manufacturer designee licensee; and change of control of a supplier licensee).

[ (1) A notification of a change in control of a licensee form.

(2) A completed principal application.

(e) Notwithstanding subsection (d), the Board may require an entity to obtain a principal license prior to acquiring a direct or indirect ownership interest of 20% or greater in a licensed manufacturer, licensed supplier or licensed manufacturer designee.

(f) (e) Notwithstanding subsections (a) and (b), an entity that indirectly owns less than 5% of the voting securities of a publicly traded corporation will not be required to be licensed as a principal.

(g) (f) Notwithstanding subsections (a) and (b), an entity that indirectly owns less than 5% of the voting securities of a publicly traded corporation through one or more privately held entities will not be required to be licensed as a principal.

(h) (g) Notwithstanding subsections (a) and (b), a private investment fund and its related management entities will not be required to be licensed as a principal if the following apply:

\* \* \* \* \*

(i) (h) The Board may require a subsidiary of a licensee to be licensed as a principal.

(j) (i) Notwithstanding any provision to the contrary in this section, the Board may require any entity that has any financial interest in a licensee to be licensed as a principal.

§ 433a.5. Institutional investors.

(a) An institutional investor may file an Institutional Investor Notice of Ownership Form and **Passive Investor Affirmation** with the Bureau of Licensing in lieu of applying for principal licensure required under this chapter, if:

(1) The institutional investor owns or beneficially owns more than 5% but less than [ **15%** ] **20%** of the outstanding voting securities of a publicly traded corporation that is a principal affiliate of a manufacturer licensee, manufacturer designee licensee[, ] or supplier licensee[, or management company licensee ] and has filed and remains eligible to file a statement of beneficial ownership on Schedule 13G with the SEC as a result of the institutional investor's ownership interest in the publicly traded corporation.

(2) The institutional investor owns or beneficially owns more than 5% but less than 10% of the outstanding voting securities of a publicly traded corporation that is a

principal affiliate of a slot machine or management company licensee and has filed and remains eligible to file a statement of beneficial ownership on Schedule 13G with the SEC as a result of the institutional investor's ownership interest in the publicly traded corporation. In addition to filing an Institutional Investor Notice of Ownership Form and Passive Affirmation, if an institutional investor seeks to own 10% or more but less than 20% of the outstanding voting securities of a publicly traded corporation that is a principal affiliate of a slot machine or management company licensee:

(i) The institutional investor seeking to acquire the interest shall promptly provide information requested by the Bureau relating to the institutional investor, its operations and sources of funds. The information provided to the Bureau will be deemed confidential when submitted.

(ii) Within 5 days of receipt of all requested information, the Bureau will issue a written response relating to the proposed acquisition. If the Bureau does not cite an objection, the transaction may thereafter be consummated. If the Bureau objects to the acquisition, the institutional investor shall file a petition with Board in accordance with § 493a.4 (relating to petitions generally) for approval prior to acquiring the interest.

(b) If an institutional investor's purpose for holding an interest in a publicly traded corporation that is a principal affiliate of a slot machine, management company, manufacturer, manufacturer designee or supplier licensee changes from that of a passive investor, whereby the institutional investor files a Schedule 13D with the SEC indicating that its ownership interest is no longer passive, the institutional investor shall notify the Bureau of Licensing, in writing, within 2 days of filing the Schedule 13D with the SEC. The institutional investor shall then apply for licensure as a principal, in accordance with this chapter, within 30 days of filing the Schedule 13D with the SEC.

(c) Notwithstanding the requirements in subsections (a) and (b), if the institutional investor has an ownership interest in a publicly traded corporation, which is a principal affiliate of a licensee, that is listed on a foreign exchange in which a Schedule 13G is not filed, the institutional investor shall file a copy of the corresponding passive investor form filed with the securities regulator that has jurisdiction over the foreign publicly traded corporation.

[ (b) ] (d) The institutional investor shall file the Institutional Investor Notice of Ownership Form with the Bureau of Licensing within 30 days of the institutional investor filing its Schedule 13G with the SEC or the corresponding passive investor form with the securities regulator that has jurisdiction over the foreign publicly traded corporation.

§ 433a.6. Lenders and underwriters.

(a) Each lender and underwriter of a slot machine, management company, manufacturer or supplier licensee shall be licensed as a principal.

(b) Notwithstanding subsection (a), a lender that is a bank or lending institution which makes a loan to a slot machine, management company, manufacturer or supplier licensee in the ordinary course of business will not be required to be licensed as a principal. The Board may

require a bank or lending institution to provide information or other assurances to verify its eligibility for this exemption.

\* \* \* \* \*

(e) A person that acquires a debt instrument issued by a licensed supplier, licensed manufacturer, licensed management company, slot machine licensee or principal affiliate of a slot machine licensee in a secondary market shall not be required to be licensed as a principal if:

(1) The person does not have any right or ability to control or influence the affairs of the licensee.

(2) The person's acquisition of the debt instrument is in the ordinary course of business and is not part of a plan or scheme to avoid the requirements of this section.

(f) Notwithstanding any provision to the contrary in this section, the Board may require the licensure of any person that holds a debt instrument issued by a licensee or any principal affiliate or subsidiary of a licensee [ if the Board has reason to believe that the person would not satisfy the character requirements of section 1310(a) of the act (relating to slot machine license application character requirements) ].

§ 433a.7. Trusts.

(a) A trust or similar business entity shall apply for and obtain a principal license prior to possessing any of the following:

(1) A direct ownership interest in a slot machine or management company licensee.

(2) A 1% or greater indirect ownership interest in a slot machine or management company licensee. An ownership interest that is held indirectly by an individual through one or more intervening entities will be determined by successive multiplication of the ownership percentages for each link in the vertical chain.

(3) A right to receive a payment from a slot machine licensee based [ directly or indirectly on the ] or contingent upon a licensee's earnings, profits or receipts from the slot machines, table games and associated equipment for use or play in this Commonwealth.

\* \* \* \* \*

(b) A trust or similar business entity shall [ notify the Board and ] submit a completed application in accordance with § 433a.8 (relating to principal applications) prior to possessing any of the following:

\* \* \* \* \*

(c) [ Each ] If a trust is required to be licensed as a principal in accordance with this section, each trustee, grantor and beneficiary, including a minor child beneficiary, of [ a trust required to be licensed as a principal under this section shall be required to ] the trust shall also be licensed as a principal.

\* \* \* \* \*

§ 433a.8. Principal applications.

(a) An individual required to be licensed as a principal, unless otherwise directed by the Board, shall file:

(1) An original and [ three copies ] one copy of a completed [ Multi Jurisdictional ] Multi-Jurisdictional Personal History Disclosure Form.

(2) An original and [ **three copies** ] **one copy** of a completed Principal/Key Employee Form—Pennsylvania Supplement to the [ **Multi Jurisdictional** ] **Multi-Jurisdictional** Personal History Disclosure Form.

(3) [ **Executed releases requested by the Board, including releases whereby the applicant consents to the release of information that may be requested by the individual pursuant to the Freedom of Information Act (5 U.S.C.A. § 552) to the Board.**

(4) ] The nonrefundable application fee posted on the Board's web site [ ([www.pgcb.state.pa.us](http://www.pgcb.state.pa.us)) ].

(b) A principal entity required to be licensed as a principal shall file a completed Principal Entity Form and submit the applicable application fee posted on the Board's web site [ ([www.pgcb.state.pa.us](http://www.pgcb.state.pa.us)) ].

(c) A principal affiliate shall apply for a principal license as if the principal affiliate were applying for the slot machine license, manufacturer license, manufacturer designee license, supplier license or management company license.

(d) In addition to the materials required under subsections (a) or (b), an applicant for a principal license shall [ :

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

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

**CHAPTER 435a. KEY, GAMING AND NONGAMING EMPLOYEES; BOARD-ISSUED CREDENTIALS**

**§ 435a.1. General provisions.**

(a) An individual seeking a key employee license, occupation permit or nongaming employee registration shall apply to the Board as required by this chapter.

(b) In addition to the materials required under §§ 435a.2, 435a.3 and 435a.5 (relating to key employee license; occupation permit; and nongaming employee registration), an applicant shall [ :

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

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

(c) [ **An individual who receives a license, permit or registration under this part shall have the continuing duty to report to the Board an arrest, charge, indictment or conviction for:**

- (1) **An offense involving moral turpitude.**
- (2) **An offense under 18 Pa.C.S. (relating to crimes and offenses).**
- (3) **An offense under 75 Pa.C.S. (relating to vehicles) which is punishable by 1 year or more.**
- (4) **An offense under section 13 of The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. § 780-113(a)) regarding prohibited acts; penalties.**
- (5) **Any felony offense.**

(6) **Comparable offenses in other states or foreign jurisdictions.**

(d) ] The holder of a key employee license, occupation permit, or nongaming employee registration shall provide an updated photograph at the request of [ **the** ] Board staff.

[ (e) **An individual may not be employed in this Commonwealth by an applicant for or holder of a license, certification or registration under this part in any capacity unless the individual is a citizen of the United States or can demonstrate that he holds a current and valid work authorization and is not restricted from working in the capacity for which employment is sought or held. Authorization to work in the United States may be demonstrated by submitting one of the following:**

- (1) **A permanent resident alien card.**
- (2) **A temporary employment authorization card.**
- (3) **A document which the Board deems to be sufficient evidence or authorization.**

(f) **A principal or key employee license will not be issued to an individual who has been convicted of a felony offense in any jurisdiction.**

(g) **A principal or key employee license will not be issued to an individual who has been convicted of a misdemeanor gambling offense in any jurisdiction, unless 15 years have elapsed from the date of conviction for the offense.**

(h) **A permit will not be issued to an individual who has been convicted of a felony offense or misdemeanor gambling offense in any jurisdiction unless 15 years have elapsed from the date of conviction for the offense.**

(i) **When considering an application for a registration from an individual who has been convicted of a felony or misdemeanor gaming offense in any jurisdiction, an application for a permit from an individual who has been convicted of a felony or misdemeanor gaming offense in any jurisdiction when 15 years have elapsed from the date of the conviction for the offense, or an application for a license from an individual who has been convicted of a misdemeanor gaming offense in any jurisdiction when 15 years have elapsed from the date of the conviction for the offense, Board will consider:**

- (1) **The nature and duties of the applicant's position with the licensed entity.**
- (2) **The nature and seriousness of the offense or conduct.**
- (3) **The circumstances under which the offense or conduct occurred.**
- (4) **The age of the applicant when the offense or conduct was committed.**
- (5) **Whether the offense or conduct was an isolated or a repeated incident.**

(6) **Evidence of rehabilitation, including good conduct in the community, counseling or psychiatric treatment received and the recommendation of persons who have substantial contact with the applicant.**

(j) **For purposes of this section, a felony offense is any of the following:**

(1) An offense punishable under the laws of this Commonwealth by imprisonment for more than 5 years.

(2) An offense which, under the laws of another jurisdiction, is either:

(i) Classified as a felony.

(ii) Punishable by imprisonment for more than 5 years.

(3) An offense under the laws of another jurisdiction which, if committed in this Commonwealth, would be subject to imprisonment for more than 5 years.

(k) An individual who holds a license, permit or registration and is currently employed by or associated with a slot machine licensee may not wager at any slot machine or table game in the licensed facility in which the licensee, permittee or registrant is currently employed or associated. The licensed, permitted or registered individual shall wait at least 30 days following the date that the individual is no longer employed in a position that requires a license, permit or registration before the individual may wager at the licensed facility.

(l) An employee of a slot machine licensee who is not required to obtain a license, permit or registration may not wager at the licensed facility in which the employee is currently employed.

(m) An individual who holds a license, permit or registration and is currently employed by a manufacturer, manufacturer designee, supplier or gaming related gaming service provider may not wager at any slot machine or table game in the licensed facility in which the individual is servicing or installing table games, table game devices, slot machines or associated equipment while the individual is at the licensed facility in the performance of the individual's job duties.

(n) An individual who is a qualifier of a gaming junket enterprise or an individual who is employed as a gaming junket representative may not wager at any slot machine or table game at the licensed facility at which the gaming junket enterprise has an ongoing contractual agreement.

(o) An individual required to obtain a license or permit by this part shall demonstrate that he is current and not in arrears on any financial obligation owed to the Commonwealth or any subdivision thereof, including court-ordered child-support payments.

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

[ (q) ] (e) Slot machine licensees, manufacturers, manufacturer designees, suppliers, gaming service providers and gaming related gaming service providers that hire an individual who holds a **key employee** license, permit or registration issued by the Board shall contact the Bureau of Licensing to confirm that the individual's **key employee** license, permit or registration is in good standing prior to allowing the individual to work in the licensed facility.

#### § 435a.2. Key employee license.

(a) An individual may not perform duties associated with a position that requires a key employee license prior

to receiving a temporary or permanent credential unless otherwise authorized by the Board. An applicant for a key employee license shall submit:

(1) An original and one copy of a completed Multi-Jurisdictional Personal History Disclosure Form.

(2) An original and one copy of a completed Principal/Key Employee Form—Pennsylvania Supplement to the Multi-Jurisdictional Personal History Disclosure Form.

(3) [ Executed releases requested by the Board, including releases whereby the applicant consents to the release of information requested under section 1 of the Freedom of Information Act (5 U.S.C.A. § 552).

(4) ] The nonrefundable application fee posted on the Board's web site [ ([www.pgcb.pa.gov](http://www.pgcb.pa.gov)) ].

(b) In addition to the materials required under subsection (a), an applicant for a key employee license shall [ :

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

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

(c) [ In addition to the information under subsections (a) and (b), the Board may require letters of reference from law enforcement agencies under section 1310(b) of the act (relating to slot machine license application character requirements).

(d) An applicant for a key employee license will be required to reimburse the Board for additional costs, based on the actual expenses incurred by the Board, in conducting the background investigation.

(e) ] After reviewing the [ information submitted under subsections (a), (b) and (c), ] application and the results of the applicant's background investigation, the Board may issue a key employee license if the individual has proven that he is a person of good character, honesty and integrity and is eligible and suitable to be licensed as a key employee.

[ (f) ] (d) A **key employee** license issued [ under this section ] will be valid for employment with any licensed entity.

#### § 435a.3. Occupation permit.

(a) An applicant for [ an ] a **gaming employee** occupation permit shall submit:

(1) An original and one copy of the Gaming Employee Application and Disclosure Information Form or an electronic application using the SLOTS Link system. When an application for an [ occupational ] **occupation** permit is filed using SLOTS Link, [ the ] **any** additional documents required, including releases, shall be submitted to the Board:

(i) Within 5 days of the submission of the SLOTS Link application by an applicant for or holder of a slot machine license.

(ii) Within 10 days of the submission of the SLOTS Link application by an applicant for or holder of a manufacturer, manufacturer designee, or supplier license

or a gaming related gaming service provider certification or gaming service provider registration [ or ], certification or authorization.

(2) The nonrefundable application fee posted on the Board's web site [ (www.pgcb.pa.gov) ].

(3) Verification of an offer of employment from a licensed entity.

(b) In addition to the materials required under subsection (a), an applicant for [ an ] a gaming employee occupation permit shall [ :

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

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

**(c) [ An applicant for an occupation permit may be required to reimburse the Board for additional costs, based on the actual expenses incurred by the Board, in conducting the background investigation.**

**(d) ] After [ review of the information submitted under subsections (a) and (b), including a ] reviewing the application and the results of the applicant's background investigation, the Board may issue a gaming employee occupation permit if the individual has proven that the individual is a person of good character, honesty and integrity and is eligible and suitable to hold an occupation permit.**

**[ (e) ] (d)** An individual who wishes to receive [ an ] a gaming employee occupation permit under this chapter may authorize an applicant for or holder of a slot machine, management company, manufacturer, manufacturer designee or supplier license or gaming related gaming service provider certification or gaming service provider registration [ or ], certification or authorization to file an application on the individual's behalf.

**[ (f) ] (e)** A gaming employee occupation permit issued under this section [ shall ] will be valid for employment with any licensed entity, any certified gaming related gaming service provider or any registered or certified gaming service provider.

#### § 435a.5. Nongaming employee registration.

(a) An applicant for a nongaming employee registration shall submit:

(1) An original and one copy of the Nongaming Employee Registration Form or an electronic application using the SLOTS Link system. When an application for a nongaming employee registration is filed using SLOTS Link, [ the ] any additional documents required, including releases, shall be submitted to the Board:

(i) Within 5 days of the submission of the SLOTS Link application by an applicant for or holder of a slot machine license.

(ii) Within 10 days of the submission of the SLOTS Link application by an applicant for or holder of a manufacturer, manufacturer designee, or supplier license or an applicant for or holder of a gaming service provider registration or certification.

(2) The nonrefundable application fee posted on the Board's web site [ (www.pgcb.pa.gov) ].

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

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

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

(c) After review of the [ information required under subsections (a) and (b) ] application, the Board may register the individual if the individual has proven that he is eligible and suitable to be registered under this section.

(d) An individual who wishes to receive a nongaming employee registration under this chapter may authorize an applicant for or holder of a slot machine, manufacturer, manufacturer designee or supplier license or a gaming service provider registration or certification to file an application on the individual's behalf.

(e) A registration issued under this section is valid for employment with any slot machine, manufacturer, manufacturer designee or supplier licensee or registered [ or ], certified or authorized gaming service provider.

**(f) A registration issued under this section will be valid for 4 years from the date of Board approval. If a registrant is not employed for 2 years in a position that requires a nongaming registration, the registration will be deemed expired.**

**(g) A renewal application shall be submitted to the Board at least 60 days prior to the expiration of a registration credential.**

#### § 435a.6. Board credentials.

\* \* \* \* \*

(c) A State employee required to obtain a Board credential shall carry the Board credential on his person at all times while engaged in the performance of his duties on the premises of a licensed facility.

**(d) An individual who is not a State employee, who is required to obtain a Board credential and whose duties [ do ]:**

**(1) Do not** require the individual to be on the gaming floor or in a restricted area, shall carry the Board credential on his person at all times while engaged in the performance of his duties on the premises of a licensed facility. **[ An individual who is not a State employee, who is required to obtain a Board credential and whose duties require ]**

**(2) Require** the individual to be on the gaming floor or in a restricted area, shall display the Board credential on his person at all times while engaged in the performance of his duties on the premises of a licensed facility. A food and beverage employee of a slot machine licensee who is required to obtain a Board credential and whose duties require the individual to be on the gaming floor may carry, instead of display, the employee's Board credential if:

**[ (1) ] (i)** The employee displays the access badge required under § 465a.12 (relating to access badges and temporary access credentials).

[ (2) ] (ii) The access badge displays a unique identification number that has been assigned to that employee and which can be read by the slot machine licensee's surveillance system.

[ (d) Except as provided in § 435a.7 (relating to emergency credentials), slot ] (e) Slot machine and management company licensees are prohibited from allowing a principal who is required to obtain a credential, a key employee, gaming employee or nongaming employee registrant to perform his duties on the premises of a licensed facility unless the employee [ has his Board ] is in possession of a Board-issued credential.

[ (e) Notwithstanding subsection (a), the Board may, upon written request by a slot machine or management company licensee and upon a showing of good cause, exempt certain positions, titles or persons from the requirements of this section. ]

(f) An employee whose license, permit or registration has been suspended or revoked by the Board shall surrender the Board credential to [ the ] Board staff.

§ 435a.8. Temporary credentials [ for principals, key employees and gaming employees ].

(a) A temporary credential may be issued by the Board to a principal, key employee or gaming employee.

(b) A temporary credential issued [ under this section is void a maximum of 180 days after ] to a principal, key employee or gaming employee is valid for up to 180 days from the date of its issuance.

(c) The Board may extend the expiration date of a temporary credential issued to a principal, key employee or gaming employee if the Board determines additional time is needed to complete an investigation for licensure.

(d) A temporary credential may be issued by the Bureau of Licensing to a nongaming employee if:

(1) The applicant has submitted all of the application materials required under § 435a.5 (relating to nongaming employee registration).

(2) The applicant has been fingerprinted and photographed by the Pennsylvania State Police.

(e) A temporary credential issued to a nongaming employee will be valid for 30 days.

[ (d) ] (f) Board staff may impose conditions on the holders of temporary credentials.

§ 435a.9. [ Temporary credentials for nongaming employees ] (Reserved).

[ (a) A temporary credential may be issued by the Board to a nongaming employee if:

(1) The applicant has submitted all of the application materials required under § 435a.5 (relating to nongaming employee registration).

(2) The applicant has been fingerprinted and photographed by the Pennsylvania State Police.

(b) Temporary credentials for nongaming employees will be issued by the Bureau of Licensing.

(c) A temporary credential issued under this section will be valid for 30 days. ]

§ 435a.9a. Gaming service provider employee temporary access credentials.

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

(1) The employee's duties of employment [ or incidental activities related to employment ] do not require the employee to touch or have contact with a slot machine, table game device or associated equipment other than exterior [ cleaning ] contact that does not affect the play of the game.

(2) The employee signs in with the security department of the licensed facility and will be escorted and under the supervision of an employee of the slot machine [ licensee's security department ] licensee who is authorized to have access to the area where the work is being performed.

(3) The gaming service provider employee and the employee of the slot machine licensee who will escort and supervise both sign in with the Board's casino compliance representatives.

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

(c) A Gaming Service Provider Employee Temporary Access Credential will not be issued to an employee of a registered or certified gaming service provider that is a construction company for more than 12 days in a 12-month period. The time period may be extended for good cause as determined by the Bureau of Licensing.

(d) [ Employees of a manufacturer, manufacturer licensee or supplier may not be issued a Gaming Service Provider Employee Temporary Access Credential. ] As provided in § 437a.10 (relating to emergency gaming service provider), an employee of an emergency gaming service provider may obtain a temporary access credential in accordance with subsections (a) and (b) to enable the employee to perform emergency services at the licensed facility.

§ 435a.10. Loss, theft or destruction of credentials.

(a) As soon as possible, but no later than 24 hours following the loss, theft or destruction of a Board credential, emergency credential or temporary credential, the person to whom the credential was issued shall notify the [ security department of the slot machine licensee ] Board's casino compliance representatives at the licensed facility.

(b) [ The security department of the slot machine licensee shall notify the Board in writing within 24 hours of receipt of the notice under subsection (a). ]

(c) An employee who has lost his Board credential [ The slot machine licensee, on behalf of an employee whose Board-issued credential was lost, stolen or destroyed, may request a [ duplicate ] re-



**placement** Board credential by submitting a Request for Duplicate PGCB Credential form and the fee established by the Board to the Bureau of Licensing.

**CHAPTER 437a. GAMING SERVICE PROVIDER  
CERTIFICATION AND REGISTRATION**

**§ 437a.1. General gaming service provider requirements.**

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

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

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

(i) A restricted area of the licensed facility.

(ii) On the gaming floor unless all of the following conditions are met:

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

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

[ (iii) ] (C) The gaming service provider has received written approval from the Bureau of Licensing for the gaming service provider's employees to be on the gaming floor.

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

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

(d) The following persons are exempt from the gaming service provider registration and [ the gaming service provider ] certification requirements of this chapter:

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

\* \* \* \* \*

(g) [ A person, or subsidiary of a person, that has a class of equity securities listed on the New York Stock Exchange, the NASDAQ Stock Market, the American Stock Exchange or a foreign stock exchange determined by the Bureau of Licensing to have similar listing requirements may be authorized to provide goods or services to slot machine applicants and licensees without applying for registration or certification if the person or subsidiary of the person ] Notwithstanding subsections (a) and (b), a publicly traded corporation or subsidiary thereof will not be required to be registered or certified as a gaming service provider if the publicly traded corporation or subsidiary thereof submits a completed Publicly Traded Gaming Service Provider Form to the [ Board ] Bureau of Licensing accompanied by the filing fee posted on the Board's web site [ (www.pgcb.state.pa.us) ]. A [ person ] publicly traded corporation or subsidiary [ of a person ] thereof that is authorized to provide goods and services under this subsection shall be required to:

(1) Comply with § 437a.7 (relating to registered [ and ], certified and authorized gaming service provider responsibilities).

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

\* \* \* \* \*

**§ 437a.2. Gaming service provider registration applications.**

(a) A gaming service provider seeking registration shall do one of the following:

(1) [ Complete ] If the gaming service provider has or will be entering into an agreement to provide goods or services to a specific slot machine applicant or licensee, the gaming service provider shall complete an original and [ four copies ] one copy of a Gaming Service Provider Registration Form—Sponsored. The original [ and copies ] copy and the fee toward the cost of the investigation of the applicant posted on the Board's web site [ (www.pgcb.state.pa.us) ] shall be submitted to the Bureau of Licensing by the slot machine applicant or licensee for whom the gaming service provider will provide goods or services unless otherwise directed by the [ Board ] Bureau of Licensing.

(2) [ Complete ] If a gaming service provider does not have an agreement to provide goods or services to a specific slot machine applicant or licensee but is seeking to conduct business with slot machine applicants or licensees, the gaming service provider shall complete an original and [ four copies ] one copy of a Gaming Service Provider Registration Form—

Un-sponsored. The original [ **and copies** ], **copy** and the fee toward the cost of the investigation of the applicant posted on the Board's web site [ **(www.pgcb.state.pa.us)** ] shall be submitted to the Bureau of Licensing by the gaming service provider unless otherwise directed by the [ **Board** ] **Bureau of Licensing**.

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

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

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

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

[ (4) ] (3) Submit fingerprints of the following individuals [ **to the Board** ] in a manner prescribed by [ **BIE** ] **the Bureau**:

\* \* \* \* \*

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

(d) Each of the individuals required to submit fingerprints under subsection [ (b)(4) or (c) ] (b)(3) must be found qualified by the Board. **An individual who is found qualified and is also a gaming or nongaming employee as defined in § 401a.3 (relating to definitions) shall obtain a gaming employee occupation permit in accordance with § 435a.3 (relating to occupation permit) or a nongaming employee registration in accordance with § 435a.5 (relating to nongaming employee registration).**

(e) An applicant for a gaming service provider registration [ **will be required to** ] shall reimburse the Board for costs incurred [ **by the Board** ] in conducting the [ **review** ] investigation of the [ **application** ] applicant.

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

**§ 437a.3. Gaming service provider certification applications.**

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

(1) An original and [ **four copies** ] **one copy** of a Gaming Service Provider Certification Application and Disclosure Information Form unless otherwise directed [ **by the Board** ].

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

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

(b) In addition to the [ **materials required under** ] **requirements of** subsection (a), an applicant for a gaming service provider certification shall[ **:**

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

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

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

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

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

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

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

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

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

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

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

**§ 437a.3a. Single transaction waiver.**

(a) A gaming service provider required to be registered or certified under this chapter may request that the Board waive its obligation to be registered or certified by filing a Single Transactional Waiver Form. To be eligible to receive a waiver, the gaming service provider shall demonstrate that it is proposing to engage in a single transaction and satisfies the following requirements:

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

(2) The gaming service provider has not filed a Single Transactional Waiver Form within 2 years of the current waiver request.

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

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

(c) A gaming service provider that has requested a waiver under this section may not provide goods or services to a slot machine applicant or licensee prior to Board approval of the gaming service provider's waiver request.

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

\* \* \* \* \*

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

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

\* \* \* \* \*

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

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

(2) The company with which the individual is associated is on the Authorized Gaming Service Provider List.

(e) [ The ] Upon request, the Bureau of Licensing will issue a [ permanent ] credential to an individual who has been found [ to be ] qualified under this section if the Gaming Service Provider has been certified.

§ 437a.5. Construction subcontractors.

(a) [ A ] Instead of filing for registration or certification, a construction subcontractor [ who ] that is otherwise required to be certified or registered may elect to file an On-site Subordinate Pre-Opening Construction Notification Form with the [ Board in lieu of registration or certification ] Bureau of Licensing if:

(1) The subcontractor is not providing goods or services through an agreement with a slot machine applicant or licensee.

(2) The subcontractor is not a first-tier subcontractor providing goods or services to [ a person who ] the general contractor that has entered into a contract with a slot machine applicant or licensee for the construction of a licensed facility.

(b) The On-site Subordinate Gaming Service Provider Notification Form shall be valid for the construction of only one licensed facility, and shall [ be valid for only 1 year unless the Board, at its sole discretion, renews the On-site Subordinate Gaming Service Provider Notification Form after a showing by the subcontractor that its obligations pursuant to the subcontract have not been fully performed and good cause exists for the delay in the performance ] expire upon completion of the contract.

(c) A subcontractor [ who ] that elects to file an On-site Subordinate Gaming Service Provider Notification Form as outlined in subsection (a) shall be prohibited from:

(1) Employing any person to work [ on the gaming floor or ] in a restricted area of a licensed facility or on the gaming floor after onsite Board staff designates the area as a gaming floor.

(2) Providing, directly or indirectly, goods or service to any other slot machine applicant or licensee other than the slot machine applicant or licensee identified in the On-site Subordinate Gaming Service Provider Notification Form.

§ 437a.6. Registration and certification term and renewal.

(a) Gaming service provider certifications, registrations and renewals issued under this chapter shall be valid for 4 years from the date of Board approval.

(b) Publicly traded gaming service provider authorizations approved under § 437a.1(g) (relating to general gaming service provider requirements) will be valid for 4 years from the date of authorization.

(c) Registered [ and ], certified and authorized publicly traded gaming service providers shall submit to the Board a completed renewal application or form and renewal fee at least 60 days prior to the expiration of a certification [ or ], registration or authorization.

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

(e) A publicly traded gaming service provider authorization for which a completed renewal form and fee has been received by the Bureau of Licensing will continue in effect unless the Bureau of Licensing sends written notification to the publicly traded gaming service provider that the authorization has been rescinded.

§ 437a.7. Registered [ and ], certified and authorized gaming service provider responsibilities.

(a) A holder of a gaming service provider certification [ or ], registration or authorization shall have a continuing duty to [ : ] comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications).

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

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

(b) An employee of a **[ registered or certified ]** gaming service provider shall be required to obtain an occupation permit under § 435a.3 (relating to occupation permit) if:

(1) The employee is the onsite supervisor of other gaming employees, as defined in § 401a.3 (relating to definitions), of the gaming service provider **[ whose duties of employment or incidental activities related to employment require the employees to be on the gaming floor or in a restricted area ]**.

