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PENNSYLVANIA BULLETIN

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Number 5

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Agencies in this issue

The General Assembly

The Courts

Bureau of Professional and Occupational Affairs

Department of Banking and Securities

Department of Education

Department of Environmental Protection

Department of General Services

Department of Health

Department of Military and Veterans Affairs

Department of Revenue

Department of Transportation

Environmental Quality Board

Governor's Office

Independent Regulatory Review Commission

Insurance Department

Pennsylvania Gaming Control Board

Pennsylvania Public Utility Commission

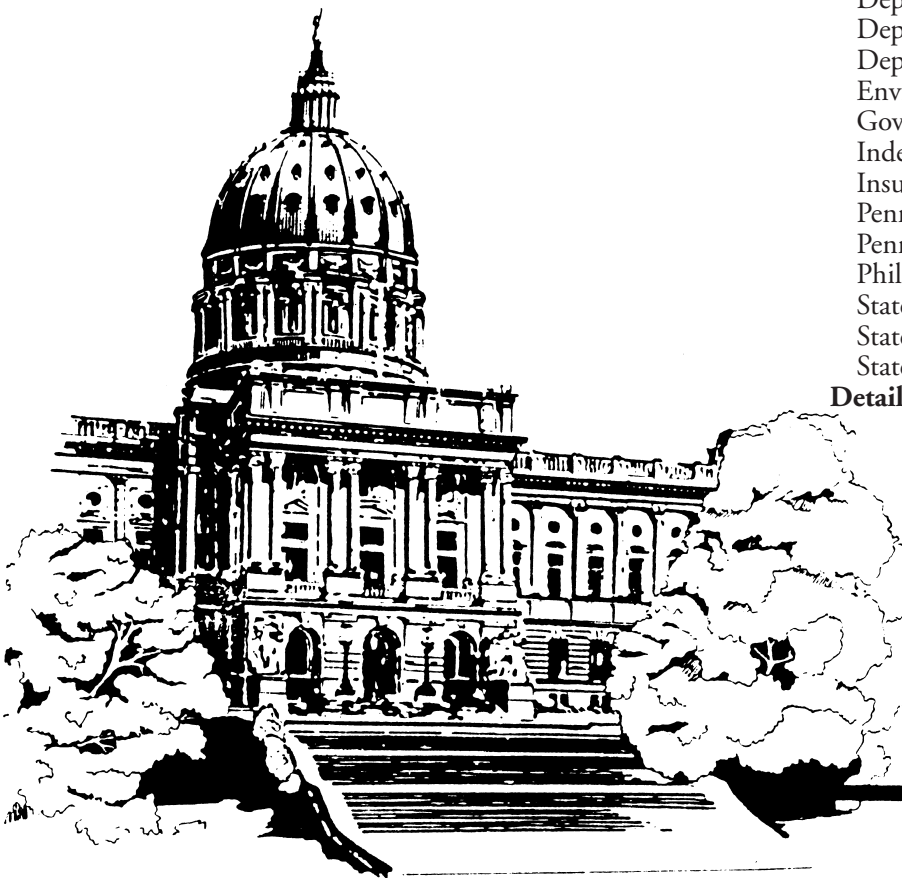
Philadelphia Regional Port Authority

State Board of Medicine

State Board of Nursing

State Board of Osteopathic Medicine

Detailed list of contents appears inside.



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

No. 471, February 2014

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CONTENTS

THE GENERAL ASSEMBLY

COMMISSION ON SENTENCING

2014 public meeting schedule..... 576

THE COURTS

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of disbarment (2 documents)..... 582

LOCAL COURT RULES

Carbon County

Amendment of local rule of criminal procedure
CARB.R.Crim.P. 570 pretrial conference; no.
CP-13-AD-0000002-2014..... 581

Huntingdon County

Crime Victim's Compensation Pennsylvania Fund
and Victim Witness Service Fund; no.
CP-31-MD-4-2014..... 581

RULES OF CRIMINAL PROCEDURE

Proposed amendments to Pa.R.Crim.P. 431, 452, 456
and 461..... 577

EXECUTIVE AGENCIES

BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

Rules and Regulations

Corrective amendment to 49 Pa. Code § 43b.4..... 597

DEPARTMENT OF BANKING AND SECURITIES

Notices

Actions on applications..... 654

DEPARTMENT OF EDUCATION

Notices

Application by Trinity Evangelical Divinity School
to operate a location in Pennsylvania..... 654