(2) The **[ employee's duties of employment or incidental activities related to employment require the employee to be on the gaming floor or in a restricted area and require the employee to touch or have contact with a slot machine or associated equipment ]** employee is a gaming employee as defined in § 401a.3.

(c) An employee of a **[ certified ]** gaming service provider **[ that ]** who is not required to obtain an occupation permit under subsection (b) shall be required to obtain a nongaming employee registration under § 435a.5 (relating to nongaming employee registration) if:

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

(i) **Other nongaming employees as defined in § 401a.3.**

(ii) **Employees of the gaming service provider who are involved in the construction of the licensed facility.**

(2) **[ The employee's duties of employment or incidental activities related to employment require the employee to be on the gaming floor but do not require the employee to touch or have contact with a slot machine or associated equipment other than exterior cleaning. ]** The employee is a nongaming employee as defined in § 401a.3.

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

(4) The employee is the offsite supervisor of employees of the registered or certified gaming service provider working at the licensed facility. ]

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

(e) Workers employed by a **[ registered or certified ]** gaming service provider that is a construction company, who are completing work on the gaming floor or in a restricted area under their original contract, change orders, punch lists, periodic repairs or warranty work, will not be required to comply with the requirements in subsection (b) or (c) if the **[ following ]** conditions in **§ 435a.9a (a) and (b) (relating to gaming service provider employee temporary access credentials)** are met $[ : ]$ .

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

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

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

**(f) A certified, registered or authorized gaming service provider operating within a licensed facility that cashes personal checks shall comply with § 465a.20 (relating to personal check cashing).**

**§ 437a.8. Authorized gaming service providers list; prohibited gaming service providers.**

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

(1) Have been registered or certified.

(2) Are eligible to file and have filed a completed publicly traded gaming service provider form under § 437a.1(g) (relating to general gaming service provider requirements).

(3) Have been **[ permitted ]** authorized to conduct business with a slot machine licensee or applicant under § 437a.9 (relating to permission to conduct business prior to certification or registration).

(b) Except as permitted under § 437a.1(a)(2), (d) and (g) and § 437a.10 (relating to emergency gaming service provider), a slot machine licensee or applicant may not purchase goods or services from a gaming service provider, when the employees of the gaming service provider will be working on the gaming floor or in a restricted area or compensate a gaming service provider \$100,000 or more within a consecutive 12-month period, unless the person is on the authorized gaming service provider list. A slot machine licensee or applicant **or any affiliate, intermediary, subsidiary or holding company thereof acting on behalf of the slot machine licensee or applicant** may not enter into an agreement or

continue to do business with a gaming service provider on the prohibited gaming service providers list.

(c) The Board may place a person on the prohibited gaming service providers list if:

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

(2) The gaming service provider has failed to cooperate with [ the Board in the Board's ] Board staff in its review and investigation of the gaming service provider's application [ for certification or registration ].

\* \* \* \* \*

§ 437a.10. Emergency gaming service provider.

(a) A slot machine licensee may utilize a gaming service provider that is not registered [ or ], certified or authorized to conduct business in accordance with § 437a.8 (relating to authorized gaming service providers list; prohibited gaming service providers) when a threat to public health, welfare or safety of the building or its occupants exists or circumstances outside the control of the slot machine [ applicant or ] licensee create an urgency of need which does not permit the delay involved in using the formal method of gaming service provider certification or registration. A slot machine licensee may not use a gaming service provider on the prohibited list.

(b) When using a gaming service provider that is not registered [ or ], certified or authorized to conduct business to respond to an emergency, the slot machine [ applicant or ] licensee shall:

(1) Immediately notify the onsite casino compliance representatives in the licensed facility of the emergency and the gaming service provider that was selected to provide emergency services.

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

[ (2) Provide a written explanation to the Board of the basis for the emergency gaming service provider procurement and for the selection of the particular gaming service provider.

(3) File a Gaming Service Provider Registration Form or Gaming Service Provider Certification Form on behalf of the gaming service provider within 20 business days of the filing of the Gaming Service Provider Notification Form. ]

(c) An employee of the emergency gaming service provider who is providing emergency services in the licensed facility shall obtain a temporary access credential in accordance with § 435a.9a(d) (relating to gaming service provider employee temporary access credentials) prior to performing any work.

(d) If the slot machine licensee continues to utilize the gaming service provider after the emergency circumstances have passed or if the Bureau of Licensing determines that the circumstances did not necessitate the use of an emergency gaming service provider that was not registered, certified or on the authorized list, the slot machine licensee

and gaming service provider shall comply with the requirements in this chapter.

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

\* \* \* \* \*

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

\* \* \* \* \*

CHAPTER 440a. MANAGEMENT COMPANIES

§ 440a.1. General requirements.

(a) A management company shall [ be required to ] obtain a management company license from the Board prior to [ providing any service to a slot machine applicant or licensee under this chapter ] the commencement of gaming operations.

\* \* \* \* \*

§ 440a.2. Applications.

(a) An applicant for a management company license shall file:

(1) A completed [ applicable Category 1, Category 2 or Category 3 slot machine license ] application and disclosure [ information forms with the applicable appendices as if the management company license applicant were an affiliated entity of the slot machine applicant or licensee ] form.

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

(b) In addition to the [ materials ] application required under subsection (a), an applicant for a management company license shall [ :

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

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

§ 440a.3. Management company license term and renewal.

(a) A management company license or renewal will be valid for 3 years from the date on which the initial license is issued or the renewal is approved by the Board. The management company license will not be issued or renewed until all fees and costs have been paid.

(b) A renewal application shall be submitted to the [ Board ] Bureau of Licensing at least 60 days prior to the expiration of a management company license.

(c) A management company license for which a completed renewal application and fee has been received by the [ Board ] Bureau of Licensing will continue in effect until the Board sends written notification to the

holder of the management company license that the Board has approved or denied the management company license.

**(d) A management company license issued by the Board is nontransferable.**

**§ 440a.5. Management contracts.**

(a) A management contract between a slot machine applicant or licensee and management company licensee may not become effective until the Board has [ reviewed and ] approved [ the terms and conditions of ] the management contract.

(b) A management company licensee shall submit any amendment to a management contract 30 days prior to the effective date of the proposed amendment. The amendment may not become effective until the Board has [ reviewed and ] approved the [ terms and conditions of the ] amendment.

(c) A management contract or amendment will not be approved by the Board unless the management company proves by clear and convincing evidence that the approval of the contract would not create a monopoly on the control of licensed gaming facilities in this Commonwealth. [ A management company that seeks Board approval of a management contract shall disclose its financial interests in the slot machine licensee or applicant and, if applicable, proposed or contemplated changes in ownership or control of a slot machine licensee. ]

(d) [ Requests for approval of a management contract must include a business plan which sets forth the parties' goals and objectives for the term of the management contract. ] A management company that requests Board approval of a management contract shall disclose its financial interests in the slot machine applicant or licensee and, if applicable, any exercisable option that may constitute a change in ownership or control of a slot machine licensee as described in § 441a.17 (relating to change in ownership or control of slot machine licensee and multiple slot machine license prohibition).

\* \* \* \* \*

(f) A management contract submitted for [ Board review and ] approval must [ enumerate with specificity ] specify the terms and conditions of the management contract and the responsibilities of the slot machine applicant or licensee and management company [ under the terms and conditions of the management contract ]. At a minimum, the terms should address whether, and to what extent, the management company is involved in the following:

- (1) Operation of the following departments:

\* \* \* \* \*

- (vi) Surveillance.

- (viii) Table games.

(2) Design, construction, improvement [ or ] and maintenance[ , or both, ] of the licensed facility.

(3) [ Provision ] Sources of operating capital and financing for the development of the licensed facility.

(4) Payment of the slot machine license fee and the table games operation certificate fee, if applicable.

(5) Purchase or lease of slot machines, table games, table game devices or associated equipment.

(6) Design, implementation [ or ] and amendment[ , or both, ] of the system of internal controls required under section 1322 of the act (relating to slot machine accounting controls and audits) and this part including the financial reporting requirements.

\* \* \* \* \*

(12) Procurement of [ vendors ] gaming service providers and gaming [ junkets ] junket enterprises.

(13) Selection of the licensed facility's independent auditor.

(g) Notwithstanding subsections (a)—(f), a slot machine licensee and licensed management company may not contract for the delegation of any benefits, duties or obligations specifically granted to or imposed upon the slot machine licensee by the act.

**CHAPTER 441a. SLOT MACHINE LICENSES**

**§ 441a.1. Definitions.**

For purposes of this subpart, the following words and terms have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

*Applicant*—A person who applies to the Board to receive a slot machine license as defined in this section.

*Debt transaction*—A transaction or series of transactions in which the entity incurs any of the following types of debt:

- (i) Loans, lines of credit or similar financing.
- (ii) Public and private debt offerings.
- (iii) Note issuance, exchange or bond offering.
- (iv) Any transaction that provides guarantees or encumbers assets of the licensee.

*Developer*—A person engaged by a slot machine applicant or licensee to construct a proposed licensed facility or to otherwise make land or buildings suitable for use as a licensed facility.

*Guest rooms under common ownership*—A room or group of rooms, including timeshare units, that are owned by a well-established resort hotel and that are available for rental.

*Initial plan of development*—The slot machine licensee's financing, construction schedule, comprehensive design plan and projected expenditure for the licensed facility as described by the licensee in its application and presented at the licensee's initial suitability hearing before the Board.

*Licensing hearing*—A hearing before the Board in which an applicant for a [ grant of a permanent ] slot machine license [ or a Conditional Category 1 slot machine license ] will have an opportunity to present to the Board:

- (i) Evidence concerning its eligibility for a license.
- (ii) Evidence concerning its suitability for a license.
- (iii) Evidence of how its proposed facility and operation addresses the criteria identified in section 1325(c) of the act (relating to license or permit issuance).

(iv) For applicants seeking licensure under section 1304 of the act (relating to Category 2 slot machine license), evidence which sets forth a comparison between the applicant and other applicants within the same category of licensure on the standards and criteria in the act.

**Material change in financial status**—A default in any covenant or condition specified in any loan document or other debt instrument under which the slot machine licensee, or any of its intermediaries, subsidiaries, holding companies or management companies thereof, is a borrower or guarantor.

**Material debt transaction**—

(i) A debt transaction of \$25 million or more in a single transaction or cumulative transactions during any 12-month period.

(ii) The term does not include transactions under a Board-approved line of credit, revolver or similar type of loan.

**Modified plan of development**—An alteration to a slot machine licensee's initial plan of development.

**Non-de minimis consideration**—A payment of fair market value of at least \$10 per patron paid to the resort hotel for use of one or more amenities.

\* \* \* \* \*

§ 441a.2. Slot machine application [ restrictions and ] deadlines.

[ (a) Under section 1304 of the act (relating to category 2 slot machine license), an applicant for a Category 2 slot machine license under section 1301 of the act (relating to authorized slot machine licenses), its affiliate, intermediary, subsidiary or holding company, may not possess any ownership or financial interest in any person eligible to apply for a Category 1 slot machine license or its affiliates, intermediaries, subsidiaries or holding companies.

(b) ] The Board will initiate the formal procedure for the acceptance, consideration and final resolution of applications for slot machine licenses by setting a filing period for filing of Category 1, 2 or 3 slot machine license applications. The filing period set by the Board will be posted on the Board's [ website (www.pgcb.state.pa.us) ] web site.

[ (c) After the expiration of the filing period established by the Board under subsection (b), the Board will set a completion date by which all filed applications are to be complete. An application that is not complete, as determined by the Board, by the completion date will not be considered. The completion date set by the Board under this subsection will be published in the *Pennsylvania Bulletin* at least 30 days prior to the completion date. ]

§ 441a.3. Slot machine license application.

(a) An applicant for a slot machine license shall submit an application which includes the following:

(1) An original and [ three copies ] one copy of the Conditional[ / ]Category 1, Category 2, or Category 3 Application and Disclosure Information Form.

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

(3) [ A license or waiver ] An application for each principal [ and key employee ] under [ Chapters 433a and 435a (relating to principal licenses; and employees), including an original and three copies of the Multi Jurisdictional Personal History Disclosure Form, the Pennsylvania Supplement and a nonrefundable background investigation deposit to be set by the Board and provided in a fee schedule for each principal and each key employee ] Chapter 433a (relating to principal licenses).

(4) Fingerprints for [ the applicant and ] each principal [ and key employee ].

(5) A diversity plan as set forth in section 1325(b) of the act (relating to license or permit issuance) and Chapter 481a (relating to diversity), which shall be signed by the chief executive officer of the applicant or authorized designee.

(6) If a temporary land-based facility is to be licensed, a plan for how the licensee will transition to a permanent facility, including a date for completion of the permanent facility. A permanent facility shall be the facility proposed by the applicant, which is designated, identified and made part of the evidentiary record by the applicant at the applicant's licensing hearing. Modifications to the [ proposed ] approved permanent facility following the applicant's licensing hearing [ shall be approved by ] require approval of the Board in accordance with § 441a.20a (relating to changes to a slot machine licensee's initial or modified plan of development).

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

(8) A statement demonstrating compliance with the geographical requirements of section 1302 of the act (relating to Category 1 slot machine license), section 1304 of the act (relating to Category 2 slot machine license) or section 1305 of the act (relating to Category 3 slot machine license).

(b) Failure to provide the information required in subsection (a) may result in the application being [ returned to the applicant or result in an application being ] deemed incomplete.

(c) In addition to the materials required under subsection (a), an applicant for a slot machine license shall[ :

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

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

(d) A copy of the local impact report required as part of the application shall be provided to the political subdivisions in which the licensed facility will be located at the same time as the filing of the application for a slot machine license. The applicant shall file a proof of service with the [ Board ] Bureau of Licensing within 5 business days after filing the application for a slot machine license.

[ (e) An applicant for a slot machine license will be required to reimburse the Board for any addi-

tional costs, based on the actual expenses incurred by the Board, in conducting the background investigation. ]

§ 441a.4. Alternative Category 1 licensing standards.

\* \* \* \* \*

(b) The Board may use the abbreviated process if:

(1) The Board determines, after investigation, that the licensing standards in the other jurisdiction in which the applicant or its affiliate, intermediary, subsidiary or holding company is licensed is similarly comprehensive and thorough and provides safeguards that are equal to or greater than those provided in the act and granting the request would be in the public interest.

(2) A completed application for a Category 1 license has been filed with the [ Board ] Bureau of Licensing which includes the name and address of the regulatory agency in the other jurisdiction.

(3) The [ Board ] Bureau of Licensing has received a copy of the completed application, renewal applications and accompanying documents filed in the other jurisdiction.

(4) The applicant has provided current, updated information to the [ Board ] Bureau of Licensing and the Bureau regarding the license in the other jurisdiction and information relating to its financial viability and suitability and good character.

(5) The applicant has no administrative or enforcement actions pending in other jurisdictions that could render the applicant ineligible or unsuitable for licensure or the applicant has disclosed and explained these actions to the satisfaction of the Board.

(6) There are no pending or ongoing investigations of possible [ material ] violations by the applicant in other jurisdictions that could render the applicant ineligible or unsuitable for licensure or the applicant has disclosed and explained these investigations to the satisfaction of the Board.

\* \* \* \* \*

(e) Following the issuance of a Category 1 license under this section, the Bureau will initiate a complete review of the information submitted under this subpart. If the applicant does not meet the requirements of the act or this part, the Board [ will ] may revoke, suspend or condition the license until the applicant meets the requirements of the act.

§ 441a.5. License fee payment bond or letter of credit requirements.

(a) An application for a slot machine license shall at all times throughout the period in which the application is on file with the Board include original payment bonds or original irrevocable letters of credit, or some combination thereof, that include draw instructions guaranteeing the applicant's payment of the slot machine license fee required by sections 1209(a) and 1305(d) of the act (relating to slot machine license fee; and category 3 slot machine license) if the license is approved and issued.

(1) Payment bonds or irrevocable letters of credit shall be submitted [ and approved by the Board ] to the Bureau of Licensing for review before an application may be accepted for filing. The [ Board's ] review of the payment bond or irrevocable letter of credit will

include an assessment of both the proposed terms [ of the payment bond or irrevocable letter of credit ] and [ of ] the surety or financial institution that will issue the payment bond or irrevocable letter of credit. An application will be deemed incomplete if at any time during the period the application is on file with the Board payment bonds or letters of credit [ approved by the Board ] in the amounts required in paragraph (2) are not in full force and effect.

\* \* \* \* \*

(e) The payment bond or irrevocable letter of credit provided under this section must provide that if the slot machine license has been approved [ and issued ] by the Board and the license fee has not been paid in full within 5 business days following the [ issuance of the license ] deadline for payment set by the Board or Board staff, the Commonwealth will have the right to request immediate payment under the payment bond or irrevocable letter of credit for payment of the slot machine license fee.

\* \* \* \* \*

(h) This section does not preclude a slot machine license applicant from substituting or replacing a payment bond or letter of credit during the period the application is on file with the Board provided the replacement payment bond or letter of credit is [ approved ] reviewed by the [ Board under this section ] Bureau of Licensing.

§ 441a.6. Public input.

\* \* \* \* \*

(c) The Board will develop and post the procedures that will be used to conduct public input hearings on the Board's [ website (www.pgcb.state.pa.us) ] web site.

(d) The Board will make public a list of all witnesses scheduled to testify at a public input hearing at least 7 days prior to the hearing. The list of witnesses will be updated at least 3 days prior to the hearing. Additional witnesses will be posted on the Board's [ website (www.pgcb.state.pa.us) ] web site as they are added to the witness list.

§ 441a.7. Licensing hearings for slot machine licenses.

(a) A schedule of licensing hearings for all slot machine license applicants will be posted on the Board's [ website (www.pgcb.state.pa.us) ] web site.

(b) The Board may schedule prehearing conferences under § 491a.9 (relating to prehearing and other conferences) to address issues related to licensing hearings.

(c) The Board will allot each applicant a specified time for its presentation. The length of the presentations, which shall be the same for each applicant within each category, will be established [ at the prehearing conferences ] by the Board.

(d) At a licensing hearing, an applicant shall appear before the Board and at all times have the burden to establish and demonstrate, by clear and convincing evidence, its eligibility and suitability for licensure and to address the criteria identified in section 1325(c) (relating to license or permit issuance) of the act.



(e) For the purposes of this section, an applicant's demonstration of eligibility must include a showing of compliance [ **which** ] **with**:

\* \* \* \* \*

(f) For the purposes of this section, an applicant's demonstration of suitability must include a showing of:

(1) Good character, honesty and integrity in compliance with section 1310 of the act (relating to slot machine license application character requirements).

(2) Financial fitness in compliance with section 1313 of the act (relating to slot machine license application financial fitness requirements).

(3) Operational viability, including:

(i) The quality of the proposed licensed facility, and temporary land-based facility, if applicable, including the number of slot machines **and table games** proposed and the ability of the proposed licensed facility to comply with statutory, regulatory and technical standards applicable to the design of the proposed licensed facility and the conduct of slot machine **and table game** operations therein.

(ii) The projected date of the start of operations of the proposed licensed facility and any accessory uses such as hotel, convention, retail and restaurant space proposed in conjunction therewith. Applicants shall provide the Board with a time line on the deliverability of proposed temporary land-based or phased permanent licensed facilities and the accessory uses proposed in conjunction therewith.

(iii) The ability of the applicant's proposed licensed facility to generate and sustain an acceptable level of growth of revenue.

(g) For the purposes of this section, an applicant's demonstration of how it addresses the criteria identified in section 1325(c) of the act must include:

(1) The location and quality of the proposed facility, including, but not limited to, road and transit access, parking and the facility's [ **centrality** ] **proximity** to its anticipated market service area.

(2) The potential for new job creation and economic development which are expected to result from granting a license to an applicant.

(3) The applicant's good faith plan to recruit, train and [ **upgrade** ] **enhance** diversity in all employment classifications in the facility.

(4) The applicant's good faith plan for enhancing the representation of diverse groups in the operation of its facility through the ownership and operation of business enterprises associated with or utilized by its facility or through the provision of goods or services utilized by its facility and through the participation in the ownership of the applicant.

(5) The applicant's good faith effort to assure that all persons are accorded equality of opportunity in employment and contracting by it and any contractors, subcontractors, assignees, lessees, agents, gaming service providers and suppliers [ **it** ] **the applicant** may employ directly or indirectly.

\* \* \* \* \*

(14) Areas of deficiency in the applicant's application previously identified by the **Bureau or the** Bureau of Licensing [ **or Chief Enforcement Counsel** ] that have not been resolved.

(h) The applicant's demonstration of how it addresses section 1325(c) of the act and subsection (g) may include information relating to its affiliates, intermediaries, subsidiaries or holding companies.

(i) No later than 30 days before the first scheduled licensing hearing in the category of license for which the applicant has filed an application, the applicant shall file with the Board a memorandum identifying all evidence it intends to use in support of its presentation before the Board. At the same time, Category 1 and Category 3 applicants shall serve the memorandum on the other applicants in the same category. At the same time, Category 2 applicants shall serve the memorandum on all other applicants whose proposed facility meets the same location criteria as the applicant's proposed facility as specified in subsection (n)(1)(i)—(iii). The memorandum must include the following:

(1) The name of the applicant and docket number of the applicant's application to which the evidence will relate.

(2) Identification of each standard and criterion in subsections (d)—(f) to which the evidence will relate.

(3) As to each criterion identified, whether the evidence will be presented through oral testimony [ **or** ], the proffer of documents, or both. If any portion of the evidence will be presented through oral testimony, the notice must include the name, address and telephone number of each testifying witness, the identified criteria about which the witness will testify and a detailed summary of the witness' testimony. If any portion of the evidence will be presented through the proffer of documents, including reports and exhibits, the memorandum must include a copy of each document to be proffered and the name, address and telephone number of the persons who prepared the document.

(4) If any person identified in paragraph (3) will testify as an expert, the person's qualifications, including the person's education, experience and training, and a listing of the other jurisdictions where the person has been qualified as an expert witness[ , ] within the last 5 years, shall be attached to the notice. A copy of the results or reports of any tests, experiments, examinations, studies or documents prepared or conducted by the expert or about which the expert will testify or which will be relied upon by the expert to render an opinion shall be attached to the notice.

(5) Documents required under paragraphs (3) and (4) that have already been submitted to the Board and made part of the public record may be referenced instead of being included with the memorandum identifying all evidence an applicant intends to use in support of its presentation before the Board.

(j) The Board will serve on all applicants within that category any expert reports developed for and requested by the Board that [ **pertains** ] **pertain** to the applicants.

(k) Applicants, at the time of filing, shall provide the Board with an electronic version, in a format prescribed by the Board, of the reports and exhibits provided in paper form.

(l) If an applicant designates any submitted report or exhibit as confidential under § 401a.3 (relating to definitions) or section 1206(f) of the act (relating to Board minutes and records), the applicant shall:

(1) Clearly and conspicuously indicate that the report or exhibit is confidential in both the paper and electronic format and provide these exhibits separately from the nonconfidential exhibits.

(2) Request that the confidential information be presented to the Board in [ closed deliberations, under section 1206(a) of the act ] an executive session in accordance with 65 Pa.C.S. § 708(a)(5) (relating to executive sessions) and provide an explanation of the need for the designation of confidentiality and [ closed deliberations ] presentation during an executive session or authorize the release of the report or exhibit in compliance with section [ 1206(f) ] 1206(f)(5) of the act.

(m) Applicants are prohibited from relying upon or introducing new evidence, including witnesses' testimony, reports or exhibits, not identified under subsection (i) or (n), except in the following circumstances:

(1) Applicants may update or supplement evidence, including witnesses' testimony, reports or exhibits to respond to requests from the Board or Board staff.

(2) Applicants may update or supplement evidence, including witnesses' testimony, reports or exhibits to respond to issues raised subsequent to the filing of the memorandum required by subsection (i) at a prehearing conference if the issues could not have been reasonably anticipated by the applicant.

(n) For Category 2 and Category 3 applicants only, in addition to the applicant's presentation of evidence to the Board relative to its eligibility and suitability for a license, an applicant may, during its licensing hearing, present evidence which sets forth a comparison between the applicant and other applicants within the same category with respect to the standards and criteria in subsections (e)—(h).

\* \* \* \* \*

(2) If an applicant desires to present comparative evidence under this subsection, the applicant shall, no later than 20 days prior to the commencement of the first scheduled licensing hearing in the category of license for which the applicant has filed an application, file with the Board Clerk a separate written notice evidencing the intent [ with the Board ] identifying each other applicant about whom the applicant desires to present evidence. A copy of the notice shall [ also ] be served on the applicants about whom the evidence will be presented and on the Chief Enforcement Counsel. The notice must include:

\* \* \* \* \*

(4) If the applicant plans to present evidence to the Board concerning another applicant in [ closed deliberations ] an executive session, the applicant shall provide notice to the other applicant and provide any report or exhibit relied upon to the other applicant. The other applicant may be represented in the [ closed deliberations ] executive session.

\* \* \* \* \*

(r) Information obtained by [ BIE ] the Bureau during an applicant's background investigation based upon public record or upon information otherwise in the public domain will be heard by the Board during the licensing hearing. Information submitted by an applicant under 4 Pa.C.S. § 1310(a) (relating to slot machine license appli-

cation character requirements) or obtained by the Board or [ BIE ] Bureau as part of a background investigation from any source not in the public domain is considered confidential. The Board may not require an applicant to waive any confidentiality provided for in 4 Pa.C.S. [ §§ ] § 1206(f) [ and 1310(a) ] as a condition for the approval of a slot machine license or any other action of the Board. The Board may request that an applicant respond to inquiries related to confidential information during a licensing hearing to promote transparency in the regulation of gaming in this Commonwealth. An applicant who does not waive the right to confidentiality shall:

\* \* \* \* \*

§ 441a.9. Approval of a slot machine license.

\* \* \* \* \*

(b) For Category 1 slot machine applications, the State Horse Racing Commission or the State Harness Racing Commission may submit [ additional ] information [ to the Board ] if it believes the information will assist the Board in making a determination relating to the operational, financial or character fitness of the applicant.

\* \* \* \* \*

§ 441a.10. Notification of anticipated or actual changes in principals or key employees.

Each slot machine applicant or licensee shall notify the [ Board ] Bureau of Licensing, in writing, as soon as it becomes aware, of the proposed appointment, appointment, proposed nomination, nomination, election, hiring, promotion, intended resignation, resignation, removal, firing, incapacitation or death of any person required to be licensed as a principal or key employee under Chapter 433a and § 435a.2 (relating to principal licenses; and key employee license). The notice must be addressed to the Bureau of Licensing.

§ 441a.11. [ Notification of new financial sources ] (Reserved).

[ Each slot machine applicant or licensee shall notify the Board, in writing, as soon as it becomes aware that it intends to enter into a transaction which may result in any new financial backers. The notice shall be sent to the Bureau of Licensing and the Bureau of Corporate Compliance and Internal Controls. ]

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

§ 441a.11a. Duty to maintain financial suitability; notification of change in financial status.

(a) A slot machine licensee and its intermediaries, subsidiaries and holding companies shall, at all times, remain financially suitable. In determining whether a licensee is financially suitable, the Board will consider the following factors:

- (1) The ability to develop the proposed project.
(2) The ability to obtain financing.
(3) The ability to maintain a steady level of growth of revenue to the Commonwealth.

(4) The historical financial suitability and financial wherewithal of the slot machine licensee, its intermediaries, subsidiaries and holding companies.

(b) A slot machine licensee shall notify the Bureau and the Bureau of Licensing in writing within 24 hours if the

slot machine licensee or any intermediary, subsidiary or holding company of the slot machine licensee incurs a material change in financial status.

**§ 441a.15. Slot machine license issuance bond requirement.**

\* \* \* \* \*

(b) Unless otherwise required by the Board, the payment bond must comply with the following:

(1) The payment bond must be issued by a surety company that is both licensed by the Insurance Department and assigned a credit rating within the three highest categories, without regard to numerics or other modifiers, by Moody's or Standard & Poor's, or upon the discontinuance of Moody's or Standard & Poor's, by another Nationally recognized rating service. Proof that the surety is licensed by the Insurance Department and has been assigned the required credit rating must accompany any payment bond submitted under this section.

(2) A slot machine licensee shall submit its proposed payment bond to the Board prior to the issuance of a slot machine license. **[ The Board will investigate and approve both the proposed terms of the payment bond and the surety that will issue the payment bond. ]**

(3) The payment bond must state that it is payable to "The Commonwealth of Pennsylvania" as the obligee for immediate payment of the slot machine licensee's financial obligations to the Commonwealth under the act and as security to guarantee that the slot machine licensee faithfully makes the payments, keeps its books and records, makes reports and conducts its operations in conformity with the act, this part and the rules and orders promulgated by the Board.

(4) A payment bond issued in accordance with this section will remain in full force and effect throughout the period of time that the slot machine license is in effect. If a bond is canceled and the slot machine licensee fails to file a new bond with the **[ Board ] Bureau of Licensing** in the required amount on or before the effective date of the cancellation, the slot machine licensee's license will be revoked or suspended.

(5) Any notice provision **[ to the Board ]** in a payment bond applicable to an election by a surety to cancel a then current payment bond must provide that the Board will receive at least 30 days written notice, by registered mail or overnight courier service, of the surety's election to cancel.

\* \* \* \* \*

**§ 441a.17. Change in ownership or control of slot machine licensee and multiple slot machine license prohibition.**

(a) A slot machine licensee shall notify the **[ Board ] the Bureau and the Bureau of Licensing** by filing a Slot Machine Licensee's Notification of Proposed Transfer of Interest Form prior to or immediately upon becoming aware of any proposed or contemplated change in ownership of the slot machine licensee by a person or group of persons acting in concert which involves any of the following:

(1) More than 5% of a slot machine licensee's securities or other ownership interests.

(2) More than 5% of the securities or other ownership interests of a corporation or other form of business entity

that owns, directly or indirectly, at least 20% of the voting or other securities or other ownership interest of the slot machine licensee.

(3) The sale **[ , other than in the normal course of business, ]** of a slot machine licensee's assets, **other than in the ordinary course of business.**

(4) Other transactions or occurrences deemed by the Board to be relevant to license qualification.

**[ (b) Notice to the Board and Board approval shall be required prior to completion of any proposed change of ownership of a slot machine licensee that meets the criteria in subsection (a).**

**(c) A person or group of persons acting in concert desiring to acquire an interest in a slot machine licensee that meets the criteria in subsection (a) shall submit an application for approval of the transfer which includes the following:**

**(1) An application for transfer on a form prescribed by the Board.**

**(2) A copy of all documents, contracts and agreements related to the transfer.**

**(3) A principal license application for each person seeking to acquire an interest that does not currently hold a principal license.**

**(4) Application fees specified by the Board to cover the cost of investigations of the transfer application and persons seeking to acquire an interest. The applicant for the transfer shall be responsible for and remit to the Board any costs associated with the investigation of the transfer that exceed the amount covered by the fees.**

**(d) A person or group of persons acting in concert that acquires more than 20% of a slot machine licensee's securities or other ownership interests or purchases the assets, other than in the normal course of business, of any slot machine licensee shall independently qualify for a license in accordance with the act and this part and shall pay the licensing fee required by section 1209 of the act (relating to slot machine license fee), except as otherwise required by the Board.**

**(e) The requirements in subsections (a)—(d) do not apply to:**

**(1) An underwriter who will hold a security for less than 90 days.**

**(2) An institutional investor, if:**

**(i) The institutional investor holds less than 10% of the securities or other ownership interests referred to in subsection (a)(1) or (2).**

**(ii) The securities or interests are publicly traded securities.**

**(iii) The institutional investor's holdings if the securities were purchased for investment purposes only and the institutional investor files a certified statement with the Board stating that the institutional investor has no intention of influencing or affecting, directly or indirectly, the affairs of the slot machine licensee. ]**

**(b) A transaction set forth in subsection (a) may not be consummated without:**

**(1) Obtaining the prior approval of the Board.**

(2) Each principal involved in the transaction obtaining a license in accordance with Chapter 433a (relating to principal licenses).

(c) A request for approval required under subsection (b)(1) shall be made by filing a petition with the Board in accordance with § 493a.4 (relating to petitions generally).

(d) Notwithstanding the requirement in subsection (b)(2), the Board may approve a transaction under subsection (a) prior to the licensure of the person or group of persons acting in concert if all of the following apply:

(1) The person or group of persons acting in concert are proposing to acquire 20% or less of the voting securities of a publicly traded holding company of a slot machine licensee.

(2) The person or group of persons acting in concert affirm that the person or group of persons will not control or influence the affairs of or benefit from the slot machine licensee prior to being licensed as principals in accordance with Chapter 433a.

(3) The person or group of persons have filed applications with the Board for licensure as principals in accordance with Chapter 433a.

(4) The approval of the transaction is expressly conditioned upon the person or group of persons being licensed as principals in accordance with Chapter 433a.

(e) The Board will not approve a transaction under subsection (a), which involves a change in control unless the person or group of persons:

(1) Acting in concert demonstrates by clear and convincing evidence that the slot machine licensee's gaming facility will remain or become a financially successful, suitable and efficient business operation.

(2) Acquiring the interest pay a new slot machine license fee as determined by the Board. The Board may condition its approval of the transaction on the payment of the fee.

(f) The following transactions are not be subject to subsections (a)—(c):

(1) A transaction through which an underwriter will possess a security for less than 90 days.

(2) A transaction through which an institutional investor acquires less than 20% of the securities of a slot machine licensee's holding company, provided that the securities were acquired for investment purposes only and the institutional investor complies with § 433a.5 (relating to institutional investors).

[ (f) ] (g) In accordance with section 1330 of the act (relating to multiple slot machine license prohibition), a slot machine licensee, its affiliates, intermediaries, subsidiaries and holding companies, may not possess an ownership or financial interest in any other slot machine licensee or in any other person eligible to apply for a Category 1 slot machine license or its affiliates, intermediaries, subsidiaries or holding companies that exceeds 33.3%.

[ (g) ] (h) Nothing in subsection [ (f) ] (g) prevents a slot machine licensee from possessing ownership or financial interests of 33.3% or less, in multiple slot machine

licensees or in persons eligible to apply for a Category 1 slot machine license or its affiliates, intermediaries, subsidiaries or holding companies.

[ (h) ] (i) If a slot machine licensee, its affiliates, intermediaries, subsidiaries or holding companies has an ownership or financial interest in another slot machine licensee that is in violation of subsection [ (f) ] (g), the slot machine licensee will be required to divest that interest which is in excess of 33.3% in compliance with section 1330 of the act.

[ (i) ] (j) Nothing in this section concerning ownership or financial interests applies to contractual interests including those in the nature of management contracts, options to purchase exercisable after a license has been issued or leases.

§ 441a.18. Employee status report.

\* \* \* \* \*

(b) Each month each slot machine licensee shall generate a monthly employee status report of the slot machine licensee's and management company's employees. The report shall be submitted to the Bureau of Licensing no later than the 15th calendar day of the following month. The report must include the following information:

\* \* \* \* \*

(2) The total number of persons employed by the slot machine [ applicant or ] licensee and management company during the preceding month.

\* \* \* \* \*

(c) The reports shall be [ signed by the slot machine licensee and ] transmitted to the Bureau of Licensing by means of electronic data transmission or in a form prescribed by the Board.

\* \* \* \* \*

§ 441a.19. Notice of employee misconduct and offenses and employee resignations.

\* \* \* \* \*

(c) Notwithstanding subsection (a), a slot machine licensee shall, within 24 hours, notify the [ Board ] Bureau upon learning of the arrest, charging, indictment or conviction of any of its affiliates, intermediaries, subsidiaries, holding companies, principals, key employees, permittees or registrants, for any of the following:

\* \* \* \* \*

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

§ 441a.20a. Changes to a slot machine licensee's initial or modified plan of development.

(a) A slot machine licensee shall obtain Board approval prior to implementing any change to the slot machine licensee's initial or modified plan of development as defined in § 441a.1 (relating to definitions).

(b) A request for approval of a change to a slot machine licensee's initial or modified plan of development shall be made by filing a petition with the Board in accordance with § 493a.4 (relating to petitions generally).

(c) The licensee shall demonstrate that the contemplated change in the development plan is substantially similar to the currently approved plan of development or show good cause as to why a contemplated plan of development that is different from the licensee's currently approved plan should be approved.

§ 441a.21. [ **Management contracts** ] **Liability for management companies.**

Notwithstanding any provision to the contrary in the management contract, each slot machine licensee may be jointly and severally liable for any act or omission by [ **the** ] **its** management company in violation of the act or this part, regardless of actual knowledge by the slot machine licensee of the act or omission.

(*Editor's Note:* Sections 441a.24—441a.26 are new and printed in regular type to enhance readability.)

§ **441a.24. Notification of equity securities offering.**

(a) A slot machine licensee or an intermediary or holding company of a slot machine licensee shall notify the Board in writing at least 15 business days prior to the commencement of an offering of equity securities or other ownership interests.

(b) A notification under subsection (a) shall be made on a Notification of Financial Transaction form accompanied by current drafts of all documentation relating to the offering of equity securities or other ownership interests.

(c) All final executed documents relating to the offering of the equity securities or other ownership interests shall be transmitted to the Bureau and the Bureau of Licensing within 5 business days following the commencement of the offering.

§ **441a.25. Approval of material debt transactions.**

(a) A slot machine licensee may not consummate a material debt transaction without the prior approval of the Board.

(b) An intermediary or holding company of a slot machine licensee may not consummate a material debt transaction without the prior approval of the Board if the slot machine licensee is a guarantor of the debt or if the assets or income of the slot machine licensee are being used as collateral.

(c) Notwithstanding subsections (a) and (b), a publicly traded corporation may consummate a material debt transaction without Board approval, provided that:

(1) The publicly traded corporation notifies the Bureau and the Bureau of Licensing in writing at least 15 business days prior to the consummation of the material debt transaction by submitting a Notification of Financial Transaction form accompanied by current drafts of all documentation relating to the material debt transaction.

(2) The publicly traded corporation transmits to the Bureau and the Bureau of Licensing all final, executed documents relating to the material debt transaction within 5 business days following the consummation of the material debt transaction.

(3) The publicly traded corporation's debt transaction is \$50 million or less.

(d) Any subsequent borrowings under a revolving line of credit, previously approved under this section, do not require subsequent approval of the Board.

(e) A debt transaction that does not otherwise qualify as a material debt transaction may require Board approval if Board staff determines that approval is necessary to protect the integrity of gaming.

§ **441a.26. Notification of refinancing transaction.**

(a) A slot machine licensee or an intermediary or holding company of a slot machine licensee shall provide the Bureau and the Bureau of Licensing with all docu-

ments relating to a transaction to refinance \$25 million or more of its outstanding indebtedness at least 10 business days prior to the consummation of the transaction.

(b) A notification required under subsection (a) shall be made on a Notification of Financial Transaction form accompanied by current drafts of all documentation relating to the refinancing transaction. All final executed documents relating to a refinancing shall be transmitted to the Bureau within 5 business days following the consummation of the refinancing transaction.

(c) A refinancing transaction that results in the incurrance of \$25 million or more of additional indebtedness shall be subject to § 441a.25 (relating to approval of material debt transactions).

(d) Notwithstanding subsection (c), a publicly traded corporation may consummate a refinancing transaction that results in the incurrance of \$50 million or less of additional indebtedness.

(e) A refinancing transaction that does not otherwise require approval in accordance with subsections (c) and (d) may require Board approval if Board staff determines that approval is necessary to protect the integrity of gaming.

Subpart E. **SLOT MACHINES AND ASSOCIATED EQUIPMENT; ACCOUNTING AND INTERNAL CONTROLS**

**CHAPTER 461a. SLOT MACHINE AND TABLE GAME DEVICE TESTING AND CONTROL**

§ **461a.7. Slot machine minimum design standards.**

(a) A slot machine may not be set to pay out less than the theoretical payout percentage, which may not be less than **85%, calculated using the lowest possible wager that could be played for any single play**, or equal or exceed **100%, calculated using the highest eligible wager available**. The theoretical payout percentage for the total value of slot machine wagers will be calculated using the following:

\* \* \* \* \*

**CHAPTER 465a. ACCOUNTING AND INTERNAL CONTROLS**

§ **465a.24. Count room characteristics.**

(a) A slot machine licensee shall have adjacent or proximate to the cage a room, to be known as a count room, specifically designated, designed and used for counting the contents of slot cash storage boxes and table game drop boxes.

(b) The count room shall be designed and constructed to provide maximum security for the materials housed therein and for the activities conducted therein. Each slot machine licensee shall design and construct a count room with the following security measures:

(1) A metal door installed on each entrance and exit equipped with an alarm device which audibly signals the surveillance department monitoring room [ **and** ] **or** the security department whenever a door to the count room is opened [ **at times other than those times for which the slot machine licensee has provided prior notice under § 465a.25 (relating to counting and recording of slot cash storage boxes and table game drop boxes)** ].

(2) Each entrance [ **and exit** ] **door to the count room** must be equipped with two separate locks, the keys to which must be different from each other and different

from the lock securing the contents of each slot cash storage box or table game drop box. The keys shall be maintained and controlled as follows:

- (i) The key to one of the locks shall be maintained and controlled by the security department.
- (ii) The key to the other lock shall be maintained and controlled by finance.
- (iii) Sign out and sign in procedures shall be established for both keys.

**(3) To exit the count room, the count room door must be equipped with an automatic release mechanism or other device as specified in the slot machine licensee's internal controls.**

(c) The following must be located within the count room:

\* \* \* \* \*

**Subpart K. TABLE GAMES  
CHAPTER 609a. CREDIT**

**§ 609a.4. Approval of credit limits.**

(a) A credit limit, and any temporary or permanent increases thereto, shall be approved by either:

\* \* \* \* \*

(c) Prior to approving a temporary or permanent credit limit increase, an employee of the certificate holder's credit department shall:

(1) Obtain a written request from the patron which includes:

- (i) The date and time of the patron's request.
- (ii) The amount of credit limit increase requested by the patron **and if the increase requested is temporary or permanent.**
- (iii) The signature of the patron.

(2) Reverify the patron information required under [ § 609a.3(c)(2) and (3) ] § 609a.3(c)(2) (relating to application and verification procedures for granting credit).

(3) Consider the patron's player rating based on a continuing evaluation of the amount and frequency of play subsequent to the patron's initial receipt of credit.

(4) Include the information and documentation required under paragraphs (1)—(3) in the patron's credit file.

**(5) Comply with subsections (a) and (b).**

**§ 609a.5. Derogatory information; reduction or suspension of credit.**

\* \* \* \* \*

(c) [ Whenever ] In addition to the requirements in subsection (d), whenever derogatory information is received by a certificate holder's credit department relating to the patron's continued creditworthiness[ , other than a returned check, ] the certificate holder's credit department shall reverify the patron information required under [ § 609a.3(c)(2) and (3) ] § 609a.3(c)(2) (relating to application and verification procedures for granting credit).

(d) A patron having a check returned to any certificate holder unpaid by the patron's bank shall have credit privileges suspended unless the returned check was due to a processing error and an explanation for the error is

noted in the patron's credit file or until the returned check has been paid in full. **Prior to reinstating a patron's credit privileges, the certificate holder shall comply with subsection (e).**

(e) If a patron's credit privileges have been suspended for any reason, the certificate holder's credit department shall reverify the patron's information, as required under [ § 609a.3(c)(1)—(4) ] § 609a.3(c)(2) and (3), before reinstating the patron's credit privileges.

**CHAPTER 623a. CRAPS AND MINI-CRAPS**

**§ 623a.4. Making and removal of wagers.**

\* \* \* \* \*

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

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

\* \* \* \* \*

**§ 623a.5. Payout odds.**

\* \* \* \* \*

(g) A certificate holder that offers Buy Bets and Lay Bets:

\* \* \* \* \*

(3) [ **May collect, at time the player makes the wager, a vigorish of up to 5%, as specified in the certificate holder's Rules Submission, of the amount wagered on the Buy or Lay Bet or may collect the vigorish only on a winning Buy or Lay Bet. If collecting a vigorish, the certificate holder shall specify in its Rules Submission which vigorish procedure it will utilize.** ] **May collect a vigorish of up to 5%, as specified in the certificate holder's Rules Submission, in accordance with the following requirements:**

(i) For Buy Bets, the certificate holder may utilize one of the following vigorish procedures as specified in its Rules Submission:

(A) At the time the player makes a Buy Wager, the dealer shall collect a vigorish based on the amount wagered on the Buy Bet. The vigorish amount collected may not be included in the wager amount.

(B) The dealer shall collect a vigorish only on a winning Buy Bet. If the certificate holder utilizes this vigorish procedure for Buy Bets, it shall specify the wagers on which this vigorish will be applicable. For example, vigorish based on winning Buy Bets placed on the 4 or 10.

(ii) For Lay Bets, the certificate holder may utilize one of the following vigorish procedures as specified in its Rules Submission:

(A) At the time the player makes a Lay Wager, the dealer shall collect a vigorish based on the amount potentially won on the Lay Bet. The vigorish amount collected may not be included in the wager amount.

(B) The dealer shall collect a vigorish only on a winning Lay Bet. If the certificate holder utilizes this vigorish procedure for Lay Bets, it shall specify the wagers on which this vigorish will be appli-

**cable. For example, vigorish based on winning Lay Bets placed on the 4 or 10.**

(h) Except as permitted under subsection (g)(3), a certificate holder may not charge a percentage, fee or vigorish to a player in making any wager in the game of Craps or Mini-Craps.

(i) Except as permitted under § 623a.6(e) (relating to supplemental wagers made after the come out roll in support of Pass, Don't Pass, Come and Don't Come Bets (taking and laying odds)), a certificate holder may not accept any wager in excess of the maximum bet posted at the table.

**CHAPTER 633a. BLACKJACK**

**§ 633a.7. Procedure for dealing the cards; completion of each round of play.**

\* \* \* \* \*

(i) After the procedures in subsection (h) have been completed, if necessary, the dealer shall start with the player farthest to the dealer's left and continue around the table in a clockwise direction and if the player:

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

(i) Is 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) Is an ace, king, queen, jack or 10 but the dealer's hole card will not give the dealer a Blackjack, the dealer shall announce the player's Blackjack [ **but may not make a payment nor remove any cards until all other cards are dealt to the players and the dealer reveals the hole card.** ] and either:

(A) **Immediately pay the player's Blackjack and remove the player's cards.**

(B) **Leave the player's cards on the table and not make a payment to the player. After all other cards are dealt to the players and the dealer reveals his hole card, the dealer shall pay the player's Blackjack and remove the player's cards.**

(2) Does not have Blackjack, the player shall indicate whether he wishes to surrender, as permitted under § 633a.9 (relating to surrender), double down as permitted under § 633a.10 (relating to Double Down Wager), split pairs as permitted under § 633a.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.

\* \* \* \* \*

**§ 633a.9. Surrender.**

(a) After the first two cards are dealt to the player, the player may elect to discontinue play on his hand for that round by surrendering 1/2 his wager. All decisions to surrender shall be made prior to the player indicating whether he wishes to double down as permitted under § 633a.10 (relating to Double Down Wager), split pairs as permitted under § 633a.11 (relating to splitting pairs), stand or draw. If the first card dealt to the dealer:

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

(2) Is an ace or 10 value card, the dealer will [ **place** ] **either:**

(A) **Place** the player's wager on top of the player's cards. When the dealer's second card is revealed, the hand will be settled by immediately collecting the entire wager if the dealer has Blackjack or collecting 1/2 of the wager and returning 1/2 of the wager to the player if the dealer does not have Blackjack. **The player's cards shall then be collected.**

(B) **Immediately after utilizing the card reader device in accordance with § 633a.7(h) (relating to procedure for dealing the cards; completion of each round of play), 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. The player's cards shall then be collected.**

(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 § 633a.8 (relating to Insurance Wager).

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

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

\* \* \* \* \*

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

\* \* \* \* \*

<i>Hand</i>	<i>Paytable D</i>	<i>Paytable E</i>	<i>Paytable F</i>	<i>Paytable G</i>
Royal flush	\$10,000	\$10,000	\$10,000	<b>\$25,000</b>
Straight flush	\$2,000	\$2,000	\$2,000	<b>\$2,500</b>
Four-of-a-kind	\$200	\$200	\$100	<b>\$400</b>
Full house	\$75	\$100	\$75	<b>\$200</b>
Flush	\$50	\$50	\$50	<b>\$50</b>
Straight	\$25	\$25	\$25	<b>\$25</b>
Three-of-a-kind	\$5	\$10	\$9	<b>\$5</b>
Two pair	\$4	\$6	\$6	
Pair of tens, jacks, queens, kings or aces	\$1	\$0	\$0	

\* \* \* \* \*

CHAPTER 645a. PAI GOW POKER

§ 645a.5. Shuffle and cut of the cards; procedures for determining the starting position for dealing cards.

\* \* \* \* \*

(i) To determine the starting position for the dealing of cards, the certificate holder shall use one of the following:

\* \* \* \* \*

[ (3) If an automated card shuffling device and dealing shoe are used under § 645a.10, a flat button to indicate the starting position. At the commencement of play, the button shall be placed in front of the dealer. Thereafter, the button shall rotate around the table in a clockwise manner after each round of play. ]

(j) After the starting position for a round of play has been determined, a certificate holder may mark that position with an additional cover card or similar object approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment).

[Pa.B. Doc. No. 13-2151. Filed for public inspection November 15, 2013, 9:00 a.m.]

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# DEPARTMENT OF BANKING AND SECURITIES

## Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of 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 and Securities Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending November 5, 2013.

Under section 503.E of the Department of Banking and Securities Code (71 P. S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file their comments in writing with the Department of Banking and Securities, Corporate Applications Division, 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, contact the Corporate Applications Division at (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

### BANKING INSTITUTIONS

#### Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
10-23-2013	GNB Financial Services, Inc. Gratz Dauphin County	Filed
	Application for approval to acquire 100% of Liberty Centre Bancorp, Inc., Pottsville, and thereby indirectly acquire 100% of Liberty Savings Bank F.S.B., Pottsville.	
11-1-2013	Riverview Financial Corporation Halifax Dauphin County	Effective
	Application for approval to acquire 100% of Union Bancorp, Inc., Pottsville, and thereby indirectly acquire 100% of Union Bank and Trust Company, Pottsville.	

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
10-23-2013	The Gratz Bank Gratz Dauphin County	Filed
	Application for approval to merge Liberty Savings Bank, Pottsville, with and into The Gratz Bank, Gratz.	
11-1-2013	Riverview Bank Marysville Perry County	Effective
	Application for approval to merge Union Bank and Trust Company, Pottsville, with and into Riverview Bank, Marysville.	

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
10-30-2013	Noah Bank Elkins Park Montgomery County	2337 Lemoine Avenue Fort Lee Bergen County, NJ	Approved

### SAVINGS INSTITUTIONS

No activity.

### CREDIT UNIONS

No activity.

The Department's web site at [www.dobs.state.pa.us](http://www.dobs.state.pa.us) includes public notices for more recently filed applications.

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 13-2152. Filed for public inspection November 15, 2013, 9:00 a.m.]

### Adjustment to Definition of "Base Figure" in the Loan Interest and Protection Law

The Department of Banking and Securities (Department), as required by the definition of "base figure" in section 101 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 101), known as the Loan Interest and Protection Law, is publishing the following notice regarding the inflation-adjusted base figure for the calendar year 2014. The Department has determined that the current base figure of \$234,692 adjusted for annual inflation using the "Consumer Price Index—All Urban Consumers: U.S. All Items 1982-84 = 100" published by the United States Department of Labor Bureau of Labor Statistics results in a base figure of \$237,474. This new base figure will be effective January 1, 2014, for the calendar year 2014.

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 13-2153. Filed for public inspection November 15, 2013, 9:00 a.m.]

### Maximum Lawful Rate of Interest for Residential Mortgages for the Month of December 2013

The Department of Banking and Securities (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of December, 2013, is 5 3/4%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. No. 96-221). Further preemption was instituted with the signing of Pub. L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and which the individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 3.23 to which was added 2.50 percentage points for a total of 5.73 that by law is rounded off to the nearest quarter at 5 3/4%.

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 13-2154. Filed for public inspection November 15, 2013, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Request for Bids

The Department of Conservation and Natural Resources is soliciting bids for the following projects. Bid documents can be obtained from the Administrative Services Section, Bureau of Facility Design and Construction, (717) 787-5055.

*FDC-104-3094.1—Water Tank Rehabilitation, Chapman State Park, Pleasant Township, Warren County.* Work included under this contract consists of installing new painting (exterior and interior) for the existing water storage tank, new exterior paint for the existing green sand filter and new exterior and interior paint for the existing chlorine contact tank at the existing water plant. Additionally, the project shall include providing new paint to all existing valving and piping located at the valve pit of the existing storage tank and installing a liquid level indicator on the 50,000-gallon storage tank.

Responsive bidders must hold a current small business certification from the Department of General Services (DGS).

*FDC-418-7537.1—Rehabilitate Sewage Lift Station, Marsh Creek State Park, Upper Uwchlan Township, Chester County.* Work included under this contract consists of demolition and the backfilling of the dry well structure and the work necessary to furnish, install and complete a duplex submersible nonclog sewage pump station.

Responsive bidders must hold a current small business certification from the DGS.

*FDC-427-100170.1—New Equestrian Arena, Ridley Creek State Park, Edgemont Township, Delaware County.* Work included under this contract consists of complete design, permitting and construction of a new indoor equestrian riding arena and associated site and utility work.

Bid documents will be available on or after November 20, 2013. The bid opening will be held on December 19, 2013.

ELLEN FERRETTI,  
*Acting Secretary*

[Pa.B. Doc. No. 13-2155. Filed for public inspection November 15, 2013, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

#### THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications concern, but are not limited to, discharges regarding industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFO). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Waste; Discharge into Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

For NPDES renewal applications in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements.

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 Individual Permits and Individual Stormwater Construction Permits in Sections IV and VI, the Department, based upon preliminary reviews, has made tentative determinations of proposed effluent limitations and other terms and conditions for the permit applications. In accordance with 25 Pa. Code § 92a.32(d), the proposed discharge of stormwater associated with construction activities will be managed in accordance with the requirements of 25 Pa. Code Chapter 102. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the United States Environmental Protection Agency (EPA) Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on NPDES applications are invited to submit statements to the contact office noted before the application within 30 days from the date of this public notice. Persons wishing to comment on WQM permit applications are invited to submit statements to the office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. A comment submittal should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for public hearings on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

Persons with a disability who require an auxiliary aid, service, including TDD users, or other accommodations to seek additional information should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

#### I. NPDES Renewal Applications

*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0011185 (IW)	Air Products & Chemicals Trexletown PA Facility 7201 Hamilton Boulevard Allentown, PA 18195-1501	Lehigh County Upper Macungie Township	Iron Run (2-C)	Y

## NOTICES

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<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>
PA0063223 (Sewage)	Martha J Vetter Residence 1562 River Road Damascus, PA 18415-3003	Wayne County Damascus Township	Delaware River (1-A)	Y
PA0063240 (Sewage)	Lehigh Township Municipal Authority—Danielsville WWTP 1069 Municipal Road Walnutport, PA 18088	Northampton County Lehigh Township	Bertsch Creek (2-C)	Y
PA0061204 (Sewage)	Little Washington Wastewater Company (Lake Harmony Area Community Wastewater System) Between Routes 940 and 80 Lake Harmony, PA 18624	Carbon County Kidder Township	Shingle Mill Run (2-A)	Y

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0261271 (Sew)	David E. Graham 117 Valentine Acres Road Clearville, PA 15535	Bedford County Southampton Township	Amorine Branch / 13-A	Y
PA0260118 (Sew)	Chesapeake Estates of New Oxford 585 Martin Road Gettysburg, PA 17325	Adams County Mt. Pleasant Township	South Branch Conewago Creek / 7-F	Y
PA0261181 (Sew)	Michael & Cynthia Camellerie 2470 Enola Road Carlisle, PA 17013	Cumberland County North Middleton Township	UNT to Conodoguinet Creek / 7-B	Y
PA0020478 (Sew)	Bloomfield Borough PO Box 144 New Bloomfield, PA 17068	Perry County Bloomfield Borough	UNT to Trout Run / 7-A	Y

*Northcentral Region: Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448.  
Phone: 570.327.0530.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0113727 (Sewage)	Country Place MHP Kilmer Road & Salada Road Dubois, PA 15801	Clearfield County Sandy Township	Muddy Run (17-C)	Y
PA0035602 (Sewage)	PA DOT Site 36 I 80 West Rest Area Safety Rest Area Site No 36 Montoursville, PA 17554	Montour County Liberty Township	Unnamed Tributary of Beaver Run (10-D)	Y

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

<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>
PA0252603 Sewage	Millers Run STP 100 Creedmore Road Cecil, PA 15321	Washington County Cecil Township	Unnamed Tributary of Millers Run	Y

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0239518 (Sewage)	Meadow Ridge STP Route 68 & Buhl Hill Road Evans City, PA 16033	Butler County Forward Township	Unnamed Tributary to Connoquenessing Creek (20-C)	Y
PA0104043 (Sewage)	Grandview Acres MHP 3122 Hadley Road Hadley, PA 16130	Mercer County Perry Township	Unnamed Tributary to Little Shenango River (20-A)	Y

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0240176 (sewage)	Gene A Strick SR STP 641 Clermont Road Mt Jewett, PA 16740-2213	McKean County Hamlin Township	Warner Brook (16-C)	Y

## II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Non-Waived Permit Applications

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5970*

**PA0027103**, Sewage, SIC Code 4952, **DELCORA**, 100 East Fifth Street, P. O. Box 999, Chester, PA 19016-0999. Facility Name: DELCORA STP. This existing facility is located in City of Chester, **Delaware County**.

Description of Existing Activity: Amendment of an NPDES permit for an existing discharge of treated Sewage.

Technical modifications have been made to permit condition regarding Planned Changes to Waste Stream under Reporting and Notifications Requirements. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

**PA0262153**, Sewage, SIC Code 4952, **Point View Cottage Association**, Point View Drive, Williamsburg, PA 16693. Facility Name: Point View Cottage Association Permit # 1 SFTF. This proposed facility is located in Catharine Township, **Blair County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated sewage.

The receiving stream(s), Township Run, is located in State Water Plan watershed 11-A and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.002 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
CBOD <sub>5</sub>	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	XXX
				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.

**PA0262161**, SIC Code 4952, **Point View Cottage Association**, 138 Point View Drive, Williamsburg, PA 16693. Facility Name: Point View Cottage Association Permit# 2 SFTF. This proposed facility is located in Catharine Township, **Blair County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated sewage.

The receiving stream(s), Township Run, is located in State Water Plan watershed 11-A and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.002 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
CBOD <sub>5</sub>	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	XXX
				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.

**PA0030643**, Sewage, SIC Code 4952, **Shippensburg Borough**, 111 North Fayette Street, Shippensburg, PA 17257-0129. Facility Name: Shippensburg Borough STP. This existing facility is located in Shippensburg Borough, **Cumberland 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), Middle Spring Creek, is located in State Water Plan watershed 7-B and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 3.3 MGD (Interim) and 4.3 MGD (Final).

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	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>						
(Interim)	688	1,100	XXX	25	40	50
(Final)	896	1,434	XXX	25	40	50
		Wkly Avg				
BOD <sub>5</sub>						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
(Interim)	825	1,238	XXX	30	45	60
(Final)	1,075	1,613	XXX	30	45	60
		Wkly Avg				
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
UV Transmittance (%)	XXX	XXX	Report	Geo Mean XXX	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31 (Interim)	68	XXX	XXX	2.5	XXX	5.0
Nov 1 - Apr 30 (Interim)	206	XXX	XXX	7.5	XXX	15
May 1 - Oct 31 (Final)	78	XXX	XXX	2.2	XXX	4.4
Nov 1 - Apr 30 (Final)	236	XXX	XXX	6.6	XXX	13.2
Total Phosphorus	17.9	XXX	XXX	0.5	XXX	1.0
Total Phosphorus (Interim)	13.7	XXX	XXX	0.5	XXX	1.0

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

Parameters	Mass (lbs)		Minimum	Concentration (mg/l)	
	Monthly	Annual		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	60,273			
Net Total Phosphorus	Report	8,036			

\* 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.