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices

Applications, actions and special notices..... 655
Clarification of general permit number WMGR 097
for research and development of the beneficial
uses of municipal and residual waste..... 704
Oil and Gas Technical Advisory Board meeting
cancellation..... 705

DEPARTMENT OF GENERAL SERVICES

Notices

Exempt machinery and equipment steel products 705
Lease retail space to the Commonwealth..... 706

DEPARTMENT OF HEALTH

Notices

Application of Reading Surgery Center, LLC for
exception..... 706
Long-term care nursing facilities; request for excep-
tion..... 707

DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

Notices

Per diem rates at Pennsylvania state veterans'
homes..... 707

DEPARTMENT OF REVENUE

Notices

Annual inflation adjustment; Pennsylvania gaming
cash flow management..... 707
Realty Transfer Tax; revised 2012 common level
ratio; real estate valuation factors..... 708

DEPARTMENT OF TRANSPORTATION

Notices

Contemplated sale of land no longer needed for
transportation purposes..... 708
Findings..... 708

ENVIRONMENTAL QUALITY BOARD

Proposed Rulemaking

Environmental protection performance standards at
oil and gas well sites rulemaking; public comment
period extension..... 648

GOVERNOR'S OFFICE

Notices

Regulatory agenda..... 709

INDEPENDENT REGULATORY REVIEW COMMISSION

Notices

Action taken by the Commission..... 751
Notice of comments issued..... 752
Notice of filing of final rulemaking..... 755

INSURANCE DEPARTMENT

Notices

American Progressive Life and Health Insurance
Company of New York; rate increase filing for
several LTC forms..... 756
Constitution Life Insurance Company; rate increase
filing for several LTC forms..... 756
Pennsylvania Life Insurance Company; rate
increase filing for several LTC forms..... 756
Review procedure hearings; cancellation or refusal
of insurance..... 757

PENNSYLVANIA GAMING CONTROL BOARD

Rules and Regulations

Slot machine and table game device testing and
control; possession of slot machines and fully
automated electronic gaming tables; slot machine
tournaments; accounting and internal controls;
possession of table game and table game devices;
rules of play..... 599
Slot machines and table game controls, equipment,
credit and rules..... 619

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PENNSYLVANIA PUBLIC UTILITY COMMISSION

Notices

Act 13 of 2012—producer fees for calendar year
2013 757
Eligible telecommunications carriers; lifeline
service 757
Service of notice of motor carrier applications 758
Termination of the power purchase agreement 758
Transfer of control 759

PHILADELPHIA REGIONAL PORT AUTHORITY

Notices

Request for bids 759

STATE BOARD OF MEDICINE

Rules and Regulations

Physician assistants and respiratory therapists 583

STATE BOARD OF NURSING

Proposed Rulemaking

Continuing education; reporting of crimes and disci-
pline 648

STATE BOARD OF OSTEOPATHIC MEDICINE

Rules and Regulations

Physician assistants and respiratory therapists 589

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.

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.

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.

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2014.

4 Pa. Code (Administration)			
Adopted Rules			
405	485	631a	599, 619
		633a	599, 619
Statements of Policy		635a	619
9	32	637a	619
		649a	619
12 Pa. Code (Commerce, Trade and Local Government)		659a	619
Adopted Rules		661a	619
149	488	663a	619
		665a	619
25 Pa. Code (Environmental Protection)		201 Pa. Code (Rules of Judicial Administration)	
Proposed Rules		Adopted Rules	
78	648	2	319
		19	454
37 Pa. Code (Law)		207 Pa. Code (Judicial Conduct)	
Adopted Rules		Adopted Rules	
79	328	33	455
49 Pa. Code (Professional and Vocational Standards)		210 Pa. Code (Appellate Procedure)	
Adopted Rules		Adopted Rules	
16	583	1	8
18	583	Proposed Rules	
25	589	1	471
43b	597	3	319
		9	319, 471
Proposed Rules		11	471
21	648	13	471
		33	471
52 Pa. Code (Public Utilities)		231 Pa. Code (Rules of Civil Procedure)	
Adopted Rules		Adopted Rules	
1	249	200	323
3	249	1000	8
5	249	2220	8
23	249	Proposed Rules	
29	249	200	323, 324, 475
32	249	234 Pa. Code (Rules of Criminal Procedure)	
53	249	Adopted Rules	
54	249	5	239, 477
57	249	Proposed Rules	
59	249	4	475, 577
62	249	7	475
Proposed Rules		237 Pa. Code (Juvenile Rules)	
1017	252	Proposed Rules	
		4	246
58 Pa. Code (Recreation)		11	9
Adopted Rules		246 Pa. Code (Minor Court Civil Rules)	
63	250	Adopted Rules	
461a	599, 619	300	13
463a	599	500	13, 14
464a	599	800	14
465a	599, 619	1000	14
525	619	Proposed Rules	
575	619	300	10, 479
577	619	255 Pa. Code (Local Court Rules)	
579	619	Unclassified	16, 17, 18, 19, 20, 21, 23, 24, 25,
590	26		247, 324, 325, 480, 481, 581
603a	619		
607a	599		
609a	619		
623a	619		
627a	599, 619		
629a	599, 619		