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.

\*\* Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28.

In addition, the permit contains the following major special conditions:

- Requirement to Use eDMR System
- Solids Management Reporting
- Whole Effluent Toxicity Testing
- Stormwater Requirements

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.

**PA0081825**, Sewage, SIC Code 4952, **UMH PA Rolling Hills Estates**, 3499 Route 9 North, Suite 3C, Freehold, NJ 07728. Facility Name: Rolling Hills Estates. This existing facility is located in Lower Frankford Township, **Cumberland County**.

Description of Existing Activity: The application is for a renewal/transfer of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Conodoguinet Creek, is located in State Water Plan watershed 7-B and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.023 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	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 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Annl Avg 2.0	XXX	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.

**PA0088790**, Industrial Waste, SIC Code 9631, **The York Water Company**, 130 E Market Street, York, PA 17405. Facility Name: Susquehanna River Pumping Station (Susquehanna River Diversion). This existing outfall is located in York Township, **York County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge from water diversion.

The receiving stream(s), East Branch Codorus Creek, is located in State Water Plan watershed 7-H 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 12 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	Report	XXX	Report	XXX
Dissolved Oxygen	XXX	XXX	Report	XXX	Report	XXX
Temperature (°F)	XXX	XXX	XXX	XXX	Report	XXX
Total Aluminum	XXX	XXX	XXX	XXX	Report	XXX
Total Copper	XXX	XXX	XXX	XXX	Report	XXX
Total Lead	XXX	XXX	XXX	XXX	Report	XXX
Total Zinc	XXX	XXX	XXX	XXX	Report	XXX

The proposed monitoring requirements for Monitoring Points 002 and 003 are:

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
pH (S.U.)	XXX	XXX	Report	XXX	Report	XXX
Dissolved Oxygen	XXX	XXX	Report	XXX	Report	XXX
Temperature (°F)	XXX	XXX	XXX	XXX	Report	XXX
Total Aluminum	XXX	XXX	XXX	XXX	Report	XXX
Total Copper	XXX	XXX	XXX	XXX	Report	XXX
Total Lead	XXX	XXX	XXX	XXX	Report	XXX
Total Zinc	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 in effect.

*Northcentral Regional Office: Regional Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448, Telephone: 570.327.0530.*

**Application No. PA0233544**, Concentrated Animal Feeding Operation (CAFO), **Joel D. Knoebel (Cleveland Pork CAFO)**, 110 Center School Road, Elysburg, PA 17824.

Knoebel Joel D has submitted an application for an Individual NPDES permit for a new CAFO known as Cleveland Pork CAFO, located in Cleveland Township, **Columbia County**.

The CAFO is situated near Mugser Run in Watershed 5-E, which is classified for High Quality Waters—Cold Water Fishes and. The CAFO is designed to maintain an animal population of approximately 560.23 animal equivalent units (AEUs) consisting of 4,360 swine. Manure is stored in an underbarn manure storage structure with a capacity of 1,486,000 gallons. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-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.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

The Environmental Protection Agency (EPA) permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

*Southwest Regional Office: Regional Manager, Clean Water, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; 412-442-4000*

**PA0035360**, Sewage, SIC Code 4952, **Plum Borough Municipal Authority**, 4555 New Texas Road, Pittsburgh, PA 15239. Facility Name: Holiday Park STP. This existing facility is located in Plum Borough, **Allegheny 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), Abers Creek, is located in State Water Plan watershed 19-A 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 1.8 & 2.24 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Weekly Average	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report Daily Max	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>						
May 1 - Oct 31	150	225	XXX	10	15	20
Nov 1 - Apr 30	374	561	XXX	20	Wkly Avg 30	40
BOD <sub>5</sub>					Wkly Avg	
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX



Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average	Minimum	Average Monthly	Daily Maximum	
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
May 1 - Oct 31	376	Daily Max 563	XXX	25	38	50
Nov 1 - Apr 30	467	701	XXX	25	Wkly Avg 38	50
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
UV Transmittance (%)	XXX	XXX	Report	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	29	XXX	XXX	1.9	XXX	3.8
Nov 1 - Apr 30	56	XXX	XXX	3.0	XXX	6.0
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Total Aluminum	XXX	XXX	XXX	XXX	Report	XXX
Total Copper	0.24	0.36	XXX	0.016	0.024	0.040
Total Iron	XXX	Daily Max XXX	XXX	XXX	Report	XXX
Acute Toxicity—Ceriodaphnia Survival (TUa)	XXX	XXX	XXX	XXX	1.0	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is not in effect.

**PAI136128**, MS4, **O'Hara Township Allegheny County**, 325 Fox Chapel Road, Pittsburgh, PA 15238. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in O'Hara Township, **Allegheny County**. The receiving streams, Glade Run, Guyasuta Run, Powers Run, Squaw Run, Little Pine Creek and Unnamed Tributary to Allegheny River, are located in State Water Plan watershed 18-A, and are classified for Warm Water Fishes, Migratory Fishes, Warm Water Fishes and High Quality Waters—Warm Water Fishes, aquatic life, water supply and recreation.

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA waiver is in effect.

**PAI136101**, MS4, **Indiana Township Allegheny County**, 3710 Saxonburg Boulevard, Pittsburgh, PA 15238. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Indiana Township, Allegheny County. The receiving stream(s), Deer Creek, Little Deer Creek, Long Run, Squaw Run, Unnamed Tributary to Little Deer Creek and Unnamed Tributary to Long Run, is located in State Water Plan watershed 18-A and is classified for Trout Stocking, Cold Water Fishes and High Quality Waters—Warm Water Fishes, aquatic life, water supply and recreation.

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA waiver is in effect.

### III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401, 484.250.5900*

**WQM Permit No. WQG02091316**, Sewage, **Bucks County Water & Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976.

This proposed facility is located in New Hope Borough, **Bucks County**.

Description of Action/Activity: Construction and operation of 37 attached cluster dwellings w/central pump stations and force main.

**WQM Permit No. WQG02151317**, Sewage, **Little Washington Wastewater Company**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489.

This proposed facility is located in Londonberry Township, **Chester County**.

Description of Action/Activity: Construction and operation of a sewage pump station.

**WQM Permit No. WQG02231318**, Sewage, **Bethel Township Sewer Authority**, 1082 Bethel Road, Garnet Valley, PA 19060.

This proposed facility is located in Bethel Township, **Delaware County**.

Description of Action/Activity: Construction of 12 proposed residential lots.

**WQM Permit No. WQG02231319**, Sewage, **Middletown Township Sewer Authority**, 27 North Pernell Road, P. O. Box 9, Lima, PA 19037.

This proposed facility is located in Middletown Township, **Delaware County**.

Description of Action/Activity: Installation of a low pressure sanitary sewer force main that will serve 4 new proposed dwellings located at Old Forge Road.

*Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.*

**WQM Permit No. 5476203-T1 and associated PA0008231-A1**, Industrial Waste, **Guilford Mills Inc.**, 1 Penn Dye Street, Pine Grove, PA 17963.

This existing facility is located in Pine Grove Borough, **Schuylkill County**.

Description of Proposed Action/Activity: Transfer of the Gold Mills LLC's Penn Dye & Finishing Plant's WQM Permit #5476203 and associated NPDES Permit No. PA0008231-A1 to Guilford Mills Inc.

**WQM Permit No. 3908402 T-1**, Sewage, **TRM Investments, LLC**, 7808 Wimmer Rd., Bethlehem, PA 18015.

This existing facility is located in Heidelberg Township, **Lehigh County**.

Description of Proposed Action/Activity: Transfer of permit for a single residence sewage treatment plant.

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.*

**WQM Permit No. 0503202, Amendment #1**, Industrial Waste, **PA Fish & Boat Commission**, 450 Robinson Lane, Bellefonte, PA 16823.

This proposed facility is located in East St. Clair Township, **Bedford County**.

Description of Proposed Action/Activity: Seeking permit approval for modernization at the Reynoldsdale Fish Hatchery & facilities. This project will include the implementation of concrete raceways and a treatment facility for total suspended solids reduction. The modernized raceways are designed based around the available flow, ideal raceway velocities for trout rearing, ammonia toxicity levels, ideal fish densities to aid in solids settling, and the implementation of QZ's that allow for solids to settle out of the raceways. The modernized raceway design will also include the use of a liquid oxygen system to provide oxygen to the raceways through low head oxygenators and a supplemental oxygen injection system. The treatment facility will utilize the Kruger Actiflo system. This system is a ballasted flocculation system, which uses physical and chemical treatment for solids reduction.

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**WQM Permit No. WQG018422**, Sewage, Transfer, **James R. & Kimberly D. Shay**, 403 Reserve Road, Butler, PA 16002.

This proposed facility is located in Clearfield Township, **Butler County**.

Description of Proposed Action/Activity: Transfer of an existing WQM permit for a Single Residence Sewage Treatment Plant.

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#### **IV. NPDES Applications for Stormwater Discharges from MS4**

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*Northeast Regional Office: Regional Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone: 570.826.2511.*

**PAI132216**, MS4, **Easton City Northampton County**, 1 S 3rd Street, Easton, PA 18042. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Easton City, **Northampton County**. The receiving streams, Bushkill Creek, Delaware River and Lehigh River, are located in State Water Plan watershed 1-F and 2-C and have designated uses classified for Warm Water Fishes, Migratory Fishes, High Quality Waters—Cold Water Fishes and, aquatic life, water supply and recreation. Bushkill Creek and Lehigh River have Exceptional Value Existing Use classifications.

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA waiver is not in effect.

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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>
PAI012313005	Sunoco Partners Marketing & Terminals, L. P. 4041 Market Street Aston, PA 19014	Delaware	Marcus Hook Borough	Delaware River WWF-MF

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

*Lehigh County Conservation District, Lehigh Ag Center, Suite 102, 4184 Dorney Park Rd., Allentown PA 18104*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023913015R(4)	Brad Nesland Dorney Park & Wildwater Kingdom 3830 Dorney Park Road Allentown, PA 18104	Lehigh	South Whitehall Township	Cedar Creek (HQ-CWF, MF)

*Wayne County Conserve District, 648 Park Street, Honesdale PA 18431*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI026413005	PPL Electric Utilities Two North 9th Street Allentown, PA 18104	Wayne	Paupack, Palmyra and Cherry Ridge Townships	Middle Creek (HQ-CWF, MF) Red Shale Brook (HQ-CWF, MF) Spinner Brook (HQ-CWF, MF) Wangum Creek (HQ-CWF, MF)

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Crawford, Section Chief, 717.705.4802.*

<i>Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033613010	Eli K. Stoltzfus 370 Redwell Rd New Holland, PA 17540	Lancaster	Leacock Township and Earl Township	UNT to Umbles Run (HQ-CWF, MF)

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701*

*Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041413005	Centre Reg Parks & Recs 2643 Gateway Dr #1 State College PA 16801	Centre	College Township	UNT to Slab Cabin Run HQ-CWF

*Clearfield County Conservation District: 650 Leonard Street, Clearfield, PA16830, (814) 765-2629*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041713002	Boggs Township PO Box 69 West Decatur PA 16878	Clearfield	Boggs Township	UNT Morgan Run CWF Simeling Run HQ-CWF

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**VII. List of NOIs for NPDES and/or Other General Permit Types**


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PAG-12            CAFOs

**STATE CONSERVATION COMMISSION**  
**PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS**  
**FOR NPDES PERMITS FOR CAFOs**

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under 3 Pa.C.S. Chapter 5 and that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Based upon preliminary reviews, the State Conservation Commission (SCC) or County Conservation Districts (CCD) working under a delegation agreement with the SCC have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at <http://www.nacdnet.org/about/districts/directory/pa.phtml> or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based. Comments should be sent to the SCC, Agriculture Building, Room 310, 2301 North Cameron Street, Harrisburg, PA 17110.

Persons with a disability who require an auxiliary aid, service, including TDD users or other accommodations to seek additional information should contact the SCC through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**APPLICATIONS**

**NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/New</i>
Jaindl Farms, LLC 3150 Coffeetown Road Orefield, PA 18069	Lehigh, Berks, Northampton and Schuylkill	9,155.8	4,699.45	Turkey	HQ	Renewal
Drew Remley 1170 Salt Spring Road Roaring Branch, PA 17765	Tioga	255.8	1,319.26	Beef/ Hog	HQ Salt Spring Run	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**

*Northwest Region: Safe Drinking Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**Permit No. 3713507**, Public Water Supply  
 Applicant **Matthew R. Hinkle**  
 Township or Borough Slippery Rock Township

County	<b>Lawrence</b>
Responsible Official	Matthew R. Hinkle
Type of Facility	Public Water Supply
Consulting Engineer	William P. Deemer, P.E. William P. Deemer & Associates 205-B South Duffy Road Butler, PA 16001
Application Received Date	October 24, 2013
Description of Action	Installation of underground water piping to create a contact time and interconnection of the existing system to meet 4-log disinfection requirements for GWR.

#### MINOR AMENDMENT

#### Applications Received Under the Pennsylvania Safe Drinking Water Act

*Northwest Region: Safe Drinking Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

#### Application No. 3789504-T1-MA3, Minor Amendment.

Applicant	<b>Pennsylvania American Water Company</b>
Township or Borough	Neshannock Township
Responsible Official	David R. Kaufman
Type of Facility	Public Water Supply
Consulting Engineer	Bruce A. Brubaker, P.E. Pennsylvania American Water Company 852 Wesley Drive Mechanicsburg, PA 17055
Application Received Date	October 17, 2013
Description of Action	Blasting and repainting of interior and exterior of the Pearson Park Tank.

#### Application No. 3373503-T1-MA1, Minor Amendment.

Applicant	<b>Pennsylvania American Water Company</b>
Township or Borough	Young Township
Responsible Official	David R. Kaufman
Type of Facility	Public Water Supply
Consulting Engineer	Bruce A. Brubaker, P.E. Pennsylvania American Water Company 852 Wesley Drive Mechanicsburg, PA 17055
Application Received Date	October 17, 2013
Description of Action	Blasting and repainting of interior and exterior of the Adrian Hospital Tank.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 1

#### Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907)

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.302—6026.305) require the Department to 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:

*Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.*

**Joyce Smith Eger Property**, 9971 Old Route 22, Hollidaysburg, PA 16648, Frankstown Township, **Blair County**. Fourth River Company, 1121 Dexter Street, Pittsburgh, PA 15220, on behalf of Allen Eger, 9971 Old Route 22, Hollidaysburg, PA 16648 and Ott's Heating Service, PO Box 296, Newry, PA 16665, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with No. 2 heating oil released from an aboveground storage tank. The site will be remediated to the Residential Statewide Health Standard and remain residential. The Notice of Intent to Remediate was published in the *Altoona Mirror* on October 15, 2013.

*Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745*

**Bet-Tech International Riverfront Sites (former LTV Steel Site)**, 6000 Woodlawn Road, Aliquippa, PA 15001, **Allegheny County**. RT Environmental Services, Inc. 591 East Maiden Street, Washington, PA 15301 on behalf of Bet-Tech International, 6000 Woodlawn Road, Aliquippa, PA 15001 submitted a Notice of Intent to Remediate on October 29, 2013 to meet the non-residential Statewide Health Standard concerning the remediation of soils contaminated with Arsenic, Lead, Benzo(a)pyrene, Dibenz(a,h)anthracene. The NIR indicated future use of the property would be commercial/industrial. This notice was published in the *Beaver County Times* on October 17, 2013.

#### RESIDUAL WASTE GENERAL PERMITS

**Application Received Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and 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 for renewal 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 October 8, 2013.

Written comments concerning the application should be directed to Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Comments may also be submitted via e-mail at rapbenuseall@pa.gov. When submitting comment via e-mail, place "Comments on WMGR097R020" in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application. For more information, contact the Division of Municipal and Residual Waste at 717-787-7381.

## 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.

#### PLAN APPROVALS

**Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Norman Frederick, Facilities Permitting Chief—Telephone: 570-826-2409*

**54-00022A: Sapa Extrusions Inc** (53 Pottsville Street, Cressona, PA 17929) for setting a Federally Enforceable

more restrictive natural gas usage limit on preheat furnaces P3 and P4 at the site in Cressona Borough, **Schuylkill County**.

**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

*Contact: James Beach, New Source Review Chief—Telephone: 484-250-5920*

**46-0284: John Middleton Co.** (475 North Lewis Road, Limerick, PA 19468) for modification of the existing facility including replacing existing cigar-making and specialty cigar packaging equipment and adding a central baghouse to control particulate emissions at their facility in Limerick Township, **Montgomery County**. As a result of potential emissions of VOCs, the facility is a State Only facility, with restrictions or controls. The Plan Approval and Operating Permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Norman Frederick, Facilities Permitting Chief—Telephone: 570-826-2409*

**40-00007A: Bemis Co., Inc.** (20 Jaycee Drive, West Hazleton, PA 18202) for installation of a new flexographic printing press at their Bemis Performance packaging facility in West Hazleton Borough, **Luzerne 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 Bemis Company, Inc. (20 Jaycee Drive, West Hazleton, PA 18202) for their Bemis Performance packaging facility in West Hazleton Borough, Luzerne County. This Plan Approval No. 40-00007A will be incorporated into a Title V Permit through an administrative amendment at a later date.

Plan Approval No. 40-00007A is for the installation of one new flexographic printing press utilizing a currently existing catalytic oxidizer (C08) to control VOC emissions at their facility. The estimated increase in VOC emissions for this source is 54.1 Tons/year. The Plan Approval will contain additional recordkeeping, testing and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The facility currently has a Title V Operating Permit No. 40-00007. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name,

address and telephone number of the person submitting the comments, identification of the proposed permit No. 40-00007A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Phone # 570-826-2511 within 30 days after publication date.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**31-05019A: Texas Eastern Transmission, LP** (PO Box 1642, Houston, TX 77251) for a turbine upgrade project, as described below, at the Entriken Compressor Station in Todd Township, **Huntingdon County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received an application and intends to issue a Plan Approval to the abovementioned company for the abovementioned project. This plan approval may be incorporated into the company's facility-wide permit via an administrative amendment at a later date.

Plan Approval No. 31-05019A will authorize the following items:

- Construction of a new natural gas fired Solar Titan Gas Turbine (Source ID 034). The turbine will be rated at 26,000 brake horsepower (bhp), and will have a dry low NO<sub>x</sub> combustion system (DLN) for NO<sub>x</sub> control and an oxidation catalyst for CO control.

- Construction of a new natural gas-fired Waukesha VGF36GL emergency generator (Source ID 032A). The engine will be a four stroke lean burn spark ignition engine (SI RICE) and will be rated at 880 bhp. It will replace the existing 445 hp Leroi Emergency Generator, Source ID 032.

- The following minor additional new sources are also associated with this project:

316-HTR-2 (Process Heater, 1 MMBtu)

316-V1B (Pressure Vessel)

316-PW (Parts Washer)

- The following sources are to be removed as a result of this project: 31565 (Source 032 IC Engine) and 316-V3 (Pressure Vessel)

- The following sources (other than the GE Turbine described below) will have modified emissions characteristics as part of this project:

316-V2 (Pressure Vessel)

316-V5 (Storage Tank)

316-TL-PL (Truck Loading Area)

316-PC-NG (Piping Components related to natural gas)

316-PC-PL (Piping Components related to pipeline liquids)

316-PC-OIL (Piping Components related to oil)

316-GR-ST (Gas Release Events)

- The emission increase at the facility as a result of the changes described above is estimated at 39.3 tpy NO<sub>x</sub>, 10 tpy CO, 5 tpy PM<sub>10</sub>/PM<sub>2.5</sub>, 2 tpy SO<sub>2</sub>, 39.7 tpy VOC and 110,640 tpy CO<sub>2e</sub>.

- The plan approval will also address add/change the requirements for the existing GE Frame 5 Turbine (Source ID 031A), which is equipped with an existing dry low NO<sub>x</sub> combustion system (DLN) for NO<sub>x</sub> control and an existing oxidation catalyst for CO control. The changes to the requirements are as follows: 1.) Eliminate the 25 tons per year NO<sub>x</sub> ozone season restriction, thus subjecting the unit to the NO<sub>x</sub> Budget regulation, 2.) Reactivate the CEMS for NO<sub>x</sub> and CO to demonstrate compliance with federally enforceable emission limits, 3.) revise emission limits for CO and NO<sub>x</sub> based on an improved understanding of emissions during startup, shutdown, and low temperature operations; the turbine itself is not being modified. The emission limits are to be revised as follows:

- 1.) the existing lb/hr limit for NO<sub>x</sub> of 29.07 lb/hr will remain numerically the same, but will be clarified as applying only to “normal operations” as opposed to startup, shutdown, or low temperature operations.

- 2.) the existing lb/hr limit for CO, of 19.12 lb/hr, will be lowered to 6.12 lb/hr, and will be clarified as applying only to “normal operations” as opposed to startup, shutdown, or low temperature operations.

- 3.) the annual tpy limits for NO<sub>x</sub> and CO for “normal operations” will be reduced from 95 and 31 tpy respectively, to 72 and 15.4 tpy respectively.

- 4.) new “any time” NO<sub>x</sub> and CO limits will be added to cover all modes of operation (normal, startup, shutdown, or low temperature). These will be as follows: NO<sub>x</sub>: 146 lb/hr and 74 tpy; CO: 579 lb/hr and 69 tpy

The plan approval will contain emission standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. The new turbine compressor project is subject to PSD and BACT for GHG's. The new turbine is subject to 40 CFR Part 60, Subpart KKKK, and the emergency engine generator is subject to 40 CFR, Part 60 Subparts JJJJ, and Part 63 Subpart ZZZZ. The existing GE turbine is subject to 40 CFR Part 60, Subpart GG.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

Gary Helsel, Acting New Source Review Chief, may be contacted at 814-949-7935, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

Plan approvals issued to sources identified in 25 Pa. Code § 127.44(b)(1)—(4) or plan approvals issued to sources with limitations on the potential to emit may become part of the SIP, and will be submitted to EPA for review and approval.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**59-00005M: Dominion Transmission, Inc.** (Martindale Street, Suite 400, Pittsburgh, PA 15212-5817) has submitted an application to the Pennsylvania Department of Environmental Protection for plan approval for the Department to establish performance or emission standards for the boilers at the Sabinsville Compressor Station located in Clymer Township, **Tioga County**. The Department has incorporated the major source boiler MACT requirements as codified in 40 CFR Part 63 Subpart DDDDD applicable to the boilers at the facility in the proposed plan approval. All other air quality regulatory requirements remain in effect for the boilers under the facility's operating permit. There will be no increase in emissions of air contaminants associated with this plan approval.

Based on the above, the Department intends to issue a plan approval for the incorporation of boiler MACT requirements for the facility's boilers listed in the application. The facility will continue to be a major (Title V) facility. Additionally, if the Department determines that the proposed sources are operating in compliance with all of the plan approval conditions, the conditions established in the plan approval will be incorporated into a Title V Operating Permit by means of an administrative amendment pursuant to 25 Pa. Code § 127.450 and pursuant to the operating permit requirements of 25 Pa. Code Subchapter F. The following is a summary of the conditions that the Department included in the proposed plan approval to ensure compliance with the applicable air quality regulatory requirements:

1. a) No later than 180 days after the compliance date of January 31, 2016, the permittee shall demonstrate compliance for Source IDs 031, 044, and 045 by completing an initial tune-up by following the procedures described in § 63.7540 and a one-time energy assessment as specified in Table 3 to 40 CFR Part 63 Subpart DDDDD.

- b) Subsequent tune-ups shall be performed every five (5) years, no more than 61 months after the previous tune-up.

2. At all times, the permittee shall operate and maintain Source IDs 031, 044, and 045, and any associated air pollution control and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions.

3. a) By the compliance date of January 31, 2016, the permittee shall demonstrate compliance with the emission limitations, fuel specifications, and work practice standards established for Source IDs 031, 044, and 045 in 40 CFR Part 63 Subpart DDDDD as specified in § 63.7530.

- b) After the compliance date, the permittee shall demonstrate continuous compliance via the methods specified in 40 CFR § 63.7540.



4. The permittee shall submit a complete plan no later than 12 months prior to the compliance date of 40 CFR Part 63 Subpart DDDDD in order to satisfy the Department of their intent to comply with the provisions of Subpart DDDDD.

5. The permittee shall comply with all applicable recordkeeping requirements specified in 40 CFR § 63.7555 and 40 CFR § 63.7560 pertaining to Source IDs 031, 044, and 045.

6. The permittee shall submit the required notifications specified in 40 CFR § 63.7545 pertaining to Source IDs 031, 044, and 045.

7. The permittee shall submit all required reports specified in 40 CFR § 63.7550 pertaining to Source IDs 031, 044, and 045.

8. (a) Source IDs 031, 044, and 045 are subject to 40 CFR Part 63 Subpart DDDDD—National Emissions Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters. Source IDs 031, 044, and 045 shall comply with all applicable requirements of Subpart DDDDD.

(b) Pursuant to 40 CFR § 63.7495, for Source IDs 031, 044, and 045 the compliance date for Subpart DDDDD is January 31, 2016.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570 327 0550.

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Muhammad Zaman, Environmental Program Manager, Pennsylvania Department of Environmental Protection, Air Quality Program, 208 West Third St., Suite 101, Williamsport, Pa. 17701. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Permit No. 59-00005M) and concise statements regarding the relevancy of the information or objections to 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 information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. 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.

#### OPERATING PERMITS

#### Intent to Issue Title V Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920*

**09-00077: Exelon Generation Co., LLC, Pennsbury Power Production Plant** (1414 Bordentown Rd., Morrisville, PA 19064) The facility currently has a State Only Operating Permit No. 09-00077 in Falls Township, **Bucks County**. As a result of potential emissions of NO<sub>x</sub>, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The facility is not subject to Compliance Assurance Monitoring (CAM) pursuant to 40 CFR Part 64. The proposed Title V Operating Permit contains all applicable requirements including monitoring, recordkeeping and reporting. Intent to Issue Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Norman Frederick, Facilities Permitting Chief—Telephone: 570-826-2409*

**66-00005: Reading Materials, Inc.** (2052 Lucon Road, Skippack, PA 19474-0196) for a renewal State Only operating permit for operation of its Hilltop Quarry facility and associated air cleaning device in Falls Township, **Wyoming County**. The proposed operating permit contains all applicable Federal and State regulations including emissions, monitoring, record keeping, reporting and work practice requirements.

**58-00011: Williams Field Services Co., LLC** (51 Warren Street, Tunkhannock, PA 18657) for operation of a natural gas Lathrop compressor station in Springville Township, **Susquehanna County**. This is a State-Only Synthetic Minor operating permit. The facility's main sources include three 1,380 bhp caterpillar compressor engines, four 2,370 bhp caterpillar compressor engines, six dehydrators, one emergency generator and four catalytic convertor controls. Potential Emissions before limitations as reported by the facility in the permit application include: NO<sub>x</sub>—92.95 tpy, CO—377.97 tpy, VOC—149.82 tpy, SO<sub>2</sub>—0.29 tpy, PM—4.58 tpy and HAP—70.0 tpy. The proposed State-only Operating Permit contains applicable requirements for emissions limitations, monitoring, recordkeeping, reporting and work practice standards designed to ensure facility compliance with Federal and State air pollution regulations.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**22-03092: DGS Annex Complex** (321 Sycamore Drive, Harrisburg, PA 17110) for the tenant operations at the Complex in Susquehanna Township, **Dauphin 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 a State Only Air Quality Operating Permit renewal for the above mentioned facility.

The DGS Annex Complex has the potential to emit 61.6 tpy of NO<sub>x</sub>, 15.3 tpy of CO, 5.8 tpy of PM<sub>10</sub>, 0.40 tpy of SO<sub>x</sub>, 3.14 tpy of VOCs, and 51,959 tpy of Greenhouse Gases. 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 name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests or requests for a public hearing. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received.

Thomas Hanlon, Facilities Permitting Chief, may be contacted at (717) 705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests, or requests for a public hearing.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Matthew M. Williams—Telephone: 814-332-6131*

**37-00257: Mohawk Area School District/Mohawk Elementary School** (Mohawk School Road, Bessemer, PA 16112) to re-issue the Natural Minor Operating Permit for this educational facility located in North Beaver Township, **Lawrence County**. The facility's primary emissions are from an 8.54 MMBtu/Hr tri-fuel boiler, a 4.26 MMBtu/Hr natural gas fired boiler, and a water heater used to provide comfort heat and hot water to the school. The tri-fuel boiler is subject to the requirements of 40 CFR 63, Subpart JJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources. There is also a 75 KW Emergency Power Generator at this facility.

**43-00343: Woodcraft Industries, Inc.** (62 Grant Road, Greenville, PA 16125) to renew a State Only Operating Permit for the wood furniture manufacturing facility in Pymatuning Township, **Mercer County**. The primary sources at the facility are a 14.33 million Btu/hr wood boiler, natural gas fueled space heaters, wood dryer, kiln, and woodworking operations. Potential Emissions for the site are less than the Title V thresholds. The facility is a Natural Minor. The boiler is subject to 40 CFR Part 63 Subpart JJJJJ, the NESHAP for Area Source Boilers. The permit contains emission restrictions, recordkeeping, and work practice requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Con-

trol 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*

**17921602 and NPDES No. PA0214191. King Coal Sales, Inc.**, (PO Box 712, Philipsburg, PA 16866). To renew the permit for the Cunard Coal Preparation Facility in Morris Township, **Clearfield County** and related NPDES permit. The application was considered administratively complete on October 30, 2013. Application received August 26, 2013.

**30841317. Consol Pennsylvania Coal Company, LLC**, (1525 Pleasant Grove Road, PO Box J, Claysville, PA 15323). To revise the permit for the Enlow Fork Mine in Morris Township, **Washington County**, ACOE Pittsburgh (Prosperity, PA Quadrangle, located at 40° 2' 55.2" N, -80° 20' 58.7" W). This is a Chapter 105 Water Obstruction and Encroachment permit application (Stream Module 15), and 401 Water Quality Certification request, if applicable, submitted as part of the mining permit revision application to authorize the stream resto-

ration to approximately 4382 linear feet of an unnamed tributary to Crafts Creek to restore flow from longwall mining. Restoration site is located approximately 2.7 miles northeast of Crafts Creek Road and Ealy Road intersection.

Written comments or objections on the request for Section 401 Water Quality Certification or to the issuance of the Water Obstruction and Encroachment Permit, (Stream Module 15) may be submitted to the Department within 30 days of the date of this notice to the District Mining Office identified above. Comments should contain the name, address and telephone number of the person commenting, identification of the request for 401 Water Quality Certification and Chapter 105 permit application (Stream Module 15) to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including relevant facts upon which they are based. The Water Obstruction and Encroachment permit application is available for review at the California District Mining Office, by appointment, at the address listed above.

The application was considered administratively complete on October 31, 2013. Application received August 29, 2013.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**Permit No. 56763036 and NPDES No. PA0125015, Shade Landfill, Inc.**, 1176 No. 1 Road, Cairnbrook, PA 15924, permit renewal for the continued operation and restoration of a bituminous surface mine in Shade Township, **Somerset County**, affecting 84.2 acres. Receiving stream: Miller Run classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received October 1, 2013.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**16090101. RFI Energy, Inc.** (P. O. Box 162, Sligo, PA 16255) Renewal of an existing bituminous surface mine in Perry Township, **Clarion County** affecting 28.0 acres. Receiving streams: Two unnamed tributaries to the Clarion River, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. This application is for reclamation only. Application received: October 28, 2013.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**49970202C3. Susquehanna Coal Company**, (PO Box 27, Nanticoke, PA 18634), correction to an existing an-

thracite coal refuse reprocessing operation to change the post-mining land use from forestland to unmanaged natural habitat in Mt. Carmel Township, **Northumberland County** affecting 808.0 acres, receiving stream: North Branch Shamokin Creek, classified for the following uses: cold water and migratory fishes. Application received: September 30, 2013.

**54860204R5. Premium Fine Coal, Inc.**, (PO Box 268, Tamaqua, PA 18252), renewal of an existing anthracite coal refuse reprocessing and preparation plant operation in Walker Township, **Schuylkill County** affecting 57.0 acres, receiving stream: Little Schuylkill River, classified for the following use: cold water fishes. Application received: October 1, 2013.

**54860204C3. Premium Fine Coal, Inc.**, (PO Box 268, Tamaqua, PA 18252), correction of an existing anthracite coal refuse reprocessing and preparation plant operation to update the post-mining land use to unmanaged natural habitat in Walker Township, **Schuylkill County** affecting 57.0 acres, receiving stream: Little Schuylkill River, classified for the following use: cold water fishes. Application received: October 1, 2013.

**40840203R6. Blaschak Coal Corp.**, (PO Box 12, Mahanoy City, PA 17948), renewal of an existing anthracite surface mine and coal refuse reprocessing operation in Hazle Township, **Luzerne County** affecting 80.0 acres, receiving stream: Little Nescopeck Creek, classified for the following uses: cold water and migratory fishes. Application received: October 1, 2013.

**54830109R6. Joe Kuperavage Coal Company**, (916 Park Avenue, Port Carbon, PA 17965), renewal of an existing anthracite surface mine operation in Blythe Township and New Philadelphia Borough, **Schuylkill County** affecting 625.0, receiving streams: Schuylkill River and unnamed tributary to Schuylkill River, classified for the following use: cold water fishes: Application received: October 2, 2013.

**54830109C2. Joe Kuperavage Coal Company**, (916 Park Avenue, Port Carbon, PA 17965), correction to an existing anthracite surface mine operation to change the post-mining land use from forestland to unmanaged natural habitat and forestland, in Blythe Township and New Philadelphia Borough, **Schuylkill County** affecting 625.0 acres, receiving stream: Schuylkill River and unnamed tributary to Schuylkill River, classified for the following use: cold water fishes: Application received: October 15, 2013.

*Noncoal Applications Received*

*Effluent Limits*—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

Parameter	Table 2		
	30-day Average	Daily Maximum	Instantaneous Maximum
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500*

**0320402 and NPDES Permit No. PA0250406. Allegheny Mineral Corp.** (P. O. Box 1022, Kittanning, PA 16201). NPDES renewal application for continued mining to an existing large noncoal surface mine, located in West Franklin Township, **Armstrong County**, affecting 160.8 acres. Receiving streams: Buffalo Creek and unnamed tributary to Buffalo Creek, classified for the following use: HQ-TSF. The potable water supply intake within 10 miles downstream from the point of discharge: Creekside Mushrooms, Limited. Renewal application received: October 30, 2013.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**66010801. Robert R. Shupp, Sr.**, (99 Lindley Avenue, Factoryville, PA 18419), Stage I & II bond release of a quarry operation in Nicholson Township, **Wyoming County** affecting 2.0 acres on property owned by Francine and John Kiryluk. Application received: October 3, 2013.

### MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

The Department of Environmental Protection (Department) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

#### *Effluent Limits for Coal Mining Activities*

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (Total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (Total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

\*The parameter is applicable at all times.

In addition, the Department imposes a technology-based aluminum limit of 2.0 mg/l (30 day average) to protect stream uses.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

#### *Effluent Limits for Noncoal Mining Activities*

The BAT limits for noncoal mining activities as provided in 40 CFR Part 436 and 25 Pa. Code Chapter 77 are as follows:

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	35 mg/l	70 mg/l	90 mg/l
Alkalinity exceeding acidity*			
pH*		greater than 6.0; less than 9.0	

\* The parameter is applicable at all times.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) identified in the associated Erosion and Sedimentation Plan, the Reclamation Plan and the NPDES permit application. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters in this Commonwealth.

More restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining that may occur are incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 362-0600-001, NPDES Program Implementation-Memorandum of Understanding (MOU) Concerning Water Quality Management, NPDES Program Implementation, and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges associated with underground mining are noted in the permit description.

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30 days of this public notice and contain the name, address, telephone number and the interest of the party filing the request, and state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

#### Coal NPDES Draft Permits

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500

**NPDES No. PA0252018 (Mining permit no. 2966BSM50), Potato Ridge LLC**, 520 West Short Street, Lexington, KY 40507, revised NPDES permit for a bituminous surface mine in Stewart Township, **Fayette County**, affecting 169.8 acres. Receiving stream: Laurel Run, classified for the following use(s): HQ-CWF. This receiving stream is included in the Laurel Run TMDL. Application received: September 7, 2010.

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 treated wastewater outfall listed below discharge to unnamed tributary to Laurel Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>TYPE</i>
001	N	Treatment

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	NA
Manganese (mg/l)	1.0	2.0	NA
Aluminum (mg/l)	0.75	1.5	NA
Total Suspended Solids (mg/l)	10	20	NA
Osmotic Pressure (mOsm/kg)	50	50	NA
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

**NPDES No. PA0589765 (Mining permit no. 30850103), Patriot Mining Co., Inc.**, 2708 Cranberry Square, Morgantown, WV 26508-9286, renewal NPDES permit for a bituminous surface mine in Greene Township, **Greene County**, affecting 55.9 acres. Receiving stream: unnamed tributary to Whiteley Creek, classified for the following use(s): WWF. Application received: January 24, 2013.

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 treated wastewater outfall(s) listed below discharge to unnamed tributary to Whiteley Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>TYPE</i>
006	N	Treatment

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	1.2	2.4	3.0
Total Suspended Solids (mg/l)	35	70	90
Osmotic Pressure (mOsm/kg)	50	50	50
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**NPDES No. PA0259446 (Permit No. 16130101). RFI Energy, Inc.** (P. O. Box 162, Sligo, PA 16255) New NPDES permit for a bituminous surface and coal refuse disposal mine in Licking & Toby Townships, **Clarion County**, affecting 65.0 acres. Receiving streams: Two unnamed tributaries to Licking Creek, classified for the following uses: CWF. TMDL: Licking Creek. Application received: October 11, 2013.

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 No. 2 to Licking Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TF-1	Y
TF-2	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
Aluminum (mg/l)		0.75	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 No. 2 to Licking Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
SP-1	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

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**NPDES No. PA0238333 (Mining Permit No. 17990110) AMFIRE Mining Company, LLC**, One Energy Place, Latrobe, PA 15650. Revision and renewal of an NPDES permit for bituminous surface mine in Chest Township, **Clearfield County** affecting 350.0 acres. Receiving stream(s): Unnamed Tributaries to Chest Creek and Chest Creek classified for the following use(s): Cold Water Fishes. TMDL: Chest Creek Sediment. Application received: May 15, 2013.

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 Chest Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
009	N
010	N
011	N
012	N
013	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)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		2.0	4.0	5.0
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)				50.0

<sup>1</sup> The parameter is applicable at all times

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times

Alkalinity must exceed acidity at all times

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on working days at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

### Applications Received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and Requests for Certification under section 401(a) of the FWPCA.

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.*

**E36-921: Lancaster Liederkrantz**, 722 South Chiques Road, Manheim, PA, 19545 in Rapho Township, Lancaster County, ACOE Baltimore District To install and maintain: 1) a 6.0-foot high, 150.0 foot long imbricated rock wall along the right bank of Chiques Creek (WWF, MF); 2) one rock vane in Chiques Creek (WWF, MF); and 3.) 26 boulder clusters in Chiques Creek (WWF, MF); and to remove 1,050 cubic yards of from floodway of Chiques Creek (WWF, MF), all for the purposes of stabilizing the channel, improving in-stream aquatic habitat, and improving storm water management. The project is located immediately downstream of the South Chiques Road Bridge (Latitude 40°6'31", Longitude -76°26'44") in Rapho Township, Lancaster County. No wetlands will be impacted by this project.

**E07-450, PA Department of Transportation Engineering District 9-0**, 1620 North Juniata Street, Hol-

lidsburg, PA 16648-108 in Allegheny Township, Blair County, U.S. Army Corps of Engineers, Baltimore District

To remove the existing structure and to install and maintain a single span prestressed concrete splayed box beam bridge with a normal span of 55.66 feet, underclearance of 6.38 feet and a length varying from 44.85 feet to 65.32 feet with approximately 1,000 cubic yards of fill in the floodway, all associated with Sugar run (CWF-MF) for the purpose of improving roadway safety. Construction will include a two-phase temporary cofferdam. The project is located along S.R. 4002, in Allegheny Township, Blair County (USGS Quadrangle: Hollidaysburg, PA; Latitude: 40° 28' 4.6"; Longitude: -78° 26' 22.8").

*District Oil and Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701*

**E0829-083: Appalachia Midstream, LLC**, 100 IST Center, Horseheads, NY 14845, Overton Township, Bradford County, ACOE Baltimore District.

To construct, operate and maintain:

1. a 6 inch diameter natural gas line and a temporary timber mat bridge impacting 685 square feet of a Palustrine Emergent Wetland (EV) (Overton, PA Quadrangle, Latitude: 41°34'31", Longitude: -76°35'11");

2. a 6 inch diameter natural gas line and a temporary timber mat bridge impacting 9,929 square feet of a Palustrine Scrub-Shrub Wetland (EV) (Overton, PA Quadrangle, Latitude: 41°36'30", Longitude: -76°35'12");

The project will result in 10,614 square feet (0.24 acre) of PEM and PSS wetlands all for the purpose of installing a natural gas pipeline with associated access roadways for Marcellus shale development in Overton Township, Bradford County.

**E0829-084: Chesapeake Appalachia, LLC**, 14 Chesapeake Lane, Sayre, PA 18840, Standing Stone Township, Bradford County, ACOE Baltimore District.

To construct, operate and maintain:

1. a 300 foot by 400 foot well pad impacting 8,277 square feet of a Palustrine Emergent Wetland (Rome, PA Quadrangle, Latitude: 41°46'57", Longitude: -76°19'16"). The project will result in an estimated 8,277 square feet (0.19 acre) of permanent PEM wetland impacts from fill already placed at the Lundy 1H-6H well pad in Standing Stone Township, Bradford County. The permittee will provide 0.42 acre of PEM wetland mitigation in Elkland Township, Sullivan County (Shunk, PA Quadrangle Latitude: 41°34'15", Longitude: -76°37'32").

#### DAM SAFETY

*Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, P. O. Box 8460, Harrisburg, PA 17105-8460*

**Consol Pennsylvania Coal Company, LLC**, 1525 Pleasant Grove Road, P. O. Box J, Claysville, PA 15323. Consol is proposing to construct three jurisdictional dams (containing one slurry impoundment and one sediment basin) within the proposed Bailey Mine Coal Refuse Disposal Area No. 8. The total disposal area will impact 7.3 acres of wetlands (PSS, PEM, PFO) and 28,801 linear feet of stream, providing a minimum of 7.3 acres of replacement wetlands and appropriate stream compensation.

**D30-082. Bailey No. 8 Slurry Impoundment Dam.** To construct, operate, and maintain Bailey No. 8 Slurry Impoundment Dam across a tributary to Boothe Run (WWF) for the purpose of disposal of coal refuse generated by Bailey, Enlow Fork, and BMX Mines. (Rogersville, PA Quadrangle Latitude: 39° 58' 57", Longitude: -80° 22' 11") Morris Township, **Greene County**.

**D30-083. Bailey No. 8 Sediment Pond Dam.** To construct, operate, and maintain Bailey No. 8 Sediment Pond Dam across Boothe Run (WWF) for the purpose of providing sediment control for the disposal area. (Wind Ridge, PA Quadrangle Latitude: 39° 58' 43", Longitude: -80° 22' 39") Morris Township, **Greene County**.

**D30-084. Bailey No. 8 Saddle Dam.** To construct, operate, and maintain Bailey No. 8 Saddle Dam across a tributary to Enlow Fork (WWF) for the purpose of

disposal of coal refuse generated by Bailey, Enlow Fork, and BMX Mines. (Rogersville, PA Quadrangle Latitude: 39° 59' 09", Longitude: -80° 21' 33") Morris Township, **Greene County**.

**D36-257A. Speedwell Forge Dam, Pennsylvania Fish and Boat Commission,** 450 Robinson Lane, Bellefonte, PA 16823. To modify, operate, and maintain Speedwell Forge Dam across Hammer Creek (WWF, MF) impacting 570 feet of stream for the purpose of passing the spillway design flood by demolition of existing spillway and construction of a new concrete spillway, excavation of embankment, installation of embankment drainage system, construction of roller compacted concrete (RCC) overtopping protection, and raising of east and west abutments with earthfill and concrete parapets (Lititz, PA Quadrangle; Latitude: 40.2036, Longitude: -79.3078) in Elizabeth Township, **Lancaster County**.

**STORAGE TANKS**

**SITE-SPECIFIC INSTALLATION PERMITS**

The following Storage Tank Site-Specific Installation Permit application has been received by the Department of Environmental Protection (Department) and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a statement to the Bureau of Environmental Cleanup and Brownfields, Division of Storage Tanks, PO Box 8762, Harrisburg, PA 17105-8762, within 30 days from the date of this publication. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of the comment and the relevant facts upon which it based.

**The following applications have been received for 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.**

<i>SSIP Application No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
13014	New Seaview, LLC 725 Skippack Pike Blue Bell, PA 19422 Attn: William Packer	Bucks	Falls Township	11 ASTs storing petroleum oils	2,155,000 gallons total

**ACTIONS**

**THE 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.

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### I. NPDES Renewal Permit Actions

*Northcentral Regional Office: Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.0530.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0228621 (Sewage)	Smithfield Township Wastewater Treatment Plant PO Box 102 East Smithfield, PA 18817-0102	Bradford County Smithfield Township	Tomjack Creek (4-C)	Y
PA0228770 (CAFO)	Bishcroft Farm 2334 Farm Road Roaring Branch, PA 17765	Tioga County Liberty Township	Little Elk Run (10-A)	N

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### II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Non-Waived Permit Actions

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**NPDES Permit No. PA0254690**, Sewage, **Port Vue Borough**, 1191 Romine Avenue, Port Vue, PA 15133

This proposed facility is located in Port Vue Borough, **Allegheny County**

Description of Existing Action/Activity: Permit issuance for discharge of treated sewage.

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**NPDES Permit No. PA0239917**, Sewage, **Jacquelyn Wismer**, 10856 Eureka Road, Edinboro, PA 16412-3720.

This existing facility is located in Franklin Township, **Erie County**.

Description of Proposed Action/Activity: Cancellation of expired NPDES permit.

**NPDES Permit No. PA0264016**, SIC Code 4952, 8811, **DJH Inc.**, 513 Marwood Road, Cabot, PA 16023.

This proposed facility is located in Winfield Township, **Butler County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated sewage for a Small Flow Treatment Facility.

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### III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401, 484.250.5900*

**WQM Permit No. 0991423**, Sewage, Transfer, **Randell Mills**, 493 Old Trenton Road, Cranbury, NJ 08512.

This proposed facility is located in Buckingham Township, **Bucks County**.

Description of Action/Activity: Permit transferred ownership from George Grudberg to Randell Mills.

**WQM Permit No. 0913403**, Sewage, **Helen E. Morris**, 719 Ridge Road, Sellersville, PA 18960.

This proposed facility is located in West Rockhill Township, **Bucks County**.

Description of Action/Activity: Permit for the operation of an existing SFSRTP with spray irrigation.

**WQM Permit No. WQG02461314**, Sewage, **Perkiomen Township Municipal Authority**, 1 Trappe Road, Collegetown, PA 19426.

This proposed facility is located in Perkiomen Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a sanitary sewer pump station.

**WQM Permit No. 4613406**, 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: Replacement of the existing submersible sewage pump and appurtenances requested to increase pumping capacity.

**WQM Permit No WQG02091316**, Sewage, **Bucks County Water & Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976.

This proposed facility is located in New Hope Borough, **Bucks County**.

Description of Action/Activity: Construction and operation of 37 attached cluster dwellings w/ central pump station and force main.

*Southwest Region: Water Management Program Manager; 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**WQM Permit No. 2613400**, Sewerage, **Western PA Conservancy**, 800 Waterfront Drive, Pittsburgh, PA 15222

This proposed facility is located in Stewart Township, **Fayette County**

Description of proposed Action/Activity: Permit issuance for the construction and operation of a drip irrigation disposal field.

*Northwest Region: Clean Water Program Manager; 230 Chestnut Street, Meadville, PA 16335-3481*

**WQM Permit No. 2506410**, Sewage, Transfer, **Jacquelyn Wismer**, 10856 Eureka Road, Edinboro, PA 16412-3720.

This existing facility is located in Franklin Township, **Erie County**.

Description of Proposed Action/Activity: Transfer of existing WQM permit for a Single Residence Sewage Treatment Plant.

**WQM Permit No. WQG018736**, Sewage, Transfer, **Steven Caudill**, 2871 Pleasant Drive, Warren, PA 16365.

This existing facility is located in Pleasant Township, **Warren County**.

Description of Proposed Action/Activity: Transfer of existing WQM permit for a Single Residence Sewage Treatment Plant.

**WQM Permit No. 4380406**, Sewage, Transfer No. 2, **Trinity Real Estate Holdings LLC**, P. O. Box 850, Cochranon, PA 16314.

This existing facility is located in New Lebanon Borough, **Mercer County**.

Description of Proposed Action/Activity: Transfer of existing WQM permit for County Corner RV Park.

**WQM Permit No. 1012403**, Sewage, **DJH Inc.**, 513 Marwood Road, Cabot, PA 16023.

This proposed facility is located in Winfield Township.

Description of Proposed Action/Activity: Small Flow Treatment Facility to replace a malfunctioning on-lot system.

**IV. NPDES Stormwater Discharges from MS4 Permit Actions**

*Southeast Region: Clean Water Program Manager; 2 East Main Street, Norristown, PA 19401*

*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>
Media Borough Delaware County	PAI130545	Delaware County Rose Tree Park-Hunt Club 1521 N Providence Road Media, PA 19063	Chester Creek, Crum Creek, Darby Creek, Green Creek, Hermesprot Creek, Little Crum Creek, Rocky Run, Stony Creek, Unnamed Tributary to Crum Creek, Unnamed Tributary to Ridley Creek and West Branch Chester Creek—3-G	DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970

*Northcentral Regional Office: Clean Water Program Manager; 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.0530.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI134803	College Township, 1481 E College Avenue, State College, PA 16801	Centre	College Township	Slab Cabin Run, Spring Creek and Unnamed Tributary to Slab Cabin Run, Unnamed Tributary to Spring Creek / CWF, MF, HQ-CWF and MF

**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 5113008	Summit Realty Advisors, LLC 201 South Maple Avenue, Suite 100 Ambler, PA 19002	Philadelphia	City of Philadelphia	Poquessing Creek WWF-MF

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023910005(1)	One Brewery Park 1301 North 31st Street Philadelphia, PA 19121 Cumberland Gardens/ Housing Partnership	Lehigh	City of Allentown	Little Lehigh Creek (HQ-CWF, MF)

**VII. Approvals to Use NPDES and/or Other General Permits**

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

**List of NPDES and/or Other General Permit Types**

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges From the Application of Pesticides

*General Permit Type—PAG-02**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Douglass Township Montgomery County	PAG0200 4606024R	Jeff Goodwin 1210 Northbrook Drive Suite 260 Feasterville Trevose, PA 19053	Swamp Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Horsham Township Montgomery County	PAG0200 4613063	Tina M. O'Rourke 617 Horsham Road Horsham, PA 19044	Park Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

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>
Limerick Township Montgomery County	PAG0200 4613066	John McGrath 3 Friends, Suite 102 Newtown, PA 18940	Brooke Evans Run & Possum Run WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
New Hanover Township Montgomery County	PAG0200 4608141R	Ed Mullin 375 Morris Road P. O. Box 1479 Lansdale, PA 19446	Unnamed Tributary to Minister Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
New Hanover Township Montgomery County	PAG0200 4613068	Leonard Delgrippe, Sr. 2965 West Germantown Pike P. O. Box 243 Fairview Village, PA 19409	Unnamed Tributary to Minister Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511325	Cotton Street Landing Associates, L.P. c/o Realen Properties 1000 Chesterbrook Boulevard Suite 100 Berwyn, PA 19312	Schuylkill River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG2015 106026-Renewal	Westrum Development Company 1300 Virginia Drive, Suite 215 Fort Washington, PA 19034	Schuylkill River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Hanover Township Lehigh County	PAG02003913009	Christopher Anderson Airport Point Realty Partners, LP 636 Old York Road 2nd Floor Jenkintown, PA 19046	UNT to the Lehigh River (CWF, MF)	Lehigh County Conservation District 610-391-9583
West Mahanoy Township Schuylkill County	PAG02005411013R	JMB, Ltd. c/o John Rampolla 10 Gilberton Road Gilberton, PA 17934	Mill Creek (CWF, MF)	Schuylkill County Conservation District 570-622-3742

*Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Crawford, Section Chief, 717.705.4802*

<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>
East Pennsboro Township, Cumberland County	PAG02002113037 (Issued)	Michael Gillespie PennDOT 2140 Herr Street Harrisburg, PA 17103	Susquehanna River (WWF)	Cumberland Co Conservation Dist. 310 Allen Road, Suite 301 Carlisle, PA 17013 717.240.7812
Spring Township, Berks County	PAG020006070411R (Issued)	One Meridian Boulevard Reading PA 19610	UNT to Tulpehocken Creek (WWF, MF)	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142

<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>
Chambersburg Borough, Franklin County	PAG02002813030 (Issued)	BJ Wholesale Club Robert Kinsley 6259 Reynolds Mills Road Seven Valleys PA 17360	Conococheague Creek (WWF)	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717.264.5499
Fannett Township, Franklin County	PAG02002808021R (Issued)	Path Valley Holdings Mark Katrina 1597 S Main Street Chambersburg PA 17201	Doylesburg Stream (CWF)	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717.264.5499
Waynesboro Borough, Franklin County	PAG02002813026 (Issued)	South End Villas Jeff Hockenberry 12675 Old Germantown Road Waynesboro, PA 17268	UNT to East Branch of Antietam	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717.264.5499
Chambersburg Borough, Franklin County	PAG02002812036 (Issued)	CWWTP Waste Site MF Ronca & Sons 179 Mikron Road Bethlehem PA 18020	Conococheague Creek (WWF)	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717.264.5499
East Hempfield Township, Lancaster County	PAG02003603085R (Issued)	Hempfield Valley Partnership 114 Foxshire Drive Lancaster, PA 17601	Swarr Run (TSF), Millers Run (CWF)	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
Rapho Township, Lancaster County	PAG02003603111R (Issued)	Elm Tree Properties 3121C Mount Joy Road Mount Joy PA 17552	UNT to Little Chickies Creek (TSF)	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
Salisbury Township, Lancaster County	PAG02003613047 (Issued)	Urban Outfitters 5000 S Broad Street Philadelphia PA 19112	Londonland Run & Houston Run (CWF)	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
West Hempfield Township, Lancaster County	PAG02003613060 (Issued)	Hahn Farming Enterprises 4045 Marietta Avenue Columbia PA 17512	Chickies Creek (WWF)	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
Manheim Township, Lancaster County	PAG02003613063 (Issued)	Brethren Village 3001 Lititz Pike PO Box 5093 Lancaster PA 17606	Bachman Run (TSF)	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5

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*Facility Location:  
Municipality &  
County*

Caernarvon  
Township,  
Lancaster County

*Permit No.*  
PAG02003613066  
(Issued)

*Applicant Name &  
Address*  
Twin Valley Bible Chapel  
105 Shirktown Road  
Narvon PA 17555

*Receiving  
Water / Use*  
Conestoga River  
(WWF, MF)

*Contact Office &  
Phone No.*  
Lancaster Co  
Conservation Dist.  
1383 Arcadia Road,  
Room 200  
Lancaster, PA 17601  
717.299.5361, Ext. 5

West Cocalico  
Township,  
Lancaster County

PAG02003613068  
(Issued)

PPL Electric Utilities  
2 North 9th Street  
Allentown, PA 18101

UNT to Cocalico  
Creek  
(WWF, MF)

Lancaster Co  
Conservation Dist.  
1383 Arcadia Road,  
Room 200  
Lancaster, PA 17601  
717.299.5361, Ext. 5

Pequea Township,  
Lancaster County

PAG02003613072  
(Issued)

Barry Mellinger  
201 W Kendig Road  
Willow Street, PA 17584

Stehman Run  
(WWF)

Lancaster Co  
Conservation Dist.  
1383 Arcadia Road,  
Room 200  
Lancaster, PA 17601  
717.299.5361, Ext. 5

Warwick Township,  
Lancaster County

PAG02003613075  
(Issued)

Hurst/Beiler Partners  
154 E Farmersville Road  
Ephrata PA 17522

Lititz Run  
(WWF)

Lancaster Co  
Conservation Dist.  
1383 Arcadia Road,  
Room 200  
Lancaster, PA 17601  
717.299.5361, Ext. 5

South Lebanon  
Township,  
Lebanon County

PAG02003809001R  
(Issued)

Randall Hess  
15 Meadow Lane  
Lancaster PA 17601

Quittapahilla Creek  
(TSF)

Lebanon Co  
Conservation  
District  
2120 Cornwall Road  
Suite 5  
Lebanon, PA 17042  
717.272.3908, Ext. 4

South Lebanon  
Township,  
Lebanon County

PAG02003813035  
(Issued)

George C. Soukas  
33 Keystone Drive  
Lebanon PA 17042

Quittapahilla Creek  
(TSF)

Lebanon Co  
Conservation  
District  
2120 Cornwall Road  
Suite 5  
Lebanon, PA 17042  
717.272.3908, Ext. 4

*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

*Facility Location:  
Municipality &  
County*

Athens Township  
Bradford County

PAG02000806008RR

*Applicant Name &  
Address*  
John A Desisti  
Desisti Properties  
PO Box R  
Sayre PA 18840

*Receiving  
Water / Use*  
Susquehanna River  
WWF

*Contact Office &  
Phone No.*  
Bradford County  
Conservation  
District  
Stoll Natural  
Resource Center  
RR 5, Box 5030C  
Towanda, PA 18848  
(570) 265-5539, X 6

Sayre Borough  
Bradford County

PAG02000813015

Gary Webster  
460 Gateway Industrial Park Rd  
Athens PA 18810

Susquehanna River  
WWF

Bradford County  
Conservation  
District  
Stoll Natural  
Resource Center  
RR 5, Box 5030C  
Towanda, PA 18848  
(570) 265-5539, X 6

<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	PAG02000813016	Ben Doud DPA Properties LLC 25528 Genessee Trail Rd Golden CO 80401	Chemung River WWF	Bradford County Conservation District Stoll Natural Resource Center RR 5, Box 5030C Towanda, PA 18848 (570) 265-5539, X 6
Athens Township Bradford County	PAG02000813017	Tony Ventello Central Bradford Progress Auth Progress Plaza 1 Elizabeth St Ste 3 Towanda PA 18848	Chemung River WWF	Bradford County Conservation District Stoll Natural Resource Center RR 5, Box 5030C Towanda, PA 18848 (570) 265-5539, X 6
Athens Township Bradford County	PAG02000813018	Richard Bean Athens Twp Parks & Recreation Commission 45 Herrick Ave Sayre PA 18840	Wetland / Pond	Bradford County Conservation District Stoll Natural Resource Center RR 5, Box 5030C Towanda, PA 18848 (570) 265-5539, X 6
Spring Township Centre County	PAG02001403009	Graymont Inc 965 E College Ave Pleasant Gap PA 16823	Logan Branch CWF	Centre County Conservation District 414 Holmes Avenue, Suite 4 Bellefonte, PA 16823 (814) 355-6817
Ferguson Township Centre County	PAG02001413012	S & A Homes 2121 Old Gatesburg Rd State College PA 16801	Big Hollow CWF, MF	Centre County Conservation District 414 Holmes Avenue, Suite 4 Bellefonte, PA 16823 (814) 355-6817
City of DuBois Clearfield County	PAG02001713008	DuBois Regional Medical Center 100 Hospital Ave DuBois PA 15801	Pentz Run CWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
Clymer Township Tioga County	PAG02005912003R	Kevin Zink 5094 Route 349 Westfield PA 16950	Mill Creek TSF	Tioga County Conservation District 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801, X 3
East Buffalo Township Union County	PAG02006013006	Howard Schlesinger PA House Redevelopment LP 280 Madison Ave Ste 800 New York NY 10016	Limestone Run WWF	Union County Conservation District Union County Government Center 155 N 15th St Lewisburg PA 17837 (570) 524-3860

*Facility Location:  
Municipality &  
County*Kelly Township  
Union County*Permit No.*  
PAG02006013008*Applicant Name &  
Address*  
Arthur J Keister  
145 Dustin Dr  
West Milton PA 17886*Receiving  
Water / Use*  
UNT to  
Susquehanna River  
WWF, MF*Contact Office &  
Phone No.*  
Union County  
Conservation  
District  
Union County  
Government Center  
155 N 15th St  
Lewisburg PA 17837  
(570) 524-3860*General Permit Type—PAG-03**Facility Location:  
Municipality &  
County*Hazle Township  
Luzerne County*Permit No.*  
PAR122218*Applicant Name &  
Address*  
ADM Cocoa  
400 Stoney Creek Road  
Hazle Township, PA 18202*Receiving  
Water / Use*  
Stony Creek—  
CWF, MF*Contact Office &  
Phone No.*  
DEP Northeast  
Regional Office  
Clean Water Program  
2 Public Square,  
Wilkes-Barre, PA  
18701-1915  
570.826.2511East Franklin  
Township  
Armstrong County*Permit No.*  
PAR306101*Applicant Name &  
Address*  
Penn Mag, Inc.  
719 Tarrtown Road  
Adrian, PA 16210*Receiving  
Water / Use*  
Unnamed Tributary  
to Allegheny River*Contact Office &  
Phone No.*  
Southwest Regional  
Office:  
Water Management  
Program Manager  
400 Waterfront Drive  
Pittsburgh, PA  
15222-4745  
412-442-4000*General Permit Type—PAG-4**Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481**Facility Location:  
Municipality &  
County*Franklin Township  
Erie County*Permit No.*  
PAG041117*Applicant Name &  
Address*  
Jacquelyn Wismer,  
10856 Eureka Road,  
Edinboro, PA 16412-3720*Receiving  
Water / Use*  
Unnamed Tributary  
of Cussewago Creek  
16-D*Contact Office &  
Phone No.*  
DEP  
NWRO  
Clean Water Program  
230 Chestnut Street  
Meadville, PA  
16335-3481  
814/332-6942Pleasant Township  
Warren County*Permit No.*  
PAG049562*Applicant Name &  
Address*  
Steven Caudill  
2871 Pleasant Drive,  
Warren, PA 16365*Receiving  
Water / Use*  
Unnamed Tributary  
to the Sill Run  
16-B*Contact Office &  
Phone No.*  
DEP  
NWRO  
Clean Water Program  
230 Chestnut Street  
Meadville, PA  
16335-3481  
814/332-6942*General Permit Type—PAG-6**Facility Location:  
Municipality &  
County*Sharpsburgh Borough  
Allegheny County*Permit No.*  
PAG066125*Applicant Name &  
Address*  
Sharpsburgh Borough  
1611 Main Street  
Pittsburgh, PA 15215*Receiving  
Water / Use*  
Allegheny River*Contact Office &  
Phone No.*  
Southwest Regional  
Office:  
Water Management  
Program Manager  
400 Waterfront Drive  
Pittsburgh PA  
15222-4745  
(412) 442-4000



*General Permit Type—PAG-13**Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Receiving  
Water/Use**Contact Office &  
Phone No.*Pine Township  
Allegheny County

PAG136152

Pine Township  
230 Pearce Mill Road  
Wexford, PA 15090Brush Creek,  
Rinaman Run, UNT  
to Breakneck Creek,  
UNT to Montour  
Run, UNT to North  
Fork Pine Creek,  
UNT to Pine Creek  
& Wexford RunSouthwest Regional  
Office:  
Clean Water  
Program Manager  
400 Waterfront Drive  
Pittsburgh PA  
15222-4745  
(412) 442-4000Hampton Township  
Allegheny County

PAG136281

Hampton Township  
3101 McCully Road  
Allison Park, PA 15101Pine Creek, Cedar  
Run, Crouse Run,  
Gourdhead Run,  
Montour Run,  
McCaskin Run,  
Willow Run & UNT  
to Pine CreekSouthwest Regional  
Office:  
Clean Water  
Program Manager  
400 Waterfront Drive  
Pittsburgh PA  
15222-4745  
(412) 442-4000Ross Township  
Allegheny County

PAG136221

Ross Township  
1000 Ross Municipal Drive  
Pittsburgh, PA 15237Girty's Run, Little  
Pine Creek, Nelson  
Run, Spruce Run &  
Lowerie's RunSouthwest Regional  
Office:  
Clean Water  
Program Manager  
400 Waterfront Drive  
Pittsburgh PA  
15222-4745  
(412) 442-4000Shaler Township  
Allegheny County

PAG136146

Shaler Township  
300 Wetzel Road  
Glenshaw, PA 15116Girty's Run, Pine  
Creek & UNT to  
Pine CreekSouthwest Regional  
Office:  
Clean Water  
Program Manager  
400 Waterfront Drive  
Pittsburgh PA  
15222-4745  
(412) 442-4000**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**

*Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

**Permit No. 2213504 MA, Minor Amendment, Public Water Supply.**

Applicant  
Municipality  
County  
Responsible Official

**Pillow Borrow Authority**

Pillow Borough  
**Dauphin**  
Walter Tweitmann, Chairman  
PO Box 206  
Pillow, PA 17080

Type of Facility

Change in corrosion control chemical from Klenphos-300 (zinc pyrophosphate) to Seaquest (77% poly/23% orthophosphate blend).

Consulting Engineer Raelene M Gabriel, P.E.  
Glace Associates, Inc.  
3705 Trindle Road  
Camp Hill, PA 17011

Permit to Construct 10/29/2013  
Issued:

**Operations Permit** issued to: **City of Lebanon Authority**, PA, 7380010, Swatara Township, **Lebanon County** on 11/1/2013 for the operation of facilities approved under Construction Permit No. 3813501 MA.

*Northwest Region: Safe Drinking Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**Construction/Operation Permit** issued to **Bradford City Water Authority**, PWSID #6420014, Bradford Township, **McKean County**, for the construction/operation of the installation and operation of a bulk loading station at two (2) take points for the purpose of bulk water sale for non-potable water. Construction and Operation authorized simultaneously under permit number 4283501-MA3 issued October 29, 2013.

**Transfer of Operation Permit** issued to **Sunnyview Manufactured Home Community, LLC**, PWSID #6430003, Pymatuning Township, **Mercer County** on October 29, 2013. Action is for change in ownership; the potable water supplier will do business as Sunnyview Mobile Home Park. The new permit number is 4311503-T1.

**Permit No. 1013503** Public Water Supply

Applicant **Fair Winds Manor, LP**

Township or Borough Winfield Township

County **Butler**

Type of Facility Public Water Supply

Consulting Engineer Ronald Olsen, P.E.  
Olsen & Associates, LLC  
126 South Main Street  
Butler, PA 16001

Permit to Construct October 30, 2013  
Issued

**Permit No. 4313505** Public Water Supply

Applicant **Jack Berkovitz d/b/a Imperial Development Co.**

Township or Borough Pine Township

County **Mercer**

Type of Facility Public Water Supply

Consulting Engineer Corbet G. Martin, P.E.  
Herbert, Rowland & Grubic, Inc.  
200 West Kensinger Drive,  
Suite 400  
Cranberry Township, PA 16066

Permit to Construct November 1, 2013  
Issued

#### SEWAGE FACILITIES ACT PLAN APPROVAL

#### Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4707.*

#### Plan Location:

Borough or Township	Borough or Township Address	County
Southampton Township	705 Municipal Dr, Shippensburg, PA 17257	Franklin

**Plan Description:** Approval of a revision to the official plan of Southampton Township, Franklin County. The project is known as CFJMA/Pineville Road Sanitary Sewer Replacement Project. The plan provides for replacement of 1103 linear feet of 8" sanitary sewer lines and 7 manholes with 1103 linear feet of 12" sanitary sewer lines and 7 new manholes, using the current alignment. The proposed development is located Pineville Road. The Department's review of the plan revision has not identified any significant impacts resulting from this proposal. The DEP Code Number for this plan revision is DEP Code No. A3-28919-335-3 and the APS ID is 352013. Any permits must be obtained in the name of Cumberland Franklin Joint Municipal Authority.

### HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

#### Notice of Proposed Federal Consent Decrees Everglade Junkyard Site Hempfield Township, Westmoreland County

Notice is hereby given that the Department of Environmental Protection ("Department") has entered into proposed federal Consent Decrees with TDY Industries, LLC and The Timken Company. The Consent Decrees memorialize the parties' resolution of claims made by the Department for recovery of costs and applicable interest incurred and to be incurred in the Department's investigation and cleanup of the Everglade Junkyard Site, located in Hempfield Township, Westmoreland County, Pennsylvania.

The terms of the settlement are set forth in the Consent Decrees. The Department will receive and consider comments relating to the Consent Decrees for sixty (60) days from the date of this notice. The Department has reserved the right to withdraw a Consent Decree for entry by the presiding court if comments concerning a Consent Decree disclose facts or considerations which indicate that the Consent Decree is inappropriate, improper, or inadequate.

Copies of the Consent Decrees are available for inspection at the Department's Southwest Regional Office. Comments may be submitted, in writing, to Barbara Gunter, PA Department of Environmental Protection, Hazardous Sites Cleanup, 400 Waterfront Drive, Pittsburgh, PA 15222. Further information may be obtained by contacting Ms. Gunter at 412-442-4000.

TDD users may contact the Department through the Pennsylvania Relay Services at 800-645-5984.

### LAND RECYCLING AND ENVIRONMENTAL REMEDIATION UNDER ACT 2, 1995 PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.*

**Former Lehr's Exxon**, 101 Arsenal Road, York, PA, Manchester Township, **York County**. Liberty Environmental, Inc., 480 New Holland Avenue, Suite 8203, Lancaster, PA 17602, on behalf of Carole Lehr, c/o Attorney Bob Kane, Kane & Kane Attorneys, 474 West Market Street, York, PA 17401, submitted a Final Report concerning site soils and groundwater contaminated with unleaded and leaded gasoline from historic operations of an automotive service facility and retail sales. The report is intended to document remediation of the site to meet a combination of Nonresidential Statewide Health and Site Specific standards.

## 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:

*Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**Parkside Manor**, 1306 Brookline Blvd., Pittsburgh, PA 15226, **Allegheny County**. Resource Control Consultants, LLC, 30 Twosome Drive, Moorestown, NJ 08057 on behalf of National Church Residences, 2335 North Bank Drive, Columbus, OH 43220 submitted a final report concerning the remediation of soil contaminated with PCE. The Final report demonstrated attainment of the Statewide Health Standard and was approved on October 28, 2013.

**Comtech Industries Inc** (former Fort Pitt Lot #2), Fort Pitt Business Park, Four Coins Drive, Borough of Canonsburg, **Washington County**. BA Group Inc., 2525 Green Tech Drive, Suite D, State College PA 16803, on behalf of Comtech Industries Inc., submitted a final report concerning the remediation of soils contaminated with IVOCs, SVOCs, barium, cadmium, and chromium; lead, arsenic, and selenium. The final report demon-

strated attainment of the statewide health & site specific standards and was approved on October 30, 2013.

**Buchheit #5 Site**, Washington Church Road, Rayne Township, **Indiana County**. EP&S of Vermont, Inc. 5100 Paxton Street, Harrisburg, PA 17111 on behalf of XTO energy, Inc. 395 Airport Road, Indiana, PA 15701, submitted a Final report concerning remediation of site soils contaminated from a release of brine water from a crack in a 4200 gallon AST. The final report demonstrated attainment of the residential statewide health standard for soils and was approved by the Department on October 30, 2013.

**Marathon Petroleum Company**, LP Floreffe Terminal, Jefferson Hills Borough, **Allegheny County**. URS Corporation, Inc. Foster Plaza 4, 501 Holiday Drive, Suite 300, Pittsburgh PA 15220 on behalf of Marathon Petroleum Company, LP 539 South Main Street, Findlay, OH 45840 has submitted a Final Report concerning remediation of the site impacted by a January 2, 1988 diesel fuel release. The final report demonstrated attainment of a combination of Non-Residential Statewide Health and Site Specific standards for soils and groundwater, and was approved by the Department on October 31, 2013.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Permit(s) issued Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701*

**Permit No. 301358. Phoenix Resources, Inc.**, 782 Antrim Road, Wellsboro, PA 16901, Duncan Township, **Tioga County**. The permit modification is for batch solidification and removal of waste volume limitation. The permit was issued by Northcentral Regional Office on November 1, 2013.

Persons interested in reviewing the permit may contact Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3740. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

#### AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401*

*Contact: James Beach, New Source Review Chief—Telephone: 484-250-5920*

**GP14-09-0137: Veterinary Crematory Services, LLC** (387 Nina Way, Warminster, PA 18974) on October 29, 2013, was authorized to operate three (3) animal crematories units in Warminster Township, **Bucks County**.

*Northwest Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Norman Frederick, Facilities Permitting Chief—Telephone: 570-826-2409*

**GP3-64-003: Middle Creek Quarry, Inc.** (2893A Owego Turnpike, Hawley, PA 18428) on October 30, 2013, to construct and operate a Portable Crushing Operation with water sprays at their site in Palmyra Township, **Wayne County**.

**GP9-64-003: Middle Creek Quarry, Inc.** (2893A Owego Turnpike, Hawley, PA 18428) on October 30, 2013, to install and operate diesel IC engine at their site in Palmyra Township, **Wayne County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**GP3-08-337F: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on October 21, 2012, to construct and operate a portable non-metallic mineral mobile crushing plant with associated water spray dust suppression system pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) at their Green's Landing facility in Athens Township, **Bradford County**.

**GP9-08-337F: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on October 21, 2013, to construct and operate one Caterpillar model 3052 diesel-fired engine with a rating of 100 brake horsepower (bhp) pursuant to the General Plan Approval And/Or General Operating Permit for Diesel or No. 2 fuel-fired Internal Combustion Engines (BAQ-GPA/GP-9) at their Green's Landing facility in Athens Township, **Bradford County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636*

**GP5-16-143C: EXCO Resources, LLC—New Bethlehem NE Compressor Station** (Idle Road, New Bethlehem, PA 16242) on October 23, 2013, to operate one (1) rich burn four stroke natural gas engine, Caterpillar Model No. G379ASI rated 330 bhp at 1200 rpm, one (1) lean burn two stroke natural gas engine, Ajax Model No. DCP-2802 LE, rated 400 bhp at 400 rpm, one (1) 4,200 gallon produced water storage tank, one (1) JW Williams natural gas dehydrator, one (1) rich burn four stroke natural gas engine, Cummins Model No. GTA8.3 rated 190 bhp at 1800 rpm, one (1) rich burn four stroke natural gas engine, Cummins Model No. G5.9 rated 84 bhp at 1800 rpm, and one (1) 504 gallon produced water storage tank (BAQ/GPA-GP-5) in Redbank Township, **Clarion County**.

**Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702*

**36-05017D5: Conestoga Wood Specialties, Inc.** (245 Reading Road, East Earl, PA 17519) on October 24, 2013, to incorporate relevant provisions from 40 CFR 63, Subpart DDDDD at their wood cabinet manufacturing facility in East Earl Township, **Lancaster County**.

**28-05048A: Wipro Enterprises, Inc.** (1101 Sheffler Drive, Chambersburg, PA 17201) on October 30, 2013, for a cylinder paint booth to be installed at WEI's new hydraulic cylinder manufacturing in Chambersburg Borough, **Franklin County**.

**07-05041B: Core Label LLC** (13985 South Eagle Valley Road, Tyrone, PA 16686) on October 24, 2013, for the construction of a flexographic printing press and regenerative thermal oxidizer (RTO) at the existing printing facility in Snyder Township, **Blair County**.

**06-05069U: East Penn Manufacturing Co., Inc.** (P. O. Box 147, Lyon Station, PA 19536) on October 31, 2013, to modify their A-2 Facility operations in Richmond Township, **Berks County**. Plan Approval 06-05069U is for the following:

1. Installation of three (3) new cast-on-strap (COS) machines and three (3) new envelopers in the A2 Facility to be controlled by a new 120,000 CFM fabric filter dust collector equipped with secondary HEPA filtration (C134/C134A).

2. Relocation of two (2) existing COS machines to be controlled by the new C134 baghouse.

3. Replacement of existing fabric filter C17 with a new 120,000 CFM fabric filter dust collector equipped with secondary HEPA filtration (C132/C132A).

4. Some equipment in Sources 132, 133 and 133A now exhaust to atmosphere through C17. When the new C132 baghouse is installed those pieces of equipment will exhaust to atmosphere through the new baghouse.

5. Installation of two (2) new stripcast machines as Source 133E to be controlled by the new baghouse C132.

6. Decommission and remove three (3) gridcast machines that are part of Source 195 and are controlled by existing fabric filter C95.

7. Decommission and remove three (3) uncontrolled gridcast machines Sources 133B, 133C and 133D.

8. Incorporation of the requirements of 40 CFR 63 Subpart DDDDD for the Battery Assembly Facility.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**18-00030A: First Quality Tissue, LLC** (904 Woods Avenue, Lock Haven, PA 17745-3348) on October 29, 2013, to install an additional venturi scrubbers to control the particulate matter emissions from the dry-end sections of the permittee's two paper machines at their facility in Castanea Township, **Clinton 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: James Beach, New Source Review Chief—Telephone: 484-250-5920*

**46-0035H: GlaxoSmithKline, LLC.** (709 Swedeland Road, King of Prussia, PA 19406) on October 24, 2013, to operate an oxidation catalyst on five (5) existing non-emergency Detroit Diesel generators in Upper Merion Township, **Montgomery County**.

**46-0108C: Highway Materials, Inc.** (1750 Walton Road, Blue Bell, PA 19422) on October 24, 2013, to operate a secondary cone crusher in Marlborough Township, **Montgomery County**.

**46-0007: Holy Redeemer Hospital & Medical Center** (1648 Huntingdon Pike, Meadowbrook, PA 19046) on October 29, 2013, to operate a cogeneration system in Abington Township, **Montgomery County**.

**46-0069F: Highway Materials, Inc.** (1750 Walton Road, Blue Bell, PA 19422) on October 29, 2013, to operate a tertiary crusher in Whitemarsh Township, **Montgomery County**.

**46-0031E: GlaxoSmithKline, LLC.** (1250 South Collegeville Road, Collegeville, PA 19426) on October 24, 2013, to operate a oxidation catalyst units on seven existing, non-emergency reciprocating internal combustion engines in Upper Providence Township, **Montgomery County**.

**23-0003U: Monroe Energy, LLC.** (4101 Post Road, Trainer, PA 19061) on October 29, 2013, to operate two (2) new boilers in Trainer Borough, **Delaware County**.

**09-0142B: ML 35, LLC** (35 Runway Drive, Levittown, PA 19057) on October 29, 2013, to operate an emergency generator in Bristol Township, **Bucks County**.

**46-0262D: Penn Color, Inc.** (2755 Bergey Road, Hatfield, PA 19440) on November 1, 2013, to modify a previously issued plan approval for installation of two (2) new pieces of equipment used to manufacture pigment including: two extruders (pigment manufacturing equipment) at the Penn Color, Inc., pigment dispersion manufacturing facility at 2755 Bergey Road, Hatfield, PA 19440, Hatfield Township, **Montgomery County**. The installation of pigment manufacturing equipment will result in an increase in VOC and PM emissions. The permittee will take limitations to remain a synthetic minor facility for all pollutants. 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.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**06-05069S: East Penn Manufacturing Co., Inc.** (Deka Road, PO Box 147, Lyon Station, PA 19536) on October 30, 2013, to modify their A-3 facility formation operations at their lead-acid battery assembly facility in Richmond Township, **Berks County**. The plan approval was extended.

**06-05069T: East Penn Manufacturing Co., Inc.** (P. O. Box 147, Lyon Station, PA 19536) on October 31, 2013, to exhaust the air pickup from a COS machine to atmosphere after the air is filtered by Baghouse C416 and HEPA filter C416A. This source is located at their Lyon Station lead-acid battery assembly plant in Richmond Township, **Berks County**. The plan approval was extended.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**08-00031A: Appalachia Midstream Services, LLC** (PO Box 54382, Oklahoma City, OK 73154-1382) on October 29, 2013, to extend the authorization an additional 180 days from November 24, 2013 to May 23, 2014, at their Granville #2 station in Granville Township, **Bradford County**, in order to continue the compliance evaluation and permit operation pending issuance of an operating permit for the facility. The plan approval has been extended.

**08-00030A: Angelina Gathering Co.** (2350 North Sam Houston Parkway East, Houston, TX 77009) on October 31, 2013, to extend the authorization to construct four (4) natural-gas-fired compressor engines each equipped with oxidation catalysts and to construct (2) natural gas glycol dehydration units each equipped with reboiler fireboxes at the Greenzweig Compressor Station in Herrick Township, **Bradford County** to May 2, 2014. The plan approval has been extended.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: M. Gorog & B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**30-00208A: Border Energy LLC** (308 Dents Run Road Morgantown, WV 26501) on October 30, 2013, to extend the temporary operation for 180 days for submitting State Only Operating Permit application for their Robena Pond #6 Coal Briquette Manufacturing Plant in Monongahela Township, **Greene County**.

**63-00969A: MarkWest Liberty Midstream and Resources, LLC** (1515 Arapahoe Street, Tower 2, Suite 700, Denver, CO 80202-2126) on October 30, 2013, to extend the period of temporary operation of new rich burn natural gas-fired compressor engines rated at 1,980 bhp each and controlled by three-way catalysts authorized under PA-63-00969A until May 2, 2014, at the Three Brothers Compressor Station in Smith Township, **Washington County**.

**63-00955B: National Fuel Gas Supply Corp.** (1100 State Street, Erie, PA 16512) On October 31, 2013, to extend the period of temporary operation of two (2) natural gas-fired turbines rated at 10,280 hp each, one natural gas-fired emergency generator engine rated at 803 bhp, and two lean burn natural gas-fired engines rated at 2,370 bhp each and controlled by oxidation catalysts, until May 23, 2014, at Buffalo Compressor Station in Buffalo Township, **Washington County**.

**26-00588: Laurel Mountain Midstream, LLC** (1550 Coraopolis Heights Road, Suite 140, Moon Township, PA 15108) On October 31, 2013, to extend the period of temporary operation of the three new ultra lean burn natural gas-fired compressor engines rated at 1,380 bhp each and controlled by oxidation catalysts, and the natural gas-fired turbine rated at 15,525 bhp covered under plan approval PA-26-00588 until May 16, 2014, at Shamrock Compressor Station located in German Township, **Fayette County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636*

**10-325A: Butler VA Medical Center** (325 New Castle Road, Butler, PA 16001) on October 29, 2013, effective November 30, 2013, to issue a plan approval extension for three (3) existing 25.4 MMBtu/hr capacity gas and #2 fuel oil fired boilers at their facility in Butler Township, **Butler County**.

**25-1021A: Team Hardinger Transportation** (1314 West 18th Street, Erie, PA 16502-1517) on October 31, 2013, to issue a plan approval extension for an increase in production at the facility paint booth. A dry filter system is used to control particulate matter (PM) emissions. This facility is located in the City of Erie, **Erie County**.

**42-172B: Momentive Specialty Chemicals Inc.** (253 Borden Drive, Mt. Jewett, PA 16740) on October 31, 2013, to issue a plan approval extension for the introduction of a new operating scenario and installation of a tank. This plan approval is not for the addition of new emissions sources to the facility, but will allow the capability of the use of an alternate operating scenario.

**43-152B: John Maneely Co.—Wheatland Tube Division—Mill Street Plant** (134 Mill Street, Sharon, PA 16146) on October 31, 2013, to issue a plan approval extension for the reactivation of Source 102 (Buttweld Furnace) in Sharon City, **Mercer County**. This is a State Only facility.

**43-356B: Hermitage Municipal Authority** (800 North Hermitage Road, Hermitage, PA 16148-3220) on October 29, 2013, effective November 30, 2013, to issue a plan approval extension for the modification of sources permitted in Plan Approval 43-356A. The facility will remove C101 (Selective Catalytic Reduction) from Source 101 (Combined Heat & Power Unit) and requests a correction to the emission limits for Source 105 (Emergency Generator). This equipment is located at the Bobby Run Water Pollution Control Plant in the City of Hermitage, **Mercer County**. Sources modified in this plan approval include 101 and 105. Facility located in Hermitage, **Mercer County**.

**62-017P: United Refining Company** (15 Bradley Street, Warren, PA 16365) on October 31, 2013, to issue a plan approval extension for the modification of Boiler #4 to install flue gas recirculation in City of Warren, **Warren County**. This is a Title V facility.

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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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*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**67-05014: York Group, Inc.** (2880 Blackbridge Road, York, PA 17406-9703) on October 30, 2013, for their wood casket manufacturing facility in Manchester Township, **York County**. The Title V permit was renewed.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6131*

**25-00920: Lake View Landfill** (851 Robison Road East Erie, PA 16509-5339) on October 29, 2013, issued an administrative amendment to the Title V Operating Per-

mit to incorporate the conditions from plan approval 25-920D into the permit for the facility located in Summit Township, **Erie County**.

**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Norman Frederick, Facilities Permitting Chief—Telephone: 570-826-2409*

**48-00033: Crayola, Inc.** (1100 Church Lane, P. O. Box 431, Easton, PA 18040-6638) on October 31, 2013, to operate a crayons and artist materials facility in Forks Township, **Northampton County**. The primary sources consist of three (3) boilers, inkers, and degreasers. The sources are considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), particulate matter (PM<sub>10</sub>), and volatile organic compounds (VOC) emissions. This is a renewal State-Only Natural Minor operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**36-03107: Cargill, Inc.** (1088 East Main Street, Mount Joy, PA 17552-9332) on October 25, 2013 for the livestock feed mill formerly owned by Pennfield, in Mount Joy Borough, **Lancaster County**. The State-only permit was renewed.

**67-03035: Martin's Potato Chips, Inc.** (PO Box 28, Thomasville, PA 17364-0028) on October 29, 2013, for their snack food manufacturing facility in Jackson Township, **York County**. The State-only permit was renewed.

**05-05024: JLG Industries, Inc.** (1 JLG Drive, McConnellsburg, PA 17233-9502) on October 24, 2013, for the aerial work platform and telescopic material handling equipment manufacturing and construction equipment refurbishing facility in Bedford Township, **Bedford County**. The State-only permit was renewed.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**41-00086: LBV Professional Services, LLC** (350 Spruce Street, Montoursville, PA 17754-1706) on October 29, 2013, issued a state only operating permit for their facility in Montoursville Borough, **Lycoming County**. The state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174*

**56-00153: Somerset Community Hospital** (225 South Center Ave., Somerset, PA, 15501) on October 30, 2013, to renew an Operating Permit for the Somerset Community Hospital in Somerset, **Somerset County**.

Equipment at this facility includes two 12.6 mmbtu/hr natural gas or #2 fuel oil-fired boilers, a 14.7 mmbtu/hr natural gas or No. #2 fuel oil-fired boilers, two emergency generators, and a small diesel storage tank. The final operating permit includes monitoring, recordkeeping, reporting and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

**04-00252: Alex Paris Contracting Co., Inc.** (1595 Smith Township State Road, Atlasburg, PA 15004) on October 30, 2013, to issue a State Only Operating Permit renewal for the operation of a waste disposal site/landfill in Hanover Township, **Beaver County**. The subject facility consists of roadways (paved and unpaved haul roads), stockpiling, unloading of material, and associated earth moving equipment. The facility provided potential emission calculations based on 162,000 tons of material handled per 12 month period and AP-42 Emission Factors. The potential emissions are estimated to be 22.4 tons per year PM and 8.07 tons per year PM<sub>10</sub>. The facility is required to conduct a weekly survey to ensure compliance with the fugitive emission and malodor restrictions. Records of the weekly survey performed must be recorded. The Owner/Operator shall maintain monthly records of hours of operation for this site. Monthly dustfall reports must be submitted to the Department on a quarterly basis no later than 30 days after the end of each calendar quarter. The facility is required to maintain daily records of all roadway maintenances. All vehicles which come in contact with unpaved roadways shall be processed through an operating truck wash before exiting the facility in order to prevent any mud from being tracked onto the approach route(s). A pressurized water truck shall be available on site to minimize the generation of fugitive dust during landfill construction, filling, or covering operations. The proposed authorization is subject to State and Federal Regulations. The permit includes additional operational requirements, monitoring requirements, and recordkeeping requirements.

**32-00206: Amfire Mining Co., LLC** (One Energy Place, Latrobe, PA 15650) on October 30, 2013, to issue the State Only Operating Permit for operation of the Clymer Tipple, in Cherryhill Township, **Indiana County**.

The facility contains air contamination sources consisting of a breaker, crushers, screens, conveyers, storage piles, and plant roads. Particulate emissions from the breaker, crushers, screens, conveyers, and storage piles are controlled by limiting minimum coal moisture. Particulate emissions from road dust are controlled by watering from a pressurized water truck.

No emission or equipment changes have been approved by this action. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the SOOP have been derived from the applicable requirements of 40 CFR Parts 52 and 60 and Pa. Code Title 25, Article III, Chapters 121 through 145.

**11-000510: Amfire Mining Co., LLC** (One Energy Place, Latrobe, PA 15650) on October 30, 2013, to issue the State Only Operating Permit for operation of the Madison Deep Mine Coal Preparation Plant, in Jackson Township, **Cambria County**

The facility contains air contamination sources consisting of a screen, conveyers, storage piles, and plant roads. Particulate emissions from the screen, conveyers, and storage piles are controlled by limiting minimum coal moisture. Particulate emissions from road dust are controlled by watering from a pressurized water truck.

No emission or equipment changes have been approved by this action. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the SOOP have been derived from the applicable requirements of 40 CFR Parts 52 and 60 and PA Code Title 25, Article III, Chapters 121 through 145.

**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.**

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**17-00001: NRG REMA LLC** (121 Champion Way, Canonsburg, PA 15317) issued a revised Title V operating permit (TVOP) on October 25, 2013, for their Shawville Generating Station that is located in Bradford Township, **Clearfield County**. The revision incorporates the administrative changes to the name of the facility. No other changes were made to TVOP 17-00001. The Title V operating permit contains monitoring, recordkeeping and reporting conditions to verify compliance with all applicable regulatory requirements.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174*

**32-00129: Dominion Transmission, Inc., Rochester Mills Compressor Station** (445 W. Main St., Clarksburg, WV, 26301) located in North Mahoning Township, **Indiana County**. The facility's major source of emissions include three (3) internal combustion engines, a dehydration unit, various storage tanks, an emergency generator and a thermal oxidizer controlling VOC emissions from the dehydration unit. In addition to VOC, the primary pollutants emitted from this facility include NO<sub>x</sub> and CO from the combustion sources. The permit is being amended to revise the permit contact information.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6131*

**37-00317: Ellwood Mill Products** (712 Moravia Street, New Castle, PA 16101) on October 29, 2013, issued an administrative amendment to the State Only Operating Permit for the iron and steel forging operations facility located in New Castle City, **Lawrence County**. The amendment incorporates the applicable conditions of plan approval 37-317B.

**De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174*

**30-00077: Texas Eastern Transmission, L.P.** (PO Box 1642, Houston TX 77251-1642) Per Title 25 Pa Code Section 127.449(i), this Notice is for the following de minimis emission increase at the Texas Eastern Trans-

mission, L.P. Holbrook Compressor Station located in Richhill Township, **Greene County**.

The installation of new and the physical change to existing piping components. The emission increase as a result of this project will not exceed 0.3 tpy VOC, 0.1 tpy HAP, and 21 tpy CO<sub>2e</sub> and this project will not trigger the requirements of Title 25 PA Code Subchapter E or 40 CFR Part 52 at the facility.

The list of de minimis increases includes only this project.

**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).**

*Coal Permits Issued*

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100*

**11991301. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). To renew the permit for the Twin Rocks Mine in Blacklick Township, **Cambria County**. No additional discharges. The application was considered administratively complete on December 23, 2009. Application received November 20, 2009. Permit issued October 29, 2013.

**56961302. RoxCOAL, Inc.**, (1576 Stoystown Rd., PO Box 149, Friedens, PA 15541). To revise the permit for the Miller Mine in Lincoln and Jenner Townships, **Somerset County** for a land use change to 1.3 permitted acres from a pre-mining land use of wildlife habitat to a post-mining land use of commercial/industrial and 6.6 permitted acres to unmanaged natural habitat. No additional discharges. The application was considered administratively complete on February 5, 2013. Application received September 10, 2012. Permit issued October 29, 2013.

**30841316 and NPDES No. PA0213535. Consol Pennsylvania Coal Company**, (1525 Pleasant Grove Road, PO Box J, Claysville, PA 15323). To revise the permit for the Bailey Mine and Prep Plant in Morris Township, **Greene County** to install an overhead powerline for the 7 North #2 Airshaft. Surface Acres Proposed 15.25. No additional discharges. The application was considered administratively complete on September 25, 2012. Application received June 29, 2012. Permit issued October 31, 2013.



*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**Permit No. 56120104 and NPDES No. PA0268950. Marquise Mining Corp.**, P. O. Box 338, Blairsville, PA 15717, commencement, operation and restoration of a bituminous surface and auger mine in Lincoln Township, **Somerset County** affecting 72.0 acres. Receiving streams: unnamed tributaries to Quemahoning Creek classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: February 22, 2012. Permit issued: October 28, 2013.

**Permit No. 56120110 and NPDES No. PA0269069. Berwind Coal Sales**, 509 15th Street, Windber, PA 15963, commencement, operation and restoration of a bituminous surface and coal refuse reprocessing mine in Shade Township, **Somerset County** affecting 279.3 acres. Receiving stream: unnamed tributaries to Miller Run classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. The permit includes Chapter 105 stream encroachment authorizations to: divert and restore unnamed tributaries 'A', 'E', and 'F' into a replacement channel; to construct a collection ditch along Tributary 'A'; to remove abandoned coal refuse along tributary 'A'. The permit also authorizes a Chapter 105 encroachment permit to construct a haul road crossing across Tributary 'B'. Another section of unnamed tributary 'A' will be encroached upon for the purpose of removing an abandoned coal refuse pile; unnamed tributary 'B' will be encroached upon for the purpose of a haul road crossing. The permit also includes Section 401 water quality certifications for these encroachment activities. Application received: May 21, 2012. Permit issued: October 30, 2013.

**Permit No. 56980109 and NPDES No. PA0234931. Mountaineer Mining Corp.**, 1010 Garrett Shortcut Road, Berlin, PA 15530, permit renewal for reclamation only of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 26.5 acres. Receiving streams: unnamed tributaries to/and Hays Run and unnamed tributaries to/and Buffalo Creek, classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application Received: August 27, 2013. Permit Issued: October 30, 2013.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**43020103 and NPDES Permit No. PA0242136. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127) Renewal of an existing bituminous surface and sandstone removal mine in Sandy Lake Township, **Mercer County** affecting 95.4 acres. Receiving streams: unnamed tributary to Sandy Creek and unnamed tributary to South Sandy Creek. Application received: August 20, 2013. Permit Issued: October 28, 2013.

**16940107. RFI Energy, Inc.** (P. O. Box 162, Sligo, PA 16255) Renewal of an existing bituminous surface mine in Perry & Licking Townships, **Clarion County** affecting 278.0 acres. Receiving streams: Five unnamed tributaries to Cherry Run. This renewal is for reclamation only. Application received: September 11, 2013. Permit Issued: October 29, 2013.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**17990110 and NPDES No. PA 0238333. AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA

15650). Renewal for the continued operation and restoration of a bituminous surface mine in Chest Township, **Clearfield County** affecting 350.0 acres. Receiving streams: Unnamed Tributaries of Chest Run to Chest Run classified for the following use: Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: May 15, 2013. Permit issued: October 28, 2013.

*Noncoal Permits Issued*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**Permit No. 07070301 and NPDES No. PA0262374, Glenn O. Hawbaker, Inc.**, 1952 Waddle Road, State College, PA 16803-1649, renewal of NPDES permit, in Woodbury Township, **Blair County**. Receiving stream: Schmucker Run classified for the following use: warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: August 12, 2013. Permit Issued October 23, 2013.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191*

**25130802. Todd Law** (7422 Turner Road, Union City, PA 16438) Commencement, operation and restoration of a small industrial minerals mine in Greene & Venango Townships, **Erie County** affecting 5.0 acres. Receiving streams: Unnamed tributary to Sigel Marsh. Application received: July 3, 2013. Permit Issued: October 28, 2013.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**08970302 and NPDES Permit No. PA0237868. Eastern Industries, Inc.** (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034). Renewal of existing NPDES permit located in Sheshequin Township, **Bradford County**. Receiving stream(s): Susquehanna River classified for the following use(s): Warm Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: August 19, 2013. Permit issued: October 28, 2013.

**08010811. Richard P. Ferguson** (207 Caterpillar Lane, Wyalusing, PA 18853). Final bond release for a small industrial minerals surface mine located in Stevens Township, **Bradford County**. Restoration of 1.0 acre completed. Receiving stream(s): Cold Creek. Application received: October 7, 2013. Final bond release approved: November 1, 2013.

**08120307. Glenn O. Hawbaker, Inc.** (1952 Waddle Road, State College, PA 16803). Commencement, operation and restoration of a large industrial minerals mine in Athens Township, **Bradford County**. Receiving streams: Buck Creek, Wolcott Creek, Chemung River, and Susquehanna River classified for the following use(s): Warm Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: April 5, 2013. Permit issued: October 28, 2013.

**08120307GP-104. Glenn O. Hawbaker, Inc.** (1952 Waddle Road, State College, PA 16803). General NPDES permit for stormwater discharge associated with mining activities on Surface Mining Permit No. 08120307 in Athens Township, **Bradford County**. Receiving streams: Buck Creek, Wolcott Creek, Chemung River, and Susquehanna River classified for the following use(s): Warm Water Fishes. Application received April 5, 2013. Permit issued October 28, 2013.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**58132801. Adam Wilbur**, (14 Merrill Street, Hallstead, PA 18822), commencement, operation and restoration of a bluestone quarry operation in Liberty Township, **Susquehanna County** affecting 5.0 acres, receiving stream: unnamed tributary to DuBois Creek. Application received: January 18, 2013. Permit issued: October 29, 2013.

**58132801GP104. Adam Wilbur**, (14 Merrill Street, Hallstead, PA 18822), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58132801 in Liberty Township, **Susquehanna County**, receiving stream: unnamed tributary to DuBois Creek. Application received: January 18, 2013. Permit issued: October 29, 2013.

**58130803 and NPDES Permit No. PA0225371. Scott Obelenus**, (511 Maple Street, Forest City, PA 18421), commencement, operation and restoration of a bluestone quarry operation and NPDES Permit for discharge of treated mine drainage in Clifford Township, **Susquehanna County** affecting 5.0 acres, receiving stream: Tinker Creek. Application received: April 8, 2013. Permit issued: October 29, 2013.

#### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

##### *Blasting Permits Issued*

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**41134001. Pennsylvania General Energy LLC** (120 Market Street, Warren, PA 16365). Blasting for the Tract 322 FWI located in McHenry Township, **Lycoming County** with an expiration date of December 31, 2014. Permit issued: October 24, 2013.

**41134002. Pennsylvania General Energy LLC** (120 Market Street, Warren, PA 16365). Blasting for Tract 729 Compressor located in Cummings Township, **Lycoming County** with an expiration date of December 31, 2014. Permit issued: October 24, 2013.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**36134156. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Peters Road Industrial Park in Earl Township, **Lancaster County** with an expiration date of October 31, 2014. Permit issued: October 29, 2013.

**58134164. M & J Explosives, Inc.**, (P. O. Box 608, Carlisle, PA 17013), construction blasting for Kupsczunk B Well Pad in Springville Township, **Susquehanna County** with an expiration date of October 22, 2014. Permit issued: October 29, 2013.

### 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:*

#### ENVIRONMENTAL ASSESSMENT

*Northcentral Region: Program Manager, Waterways & Wetlands Program, 208 West Third Street, Williamsport, PA 17701*

**EA17-014. School Trib Abandoned Mine Drainage Passive Treatment System**, adjacent to SR 879, Frenchville, PA 16836. Acid mine drainage abatement project on an unnamed tributary to Deer Creek, Girard Township, **Clearfield County**, ACOE Baltimore District (Lecontes Mills Quadrangle; Latitude 41° 5' 10.7" N; Longitude -78° 15' 49.3" W).

Clearfield County Conservation District shall construct and operate a passive treatment system for an unnamed tributary to Deer Creek (locally known as the School Trib), which is impaired from previous mining operations. The system, authorized under a restoration waiver, will consist of a mixing basin, two (2) vertical flow wetlands

(VFW), two (2) oxidation/precipitation settling basins and an outfall to the existing stream channel. There will also be a series of small limestone cells to treat an AMD discharge located in a seep along SR 879. They will also improve an existing ford crossing to minimize downstream sedimentation. The system is designed to treat 150 gallons per minute of the stream and bypass the remainder. The effluent from the final settling basin will discharge back to the existing channel downstream from

the intake. There will be several permanent stream and wetland impacts associated with the work:

Mitigation for these impacts is a combination of the creation of two wetlands adjacent to the existing wetlands (0.16 acre) and downstream water quality improvement in the unnamed tributary to Deer Creek. Under current conditions there is very limited aquatic life in the unnamed tributaries and wetlands due to acid mine drainage.

<i>Activity</i>	<i>Latitude</i>	<i>Longitude</i>	<i>Resource</i>	<i>Impact</i>
Install VFW	41° 5' 10.7" N	-78° 15' 49.3" W	UNT to Deer Creek	617 LF
Install VFW	41° 5' 10.9" N	-78° 15' 39.4" W	UNT to Deer Creek	155 LF
Install VFW	41° 5' 11.1" N	-78° 15' 48.6" W	Wetland along UNT to Deer Creek	5,608 SF
Install treatment step pools	41° 5' 13.7" N	-78° 15' 46.7" W	Wetland along UNT to Deer Creek	1,437 SF

### EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335*

ESCGP-1 #ESX13-019-0050—Lynn to Stebbins Pipeline Project

Applicant MarkWest Liberty Bluestone, LLC  
 Contact Richard Lowry  
 Address 4600 J Barry Court Suite 500  
 City Canonsburg State PA Zip Code 15317  
 County Butler Township(s) Butler, Forward, and Penn(s)  
 Receiving Stream(s) and Classification(s) UNT to Little Connoquenessing Creek and Connoquenessing Creek (Main stem, Oneida Dam to Mouth)—WWF

ESCGP-1 #ESX13-019-0051—LL to Graham Pipeline Project  
 Applicant MarkWest Liberty Bluestone, LLC

Contact Richard Lowry  
 Address 4600 J Barry Court Suite 500  
 City Canonsburg State PA Zip Code 15317  
 County Butler Township(s) Butler, Forward, and Penn(s)  
 Receiving Stream(s) and Classification(s) UNT to Little Connoquenessing Creek and UNT to Yellow Creek—CWF

*Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

ESCGP-1 # ESG13-115-0093  
 Applicant Name Talisman Energy USA, Inc.  
 Contact Person Lance Ridall  
 Address 337 Daniel Zenker Drive  
 City, State, Zip Horseheads, NY 14845  
 County Susquehanna County  
 Township(s) Choconut Township  
 Receiving Stream(s) and Classification(s) UNT Choconut Creek (WWF/MF), Bow Bridge Creek (HQ-CWF/MF);  
 Secondary: Choconut Creek (WWF/MF), Bow Bridge Creek is also classified as Wild Trout)

ESCGP-1 # ESG13-081-0058  
 Applicant Name Pennsylvania Gen Energy Company, LLC  
 Contact Person Douglas Kuntz  
 Address 120 Market Street  
 City, State, Zip Warren, PA 16365  
 County Lycoming County  
 Township(s) McHenry Township  
 Receiving Stream(s) and Classification(s) UNT to Silver Branch (HQ/CWF), Left Fork Otter Run (CWF);  
 Secondary: Little Pine Creek (EV)

ESCGP-1 # ESG13-081-0059  
 Applicant Name Pennsylvania Gen Energy Company, LLC  
 Contact Person Douglas Kuntz  
 Address 120 Market Street  
 City, State, Zip Warren, PA 16365  
 County Lycoming County  
 Township(s) McHenry Township  
 Receiving Stream(s) and Classification(s) Left Fork Otter Run, Right Fork Otter Run (Both CWF);  
 Secondary: Little Pine Creek (EV)

### OIL AND GAS MANAGEMENT

The following Well Permits have been issued with a waiver under 58 Pa.C.S. § 3215(b)(4) (relating to well location restrictions).

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 which 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 pro bono representation. Call the Secretary to the Board at (717) 787-3483.

*Southwest District: District Oil and Gas Operations, Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222*

Well Permit #: 125-27157-00  
 Well Farm Name: Fred Jones WAS 206H  
 Applicant Name: Chesapeake Appalachia, LLC  
 Contact Person: Eric Haskins  
 Address: 14 Chesapeake Lane Sayre, PA 18840  
 County: Washington  
 Municipality Name/City, Borough, Township: Independence Twp  
 Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Buffalo Creek

Well Permit #: 125-27156-00  
 Well Farm Name: Fred Jones WAS 8H  
 Applicant Name: Chesapeake Appalachia, LLC  
 Contact Person: Eric Haskins  
 Address: 14 Chesapeake Lane Sayre, PA 18840  
 County: Washington  
 Municipality Name/City, Borough, Township: Independence Twp  
 Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Buffalo Creek

Well Permit #: 125-27155-00  
 Well Farm Name: Fred Jones WAS 6H  
 Applicant Name: Chesapeake Appalachia, LLC  
 Contact Person: Eric Haskins

Address: 14 Chesapeake Lane Sayre, PA 18840  
 County: Washington  
 Municipality Name/City, Borough, Township: Independence Twp  
 Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Buffalo Creek

*Northwest Region District Oil and Gas Operations, Program Manager, 230 Chestnut St., Meadville, PA 16335*

Well Permit #: 015-22767-00-00  
 Well Farm Name Carr N Bra 2H  
 Applicant Name: Chesapeake Appalachia, LLC.  
 Contact Person: Eric Haskins  
 Address: 14 Chesapeake Lane, Sayre, PA 18840  
 County: Bradford  
 Municipality Name/City, Borough, Township: Wilmot  
 Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Colley, Unnamed Tributary to Foster Branch Sugar Run which is a tributary to Sugar Run Creek.

Well Permit #: 115-21516-00-00  
 Well Farm Name Rosiemar SUS 2H  
 Applicant Name: Chesapeake Appalachia, LLC.  
 Contact Person: Eric Haskins  
 Address: 14 Chesapeake Lane, Sayre, PA 18840  
 County: Susquehanna  
 Municipality Name/City, Borough, Township: Auburn  
 Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Auburn Center, UNT to Nick Creek

Well Permit #: 115-21506-00-00  
 Well Farm Name ODOWD N SUS 4H  
 Applicant Name: Chesapeake Appalachia, LLC.  
 Contact Person: Eric Haskins  
 Address: 14 Chesapeake Appalachia, LLC.  
 County: Susquehanna  
 Municipality Name/City, Borough, Township: Auburn  
 Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Springville, Unnamed Tributary of the White Creek.

**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>
13-51-021	Westway Terminal Company LLC 2900 East Allegheny Avenue Philadelphia, PA 19134 Attn: Manny D'Elia	Philadelphia	City of Philadelphia	12 ASTs storing Phosphoric Acid	11,000,000 gallons total

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**SPECIAL NOTICES**


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**Notice of Certification to Perform Radon-Related Activities in Pennsylvania**

In the month of October 2013 Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, act of July 9, 1987, P. L. 238, No. 43 (63 P. S. Sections 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon-related activities in Pennsylvania. The period of certification is two years. (For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).

<i>Name</i>	<i>Address</i>	<i>Type Of Certification</i>
Kevin Adams	208 Latimer Ave. Strabane, PA 15363	Mitigation
Justin Ake	2309 13th St. Altoona, PA 16601	Testing
J. Keith Baicker Radiation Data	403 Skillman Rd. Skillman, NJ 08558	Mitigation
Diane Clerkin	424 Marion Ave. Lower Gwynedd, PA 19437	Testing
Bryan Cole	317 McWilliams Rd. Trafford, PA 15085	Testing
Mark Desmond	606 Brighton Rd. Wilmington, DE 19809	Testing
Eric Funkhouser	2777 Darlington Rd., Ste. 1000 Beaver Falls, PA 15010	Testing
Timothy Gentry	474 Easton Rd. Horsham, PA 19044	Testing
Albert Gordon	106 Lyric Way Warrington, PA 18976	Testing
David Grammer RAdata, Inc.	27 Ironia Rd., Unit 2 Flanders, NJ 07836	Laboratory Analysis
Daniel Howard	251 River Landing Freeport, PA 16229	Testing
Robert Huska, Jr.	1329 Glendale Rd. York, PA 17405	Testing
Michal Kluza	8020 Mine St. Fogelsville, PA 18051	Testing
Russell Kosinko	120 Warshal Rd. Windber, PA 15963	Testing
Kenneth McDonald A-Z Solutions, Inc.	PO Box 36784 Canton, OH 44735	Testing & Mitigation
John McDermott, III	590 Centerville Rd., #134 Lancaster, PA 17601	Testing
Joseph Miloser, Jr.	160 Rustic Ridge Fombell, PA 16123	Mitigation
Radon Control Services, LLC	1115 Cornell St. Pittsburgh, PA 15212	Mitigation
Edward Robbins	13 Charter Oak Ct. Doylestown, PA 18901	Testing
Steven Rohrbach	485 E. College Ave. Pleasant Gap, PA 16823	Testing & Mitigation
Zachary Rothermel	8020 Mine St. Fogelsville, PA 18051	Mitigation
Charles Smith	11 W. Grant St. Houston, PA 15342	Mitigation
Maria Stinger	PO Box 15811 Pittsburgh, PA 15244	Testing

<i>Name</i>	<i>Address</i>	<i>Type Of Certification</i>
Donald Stoltenberg	10522 High Rock Rd. Airville, PA 17302	Testing
Kenneth Struder	PO Box 72722 Thorndale, PA 19372	Laboratory Analysis
Matthew Tracy	17 Sunnybrook Dr. Doylestown, PA 18901	Testing
John Trusa	454 Dana St. Wilkes-Barre, PA 18702	Testing & Mitigation
Robert Vail	24 Amanda Ln. Scott Twp., PA 18433	Mitigation
William Whiting	11879 Lake Dr. Conneaut Lake, PA 16316	Testing
Gary Winterrowd	1765 Cambridge Dr. State College, PA 16803	Testing

**Notice of Action of First Time Land Application of Biosolds Pursuant to General Permit PAG-08**

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**14138001. WeCare Organics, LLC** (9293 Bonta Bridge Road, Jordan, NY 13080). Biosolds processing and land mine reclamation in Burnside Township, **Centre County** affecting 116 acres. Receiving streams: Unnamed Tributary to Sevenmile Run classified for the following use(s): Cold Water Fishes and Unnamed Tributary to Boake Run, Boake Run, Unnamed Tributary to Miles Run classified for the following use(s): High Quality—Cold Water Fishes. Application received: October 16, 2013.

[Pa.B. Doc. No. 13-2156. Filed for public inspection November 15, 2013, 9:00 a.m.]

**Bid Opportunity**

**OOGM 13-9, Cleaning Out and Plugging Three Abandoned and Orphan Gas Wells (Anthony D. Rossi, Jr., Partner and Perry A. Rossi, Partner, Mr. and Mrs. Thomas J. Adams and Buncher Company, c/o Edward A. Very, V.P. Properties), Kennedy and Robinson Townships, Allegheny County.** The principal items of work and approximate quantities are to clean out and plug three abandoned and orphan gas wells, estimated to be 3,000 feet in depth, to Department of Environmental Protection specifications; to prepare and restore well sites; and to mobilize and demobilize plugging equipment. This project issues on November 15, 2013, and bids will be opened on December 19, 2013, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. A prebid meeting will be held on December 4, 2013, at 12 p.m. Contact the Construction Contracts Section at (717) 787-7820 or dhopp@pa.gov for more information on this bid.

E. CHRISTOPHER ABRUZZO,  
*Acting Secretary*

[Pa.B. Doc. No. 13-2157. Filed for public inspection November 15, 2013, 9:00 a.m.]

County or Jefferson County. For more information on SFP No. 94514, which is due on Friday, December 27, 2013, visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or contact Scott Shelton at (717) 787-5546 or [scshelton@pa.gov](mailto:scshelton@pa.gov).

SHERI PHILLIPS,  
*Secretary*

[Pa.B. Doc. No. 13-2158. Filed for public inspection November 15, 2013, 9:00 a.m.]

**Lease Office Space to the Commonwealth  
Warren County**

Proposals are invited to provide the Department of General Services with 2,346 usable square feet of office space for the Department of Labor and Industry. For more information on SFP No. 94513, which is due on Friday, December 27, 2013, visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or contact Scott Shelton at (717) 787-5546 or [scshelton@pa.gov](mailto:scshelton@pa.gov).

SHERI PHILLIPS,  
*Secretary*

[Pa.B. Doc. No. 13-2159. Filed for public inspection November 15, 2013, 9:00 a.m.]

**DEPARTMENT OF  
GENERAL SERVICES**

**Lease Office Space to the Commonwealth  
Clearfield County or Jefferson County**

Proposals are invited to provide the Department of General Services with 8,416 usable square feet of office space for the Pennsylvania State Police in Clearfield

**DEPARTMENT OF HEALTH**

**Application of Ephrata Community Hospital for  
Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Ephrata Community Hospital has requested

an exception to the requirements of 28 Pa. Code § 107.62(a) and (b) (relating to oral orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984.

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 13-2160. Filed for public inspection November 15, 2013, 9:00 a.m.]

### Application of Lower Bucks Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Lower Bucks Hospital has requested an exception to the requirements of 28 Pa. Code § 123.25(2) (relating to regulations for control of anesthetic explosion hazards).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984.

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 13-2161. Filed for public inspection November 15, 2013, 9:00 a.m.]

### Application of Main Line Hospital—Bryn Mawr for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives

notice that Main Line Hospital—Bryn Mawr has requested an exception to the requirements of 28 Pa. Code § 107.62(a) and (b) (relating to oral orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984.

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 13-2162. Filed for public inspection November 15, 2013, 9:00 a.m.]

### Application of Main Line Hospital—Bryn Mawr Rehabilitation for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Main Line Hospital—Bryn Mawr Rehabilitation has requested an exception to the requirements of 28 Pa. Code § 107.62(a) and (b) (relating to oral orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984.

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 13-2163. Filed for public inspection November 15, 2013, 9:00 a.m.]

### Application of Main Line Hospital—Lankenau for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Main Line Hospital—Lankenau has requested an exception to the requirements of 28 Pa. Code § 107.62(a) and (b) (relating to oral orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984.

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 13-2164. Filed for public inspection November 15, 2013, 9:00 a.m.]

### Application of Riddle Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Riddle Memorial Hospital has requested an exception to the requirements of 28 Pa. Code § 107.62(a) and (b) (relating to oral orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984.

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 13-2166. Filed for public inspection November 15, 2013, 9:00 a.m.]

### Application of Main Line Hospital—Paoli for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Main Line Hospital—Paoli has requested an exception to the requirements of 28 Pa. Code § 107.62(a) and (b) (relating to oral orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984.

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 13-2165. Filed for public inspection November 15, 2013, 9:00 a.m.]

### Application of Saint Vincent Health Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Saint Vincent Health Center has requested an exception to the requirements of 28 Pa. Code § 107.62(a) and (b) (relating to oral orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984.

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 13-2167. Filed for public inspection November 15, 2013, 9:00 a.m.]



### Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 211.3(c) (relating to oral and telephone orders):

Lankenau Hospital Transitional Care Center  
100 Lancaster Avenue  
Wynnewood, PA 19096  
FAC ID 120402

RMH-HB/SNF  
US Route 1  
1078 West Baltimore Pike  
Media, PA 19063  
FAC ID 440502

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 Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the address or phone number listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 13-2168. Filed for public inspection November 15, 2013, 9:00 a.m.]

### Pennsylvania Cancer Control, Prevention and Research Advisory Board Meeting

The Pennsylvania Cancer Control, Prevention and Research Advisory Board, established under section 3 of the Pennsylvania Cancer Control, Prevention and Research Act (35 P. S. § 5633), will hold its quarterly meeting on Wednesday, December 4, 2013, from 9 a.m. to 12 p.m. at the Giant Super Food Store Community Center, Second Floor, 2300 Linglestown Road, Harrisburg, PA 17110.

For additional information or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Sharon H. Sowers, Plan and Policy Section Chief, Department of Health, Comprehensive Cancer Control Section, Room 1011, Health and Welfare Building, 625 Forster Street, Harrisburg, PA, (717) 783-1457, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT) for speech and/or hearing impaired persons.

This meeting is subject to cancellation without notice.

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 13-2169. Filed for public inspection November 15, 2013, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation (Department), under the Sale of Transportation Lands Act (71 P. S. §§ 1381.1—1381.3), intends to sell certain land owned by the Department.

The following is a list of the properties available for sale by the Department.

Tax Map No. 15-020-038-100 and 15-020-043-123, 124, 127, 128—Located in the City of Erie, Erie County. This parcel contains approximately 1.484 acres of land situated adjacent to the East Side Connector bike trail between East 9th and East 10th Streets. The property will be sold in “as is condition.” The estimated fair market value of the parcel is \$325,000. It has been determined that the land is no longer needed for present or future transportation purposes.

Tax Map No. 33-039-147-002—Located in Millcreek Township, Erie County. This parcel contains approximately 19,820 square feet of land located at the corner of SR 4009 (Asbury Road) and Vernon Drive. The estimated fair market value of the parcel is \$36,000. It has been determined that the land is no longer needed for present or future transportation purposes.

Interested public agencies are invited to express their interest in purchasing the sites within 30 calendar days from the date of publication of this notice to William G. Petit, P.E., District Engineer, Department of Transportation, Engineering District 1-0, 255 Elm Street, P. O. Box 398, Oil City, PA 16301.

Questions regarding this property may be directed to Jeffrey E. Hahne, Right of Way Administrator 2, Department of Transportation, Engineering District 1-0, 255 Elm Street, P. O. Box 398, Oil City, PA 16301.

BARRY J. SCHOCH, P.E.,  
*Secretary*

[Pa.B. Doc. No. 13-2170. Filed for public inspection November 15, 2013, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### Reaxis, Inc. v. DEP; EHB Doc. No. 2013-198-B

Reaxis, Inc. has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Reaxis, Inc. for a facility in Robinson Township, Washington County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,  
*Chairperson*

[Pa.B. Doc. No. 13-2171. Filed for public inspection November 15, 2013, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by SW Healthcare Center, LP

SW Healthcare Center, LP has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Arrowood at Southwestern in Pittsburgh, PA. The initial filing was received on November 1, 2013, and was made under the Continuing-Care Provider Registration and Disclosure Act (40 P. S. §§ 3201—3225).

Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority 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 to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, or syerger@pa.gov.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-2172. Filed for public inspection November 15, 2013, 9:00 a.m.]

### Application for Voluntary Surrender of Pennsylvania Certificate of Authority Filed by Harleysville Pennland Insurance Company

Harleysville Pennland Insurance Company, a domestic stock casualty 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 5 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 Cressinda Bybee, Company Licensing Division, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or cbybee@pa.gov.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-2173. Filed for public inspection November 15, 2013, 9:00 a.m.]

## LEGISLATIVE REFERENCE BUREAU

### Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

#### *Governor's Office*

Management Directive No. 315.14—Maintenance Charges for Employees Residing or Subsisting in Commonwealth Facilities, Amended October 16, 2013.

MARY JANE PHELPS,  
*Director*  
*Pennsylvania Code and Bulletin*

[Pa.B. Doc. No. 13-2174. Filed for public inspection November 15, 2013, 9:00 a.m.]

## PATIENT SAFETY AUTHORITY

### Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. § 1303.303), announces a meeting of the Authority's Board to be held at the Conference Center, Central Penn College, 600 Valley Road, Summerdale, PA 17093 at 10 a.m. on Tuesday, December 3, 2013.

Individuals having questions regarding this meeting, which is open to the public, should contact the Authority at (717) 346-0469.

MICHAEL C. DOERING,  
*Executive Director*

[Pa.B. Doc. No. 13-2175. Filed for public inspection November 15, 2013, 9:00 a.m.]

# PENNSYLVANIA ALZHEIMER'S DISEASE PLANNING COMMITTEE

## Public Meeting

The Pennsylvania Alzheimer's Disease Planning Committee (Committee), created by Executive Order 2013-01, will be holding a public meeting on Thursday, November 21, 2013. The meeting will begin at 2 p.m. at the Rachel Carson State Office Building, Room 105 (1st Floor), 400 Market Street, Harrisburg, PA 17101.

Residents, local government officials and organizations in this Commonwealth who are interested in listening to discussion on current Committee activities are welcome to attend.

For information on the Committee activities visit [www.aging.state.pa.us](http://www.aging.state.pa.us).

BRIAN M. DUKE,  
*Chairperson*

[Pa.B. Doc. No. 13-2176. Filed for public inspection November 15, 2013, 9:00 a.m.]

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## Petition of Metropolitan Edison Company

**P-2013-2391368. Metropolitan Edison Company.** Petition of Metropolitan Edison Company for approval of a default service program for the period beginning June 1, 2015, through May 31, 2017.

Formal protests, petitions to intervene and answers 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 petitioner and a copy provided to the Administrative Law Judge, on or before December 2, 2013. The documents filed in support of the petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, at the Pennsylvania Public Utility Commission's (Commission) web site at [www.puc.pa.gov](http://www.puc.pa.gov), and at the petitioner's business address.

*Applicant:* Tori L. Giesler, Lauren Lepkoski, FirstEnergy Service Company, 2800 Pottsville Pike, P. O. Box 16001, Reading, PA 19612-6001

*Through and by Counsel:* Thomas P. Gadsden, Catherine G. Vasudevan, Morgan, Lewis & Bockius, LLP, 1701 Market Street, Philadelphia, PA 19103-2921

## Prehearing Conference

An initial prehearing conference on the previously-captioned case will be held as follows:

*Date:* Wednesday, December 4, 2013

*Time:* 10 a.m.

*Location:* Hearing Room 2  
Plaza Level  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

*Presiding:* Administrative Law Judge Susan D. Colwell  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
(717) 787-1399  
Fax: (717) 787-0481

Persons with a disability who wish to attend the hearing should contact the 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 a 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. 13-2177. Filed for public inspection November 15, 2013, 9:00 a.m.]

## Petition of Pennsylvania Electric Company

**P-2013-2391372. Pennsylvania Electric Company.** Petition of Pennsylvania Electric Company for approval of a default service program for the period beginning June 1, 2015, through May 31, 2017.

Formal protests, petitions to intervene and answers 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 petitioner and a copy provided to the Administrative Law Judge, on or before December 2, 2013. The documents filed in support of the petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, at the Pennsylvania Public Utility Commission's (Commission) web site at [www.puc.pa.gov](http://www.puc.pa.gov), and at the petitioner's business address.

*Applicant:* Tori L. Giesler, Lauren Lepkoski, FirstEnergy Service Company, 2800 Pottsville Pike, P. O. Box 16001, Reading, PA 19612-6001

*Through and by Counsel:* Thomas P. Gadsden, Catherine G. Vasudevan, Morgan, Lewis & Bockius, LLP, 1701 Market Street, Philadelphia, PA 19103-2921

**Prehearing Conference**

An initial prehearing conference on the previously-captioned case will be held as follows:

*Date:* Wednesday, December 4, 2013  
*Time:* 10 a.m.  
*Location:* Hearing Room 2  
 Plaza Level  
 Commonwealth Keystone Building  
 400 North Street  
 Harrisburg, PA 17120  
*Presiding:* Administrative Law Judge Susan D. Colwell  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265  
 (717) 787-1399  
 Fax: (717) 787-0481

Persons with a disability who wish to attend the hearing should contact the 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 a 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. 13-2178. Filed for public inspection November 15, 2013, 9:00 a.m.]

**Petition of Pennsylvania Power Company**

**P-2013-2391375. Pennsylvania Power Company.** Petition of Pennsylvania Power Company for approval of a default service program for the period beginning June 1, 2015, through May 31, 2017.

Formal protests, petitions to intervene and answers 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 petitioner and a copy provided to the Administrative Law Judge, on or before December 2, 2013. The documents filed in support of the petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, at the Pennsylvania Public Utility Commission's (Commission) web site at [www.puc.pa.gov](http://www.puc.pa.gov), and at the petitioner's business address.

*Applicant:* Tori L. Giesler, Lauren Lepkoski, FirstEnergy Service Company, 2800 Pottsville Pike, P. O. Box 16001, Reading, PA 19612-6001

*Through and by Counsel:* Thomas P. Gadsden, Catherine G. Vasudevan, Morgan, Lewis & Bockius, LLP, 1701 Market Street, Philadelphia PA 19103-2921

**Prehearing Conference**

An initial prehearing conference on the previously-captioned case will be held as follows:

*Date:* Wednesday, December 4, 2013  
*Time:* 10 a.m.  
*Location:* Hearing Room 2  
 Plaza Level  
 Commonwealth Keystone Building  
 400 North Street  
 Harrisburg, PA 17120  
*Presiding:* Administrative Law Judge Susan D. Colwell  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265  
 (717) 787-1399  
 Fax: (717) 787-0481

Persons with a disability who wish to attend the hearing should contact the 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 a 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. 13-2179. Filed for public inspection November 15, 2013, 9:00 a.m.]

**Petition of West Penn Power Company**

**P-2013-2391378. West Penn Power Company.** Petition of West Penn Power Company for approval of a default service program for the period beginning June 1, 2015, through May 31, 2017.

Formal protests, petitions to intervene and answers 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 petitioner and a copy provided to the Administrative Law Judge, on or before December 2, 2013. The documents filed in support of the petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, at the Pennsylvania Public Utility Commission's (Commission) web site at [www.puc.pa.gov](http://www.puc.pa.gov), and at the petitioner's business address.

*Applicant:* Tori L. Giesler, Lauren Lepkoski, FirstEnergy Service Company, 2800 Pottsville Pike, P. O. Box 16001, Reading, PA 19612-6001

*Through and by Counsel:* Thomas P. Gadsden, Catherine G. Vasudevan, Morgan, Lewis & Bockius, LLP, 1701 Market Street, Philadelphia, PA 19103-2921

**Prehearing Conference**

An initial prehearing conference on the previously-captioned case will be held as follows:

*Date:* Wednesday, December 4, 2013

*Time:* 10 a.m.

*Location:* Hearing Room 2  
Plaza Level  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

*Presiding:* Administrative Law Judge Susan D. Colwell  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
(717) 787-1399  
Fax: (717) 787-0481

Persons with a disability who wish to attend the hearing should contact the 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 a 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. 13-2180. Filed for public inspection November 15, 2013, 9:00 a.m.]

**Service of Notice of Motor Carrier Formal Complaints**

Formal complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due December 2, 2013, and must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

*Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Delaware Express Shuttle, Inc.; Doc. No. C-2013-2380902*

**COMPLAINT**

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement Prosecutory Staff hereby represents as follows:

1. That Delaware Express Shuttle, Inc., Respondent, maintains its principal place of business at 407 North Front Street, Harrisburg, PA 17101.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on October 5, 1992, at A-00110266.

3. That by Order entered on October 6, 2011 at C-2010-2151860, Respondent was ordered to pay a civil penalty of three thousand dollars (\$3,000.00). To date, Respondent has failed to submit any payments to this Commission.

4. That Respondent violated 66 Pa.C.S. § 501(c) for failing to observe, obey and comply with the Order entered on October 6, 2011 at C-2010-2151860.

A Certificate holder has an obligation to comply with the Commission's rules and regulations. A Certificate of Public Convenience is neither a contract nor a property; it is a privilege. Where that privilege is violated, the Commission may, for due cause, exercise its power to revoke a carrier's privilege to operate. *Paradise v. Pennsylvania Public Utility Commission*, 132 A.2d 754, 184 Pa. Superior Court 8 (1957).

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue an Order which revokes the Certificate of Public Convenience held by Respondent at A-00110266.

Respectfully submitted,

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

**VERIFICATION**

I, David W. Loucks, Chief of Motor Carrier Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 8/28/2013

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

**NOTICE**

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

*Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Barnhart Transportation LLC; Doc. No. C-2013-2380950*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Barnhart Transportation, LLC, (respondent) is under suspension effective August 05, 2013 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 3022 Ash Street, Erie, PA 16504.

3. That respondent was issued a Certificate of Public Convenience by this Commission on September 07, 2004, at A-00120995.

4. That respondent has failed to maintain evidence of Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil

penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 and causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-00120995 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 9/4/2013

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Acord certificates of insurance and faxed FORM Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility  
 Services  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

*Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. H&F Cab Co.;*  
*Doc. No. C-2013-2381013*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and

Enforcement. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement Prosecutory Staff hereby represents as follows:

1. That H&F Cab Co., Respondent, maintains its principal place of business at 5634 Rosehill Street, Philadelphia, PA 19120.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on February 21, 1997 at Application Docket No. A-00113658.

3. That by Secretarial Letter issued on March 24, 2011 at C-2010-2202493, Respondent was directed to pay a civil penalty of two hundred fifty dollars (\$250.00). To date, Respondent has not submitted any payments to this Commission.

4. That by Secretarial Letter issued on July 8, 2011 at C-2010-2128694, Respondent was directed to pay a civil penalty of two hundred fifty dollars (\$250.00). To date, Respondent has not submitted any payments to this Commission.

5. That by Secretarial Letter issued on June 6, 2012 at C-2011-2270309, Respondent was directed to pay a civil penalty of two hundred fifty dollars (\$250.00). To date, Respondent has not submitted any payments to this Commission.

6. That by Secretarial Letter issued on July 13, 2012 at C-2011-2255567, Respondent was directed to pay a civil penalty of one thousand dollars (\$1,000.00). To date, Respondent has not submitted any payments to this Commission.

7. That Respondent failed to pay fines totaling one thousand seven hundred fifty dollars (\$1,750.00) and violated 66 Pa.C.S. § 501(c) for failing to observe, obey and comply with Secretarial Letters issued on March 24, 2011 at C-2010-2202493, July 8, 2011 at C-2010-2128694, June 6, 2012 at C-2011-2270309, and July 13, 2012 at C-2011-2255567.

A Certificate holder has an obligation to comply with the Commission's rules and regulations. A Certificate of Public Convenience is neither a contract nor a property; it is a privilege. Where that privilege is violated, the Commission may, for due cause, exercise its power to revoke a carrier's privilege to operate. *Paradise v. Pennsylvania Public Utility Commission*, 132 A.2d 754, 184 Pa. Superior Court 8 (1957).

Wherefore, the Bureau of Investigation and Enforcement Prosecutory Staff hereby requests that the Commission issue an Order which revokes the Certificate of Public Convenience held by Respondent at A-00113658.

Respectfully submitted,

David W. Loucks, Chief  
 Motor Carrier Enforcement  
 Bureau of Investigation and Enforcement  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

#### VERIFICATION

I, David W. Loucks, Chief of Motor Carrier Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 9/4/2013

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

C. Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. Or, emailed to Mr. Scott at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

E. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

F. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

G. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

H. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

I. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

J. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

*Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. El'Saba Cab Co.;*  
Doc. No. C-2013-2381746

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement Prosecutory Staff hereby represents as follows:

1. That El'Saba Cab Co., Respondent, maintains its principal place of business at 424 South 48th Street, A-17, Philadelphia, PA 19143.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on December 30, 1997, at Application Docket No. A-00114451.

3. That by Secretarial Letter issued on July 6, 2011 at C-2010-2137683, Respondent was directed to pay a civil penalty of two hundred fifty dollars (\$250.00). To date, Respondent has not submitted any payments to this Commission.

4. That by Secretarial Letter issued on August 22, 2012 at C-2011-2269760, Respondent was directed to pay a civil penalty of two hundred fifty dollars (\$250.00). To date, Respondent has not submitted any payments to this Commission.

5. That Respondent failed to pay fines totaling five hundred dollars (\$500.00) and violated 66 Pa.C.S. § 501(c) for failing to observe, obey and comply with a Secretarial Letters issued on July 6, 2011 at C-2010-2137683, and August 22, 2012 at C-2011-2269760.

A Certificate holder has an obligation to comply with the Commission's rules and regulations. A Certificate of Public Convenience is neither a contract nor a property; it is a privilege. Where that privilege is violated, the Commission may, for due cause, exercise its power to revoke a carrier's privilege to operate. *Paradise v. Pennsylvania Public Utility Commission*, 132 A.2d 754, 184 Pa. Superior Court 8 (1957).

Wherefore, the Bureau of Investigation and Enforcement Prosecutory Staff hereby requests that the Commission issue an Order which revokes the Certificate of Public Convenience held by Respondent at A-00114451.

Respectfully submitted,

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief of Motor Carrier Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.



Date: 9/4/2013

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

C. Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. Or, emailed to Mr. Scott at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

E. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

F. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

G. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

H. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

I. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

J. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

*Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Flomar Cab Company;*  
Doc. No. C-2013-2381956

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement Prosecutory Staff hereby represents as follows:

1. That Flomar Cab Company, Respondent, maintains its principal place of business at 8947 Turton Drive, Philadelphia, PA 19115.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on March 7, 2005 at Application Docket No. A-00121409.

3. That by Secretarial Letter issued on April 5, 2011 at C-2010-2211685, Respondent was directed to pay a civil penalty of two hundred fifty dollars (\$250.00). To date, Respondent has not submitted any payments to this Commission.

4. That by Secretarial Letter issued on July 8, 2011 at C-2010-2131176, Respondent was directed to pay a civil penalty of two hundred fifty dollars (\$250.00). To date, Respondent has not submitted any payments to this Commission.

5. That by Secretarial Letter issued on June 5, 2012 at C-2011-2270287, Respondent was directed to pay a civil penalty of two hundred fifty dollars (\$250.00). To date, Respondent has not submitted any payments to this Commission.

6. That by Secretarial Letter issued on July 16, 2012 at C-2011-2256446, Respondent was directed to pay a civil penalty of one thousand dollars (\$1,000.00). To date, Respondent has not submitted any payments to this Commission.

7. That Respondent failed to pay fines totaling one thousand seven hundred fifty dollars (\$1,750.00) and violated 66 Pa.C.S. § 501(c) for failing to observe, obey and comply with a Secretarial Letter issued on April 5, 2011 at C-2010-2211685, July 8, 2011 at C-2010-2131176, June 5, 2012 at C-2011-2270287, and July 16, 2012 at C-2011-2256446.

A Certificate holder has an obligation to comply with the Commission's rules and regulations. A Certificate of Public Convenience is neither a contract nor a property; it is a privilege. Where that privilege is violated, the Commission may, for due cause, exercise its power to revoke a carrier's privilege to operate. *Paradise v. Pennsylvania Public Utility Commission*, 132 A.2d 754, 184 Pa. Superior Court 8 (1957).

Wherefore, the Bureau of Investigation and Enforcement Prosecutory Staff hereby requests that the Commission issue an Order which revokes the Certificate of Public Convenience held by Respondent at A-00121409.

Respectfully submitted,

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief of Motor Carrier Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 9/5/2013

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

C. Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. Or, emailed to Mr. Scott at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

E. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

F. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

G. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of

Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

H. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

I. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

J. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

*Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Jalmana, Inc.;*  
*Doc. No. C-2013-2382074*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement Prosecutory Staff hereby represents as follows:

1. That Jalmana, Inc., Respondent, maintains its principal place of business at 142 Willowbrook Road, Clifton Heights, PA 19018.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on September 30, 2004 at Application Docket No. A-00120824.

3. That by Secretarial Letter issued on April 5, 2011 at C-2010-2213366, Respondent was directed to pay a civil penalty of two hundred fifty dollars (\$250.00). To date, Respondent has not submitted any payments to this Commission.

4. That by Secretarial Letter issued on July 11, 2011 at C-2010-2135197, Respondent was directed to pay a civil penalty of two hundred fifty dollars (\$250.00). To date, Respondent has not submitted any payments to this Commission.

5. That by Secretarial Letter issued on July 16, 2012 at C-2011-2256025, Respondent was directed to pay a civil penalty of one thousand dollars (\$1,000.00). To date, Respondent has not submitted any payments to this Commission.

6. That by Secretarial Letter issued on September 27, 2012 at C-2011-2270329, Respondent was directed to pay a civil penalty of two hundred fifty dollars (\$250.00). To date, Respondent has not submitted any payments to this Commission.

7. That Respondent failed to pay fines totaling one thousand seven hundred fifty dollars (\$1,750.00) and violated 66 Pa.C.S. § 501(c) for failing to observe, obey and comply with Secretarial Letters issued on April 5, 2011 at C-2010-2213366, July 11, 2011 at C-2010-2135197, July 16, 2012 at C-2011-2256025, and September 27, 2012 at C-2011-2270329.

A Certificate holder has an obligation to comply with the Commission's rules and regulations. A Certificate of

Public Convenience is neither a contract nor a property; it is a privilege. Where that privilege is violated, the Commission may, for due cause, exercise its power to revoke a carrier's privilege to operate. *Paradise v. Pennsylvania Public Utility Commission*, 132 A.2d 754, 184 Pa. Superior Court 8 (1957).

Wherefore, the Bureau of Investigation and Enforcement Prosecutory Staff hereby requests that the Commission issue an Order which revokes the Certificates of Public Convenience held by Respondent at A-00120824.

Respectfully submitted,

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, David W. Loucks, Chief of Motor Carrier Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 9/10/2013

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

C. Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

E. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

F. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

G. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

H. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

I. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

J. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

*Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Satti Cab Corp.;*  
Doc. No. C-2013-2382617

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement Prosecutory Staff hereby represents as follows:

1. That Satti Cab Corp., Respondent, maintains its principal place of business at 7122 Pennsylvania Avenue, Upper Darby, PA 19082.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on December 11, 2001 at Application Docket No. A-00118357.

3. That by Secretarial Letter issued on March 29, 2011 at C-2010-2206512, Respondent was directed to pay a civil penalty of two hundred fifty dollars (\$250.00). To date, Respondent has not submitted any payments to this Commission.

4. That by Secretarial Letter issued on July 11, 2011, at C-2010-2135182, Respondent was directed to pay a civil penalty of two hundred fifty dollars (\$250.00). To date, Respondent has not submitted any payments to this Commission.

5. That by Secretarial Letter issued on July 16, 2012 at C-2011-2255897, Respondent was directed to pay a civil penalty of one thousand dollars (\$1,000.00). To date, Respondent has not submitted any payments to this Commission.

6. That Respondent failed to pay fines totaling one thousand five hundred dollars (\$1,500.00) and violated 66 Pa.C.S. § 501(c) for failing to observe, obey and comply with Secretarial Letters issued on March 29, 2011 at

C-2010-2206512, July 11, 2011 at C-2010-2135182, and July 16, 2012 at C-2011-2255897.

A Certificate holder has an obligation to comply with the Commission's rules and regulations. A Certificate of Public Convenience is neither a contract nor a property; it is a privilege. Where that privilege is violated, the Commission may, for due cause, exercise its power to revoke a carrier's privilege to operate. *Paradise v. Pennsylvania Public Utility Commission*, 132 A.2d 754, 184 Pa. Superior Court 8 (1957).

Wherefore, the Bureau of Investigation and Enforcement Prosecutory Staff hereby requests that the Commission issue an Order which revokes the Certificate of Public Convenience held by Respondent at A-00118357.

Respectfully submitted,

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, David W. Loucks, Chief of Motor Carrier Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 9/10/2013

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

C. Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. Or, emailed to Mr. Scott at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

E. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

F. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

G. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

H. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

I. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

J. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

*Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Okey Cab Co.;*  
Doc. No. C-2013-2382619

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement Prosecutory Staff hereby represents as follows:

1. That Okey Cab Co., Respondent, maintains its principal place of business at 189 Brookshire Plaza, Philadelphia, PA 19116.

2. That Respondent was issued Certificates of Public Convenience by this Commission on November 21, 1996 at Application Docket No. A-00113277, on February 19, 1997 at Application Docket No. A-0013277 F. 2, and on February 18, 1998 at Application Docket No. A-00113277 F. 3.

3. That by Secretarial Letter issued on March 24, 2011 at C-2010-2202386, Respondent was directed to pay a civil penalty of two hundred fifty dollars (\$250.00). To date, Respondent has not submitted any payments to this Commission.

4. That by Secretarial Letter issued on July 13, 2012 at C-2011-2255563, Respondent was directed to pay a civil penalty of one thousand dollars (\$1,000.00). To date, Respondent has not submitted any payments to this Commission.

5. That, by Order entered on February 12, 2013 at C-2010-2132453, Respondent was ordered to pay a civil

penalty of two hundred fifty dollars (\$250.00). To date, Respondent has not submitted any payments to this Commission.

6. That Respondent failed to pay fines totaling one thousand five hundred dollars (\$1,500.00) and violated 66 Pa.C.S. § 501(c) for failing to observe, obey and comply with Secretarial Letters issued on March 24, 2011 at C-2010-2202386, and July 13, 2012 at C-2011-2255563, and that Respondent violated 66 Pa. C.S. § 501(c) for failing to observe, obey and comply with an Order entered on February 12, 2013 at C-2010-2132453.

A Certificate holder has an obligation to comply with the Commission's rules and regulations. A Certificate of Public Convenience is neither a contract nor a property; it is a privilege. Where that privilege is violated, the Commission may, for due cause, exercise its power to revoke a carrier's privilege to operate. *Paradise v. Pennsylvania Public Utility Commission*, 132 A.2d 754, 184 Pa. Superior Court 8 (1957).

Wherefore, the Bureau of Investigation and Enforcement Prosecutory Staff hereby requests that the Commission issue an Order which revokes the Certificates of Public Convenience held by Respondent at A-00113277 Fs. 1, 2 and 3.

Respectfully submitted,

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, David W. Loucks, Chief of Motor Carrier Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 9/10/2013

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

C. Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

E. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

F. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

G. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

H. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

I. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

J. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

*Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Three Kings Transportation LLC; Doc. No. C-2013-2382790*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Three Kings Transportation LLC, (respondent) is under suspension effective August 21, 2013 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 3315 Byron Drive, Doylestown, PA 18902.

3. That respondent was issued a Certificate of Public Convenience by this Commission on April 2, 2012, at A-6414147.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The

Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 and causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-6414147 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 9/11/2013

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

C. Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

E. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

F. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Acord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

G. The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

H. Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

I. Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

J. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

K. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

L. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

i. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

*Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. WD Dump Truck Service LLC; Doc. No. C-2013-2382794*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are

prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to W.D. Dump Truck Service, LLC, (respondent) is under suspension effective August 29, 2013 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 5919 Windmill Road, Gap, PA 17527.

3. That respondent was issued a Certificate of Public Convenience by this Commission on March 01, 2006, at A-00118643.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 and causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-00118643 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 8/29/2013

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial

Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

C. Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. Or, emailed to Mr. Scott at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

E. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

F. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Acord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

G. The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

H. Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

I. Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

J. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

K. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

L. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

i. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

*Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Wanna Cab, Inc.;*  
Doc. No. C-2013-2382831

### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement Prosecutory Staff hereby represents as follows:

1. That Wanna Cab, Inc., Respondent, maintains its principal place of business at 306 East Baltimore Pike, Suite A, Media, PA 19063.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on June 23, 1995 at A-00107461 F. 4.

3. That by Secretarial Letter issued on July 11, 2011 at C-2010-2135153, Respondent was directed to pay a civil penalty of two hundred fifty dollars (\$250.00). To date, Respondent has not submitted any payment to this Commission.

4. That Respondent failed to pay fines totaling two hundred fifty dollars (\$250.00) and violated 66 Pa.C.S. § 501(c) for failing to observe, obey and comply with the Secretarial Letter issued on July 11, 2011 at C-2010-2135153.

A Certificate holder has an obligation to comply with the Commission's rules and regulations. A Certificate of Public Convenience is neither a contract nor a property; it is a privilege. Where that privilege is violated, the Commission may, for due cause, exercise its power to revoke a carrier's privilege to operate. *Paradise v. Pennsylvania Public Utility Commission*, 132 A.2d 754, 184 Pa. Superior Court 8 (1957).

Wherefore, the Bureau of Investigation and Enforcement Prosecutory Staff hereby requests that the Commission issue an Order which revokes the Certificate of Public Convenience held by Respondent at A-00107461 F. 4.

Respectfully submitted,

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

### VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the

statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 9/11/2013

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

C. Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. Or, emailed to Mr. Scott at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

E. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

F. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

G. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

H. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

I. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

J. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.



\_\_\_\_\_  
*Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Denis M. Cab Co.;*  
*Doc. No. C-2013-2382837*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement Prosecutory Staff hereby represents as follows:

1. That Denis M. Cab Co., Respondent, maintains its principal place of business at 521 Jansen Avenue, Essington, PA 19029.

2. That Respondent was issued Certificates of Public Convenience by this Commission on February 2, 1998 at Application Docket No. A-00114502.

3. That by Secretarial Letter issued on March 24, 2011 at C-2010-2202814, Respondent was directed to pay a civil penalty of two hundred fifty dollars (\$250.00). To date, Respondent has not submitted any payments to this Commission.

4. That by Secretarial Letter issued on July 8, 2011 at C-2010-2128699, Respondent was directed to pay a civil penalty of two hundred fifty dollars (\$250.00). To date, Respondent has not submitted any payments to this Commission.

5. That by Secretarial Letter issued on August 22, 2012 at C-2011-2269750, Respondent was directed to pay a civil penalty of two hundred fifty dollars (\$250.00). To date, Respondent has not submitted any payments to this Commission.

6. That Respondent failed to pay fines totaling seven hundred fifty dollars (\$750.00) and violated 66 Pa.C.S. § 501(c) for failing to observe, obey and comply with a Secretarial Letter issued on March 24, 2011 at C-2010-2202814, July 8, 2011 at C-2010-2128699, and August 22, 2012 at C-2011-2269750.

A Certificate holder has an obligation to comply with the Commission's rules and regulations. A Certificate of Public Convenience is neither a contract nor a property; it is a privilege. Where that privilege is violated, the Commission may, for due cause, exercise its power to revoke a carrier's privilege to operate. *Paradise v. Pennsylvania Public Utility Commission*, 132 A.2d 754, 184 Pa. Superior Court 8 (1957).

Wherefore, the Bureau of Investigation and Enforcement Prosecutory Staff hereby requests that the Commission issue an Order which revokes the Certificates of Public Convenience held by Respondent at A-00114502.

Respectfully submitted,

David W. Loucks, Chief  
 Motor Carrier Enforcement  
 Bureau of Investigation and Enforcement  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief of Motor Carrier Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and

belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 9/11/2013

David W. Loucks, Chief  
 Motor Carrier Enforcement  
 Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

B. Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

C. Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

D. Or, emailed to Mr. Scott at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

E. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

F. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

G. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

H. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

I. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

J. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-2181. Filed for public inspection November 15, 2013, 9:00 a.m.]

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### Water Service

**A-2013-2391045. Pennsylvania-American Water Company.** Application of Pennsylvania-American Water Company for approval to offer, render, furnish or supply water service to the public in a portion of Donegal 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 26, 2013. 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, 800 West Hersheypark Drive, Hershey, PA 17033

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-2182. Filed for public inspection November 15, 2013, 9:00 a.m.]

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## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project No. 13-106.4, Installation of Video Surveillance Sys. Infrastructure at Various PRPA Facilities and Project No. 13-107.4, Perimeter Lighting Upgrades at Various PRPA Facilities until 2 p.m. on Tuesday, December 10, 2013. Information (including mandatory prebid information) can be obtained from the web site [www.philaport.com](http://www.philaport.com) under Procurement or call (215) 426-2600.

JAMES T. McDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 13-2183. Filed for public inspection November 15, 2013, 9:00 a.m.]

### Request for Bids

The Philadelphia Regional Port Authority will accept sealed bids for Project No. 13-100.P, Procurement of Reef Ball Structures for Southport Mitigation, until 2 p.m. on Thursday, December 12, 2013. Information (including mandatory prebid information) can be obtained from the web site [www.philaport.com](http://www.philaport.com) under Procurement or call (215) 426-2600.

JAMES T. McDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 13-2184. Filed for public inspection November 15, 2013, 9:00 a.m.]

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## STATE BOARD OF MEDICINE

### Bureau of Professional and Occupational Affairs v. Roman Mosai, MD; Doc. No. 0359-49-13

On September 10, 2013, Roman Mosai, MD, license no. MD064608L, of Orlando, FL, had his license revoked, based on his felony conviction in another state.

Individuals may obtain a copy of the final order by writing to Teresa Lazo, Board Counsel, State Board of Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the State Board of Medicine'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.

ANDREW J. BEHNKE, MD,  
*Chairperson*

[Pa.B. Doc. No. 13-2185. Filed for public inspection November 15, 2013, 9:00 a.m.]

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## STATE BOARD OF NURSING

### Bureau of Professional and Occupational Affairs v. Gerard Gibbons, RN; Doc. No. 0534-51-13

On September 16, 2013, Gerard Gibbons, RN, license no. RN521424L, of Thornton, Delaware County, had his nursing license indefinitely suspended, retroactive to May 15, 2013, based upon being unable to practice professional nursing with reasonable skills and safety to patients by reason of mental or physical illness or condition or physiological or psychological dependence upon alcohol, hallucinogenic or narcotic drugs or other drugs which tend to impair judgment or coordination, so long as the dependence shall continue.

Individuals may obtain a copy of the adjudication by writing to Beth Sender Michlovitz, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and final order represents the State Board of Nursing's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

ANN M. COUGHLIN, MBA, MSN, RN,  
*Chairperson*

[Pa.B. Doc. No. 13-2186. Filed for public inspection November 15, 2013, 9:00 a.m.]

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