THE GENERAL ASSEMBLY

COMMISSION ON SENTENCING

2014 Public Meeting Schedule

The Commission on Sentencing (Commission) is giving notice that the following dates have been selected for public meetings in the year 2014:

Wednesday, March 5, 2014	Dinner Meeting (6 p.m.) Harrisburg Hilton and Towers Harrisburg, PA
Thursday, March 6, 2014	Policy Committee Meeting (9 a.m.—12 p.m.) Commission Meeting (1 p.m.—3 p.m.) Pennsylvania Judicial Center Harrisburg, PA
Wednesday, June 4, 2014	Dinner Meeting (6 p.m.) Harrisburg Hilton and Towers Harrisburg, PA
Thursday, June 5, 2014	Policy Committee Meeting (9 a.m.—12 p.m.) Commission Meeting (1 p.m.—3 p.m.) Pennsylvania Judicial Center Harrisburg, PA
Wednesday, September 3, 2014	Dinner Meeting (6 p.m.) The Nittany Lion Inn State College, PA
Thursday, September 4, 2014	Policy Committee Meeting (9 a.m.—12 p.m.) Commission Meeting (1 p.m.—3 p.m.) The Nittany Lion Inn State College, PA
Wednesday, December 3, 2014	Dinner Meeting (6 p.m.) Harrisburg Hilton and Towers Harrisburg, PA
Thursday, December 4, 2014	Policy Committee Meeting (9 a.m.—12 p.m.) Commission Meeting (1 p.m.—3 p.m.) Pennsylvania Judicial Center Harrisburg, PA

Meetings are open to the public. Direct any questions regarding Commission meetings to Mark H. Bergstrom, Executive Director, (814) 863-4368, mhb105@psu.edu.

MARK H. BERGSTROM,
Executive Director

[Pa.B. Doc. No. 14-228. Filed for public inspection January 31, 2014, 9:00 a.m.]

THE COURTS

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CH. 4]

Proposed Amendments to Pa.R.Crim.P. 431, 452, 456 and 461

The Criminal Procedural Rules Committee is considering recommending that the Supreme Court of Pennsylvania amend Rules 431 (Procedures When Defendant Arrested with Warrant), 452 (Collateral), and 461 (Stays) to provide guidance for the setting of collateral in summary cases and to amend Rule 456 (Default Procedures: Restitution, Fines, and Costs) to set a time limit for when a payment determination hearing must be held. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. Please note that the Committee's Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the explanatory Reports.

The text of the proposed amendments to the rules precedes the Report. Additions are shown in bold; deletions are in bold and brackets.

We request that interested persons submit suggestions, comments, or objections concerning this proposal in writing to the Committee through counsel,

Jeffrey M. Wasileski, Counsel
Supreme Court of Pennsylvania
Criminal Procedural Rules Committee
601 Commonwealth Avenue, Suite 6200
Harrisburg, PA 17106-2635
fax: (717) 231-9521
e-mail: criminalrules@pacourts.us

no later than Friday, March 7, 2014.

By the Criminal Procedural Rules Committee

THOMAS P. ROGERS,
Chair

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 4. PROCEDURES IN SUMMARY CASES

PART D. Arrest Procedures in Summary Cases

PART D(1). Arrests With a Warrant

Rule 431. Procedure When Defendant Arrested With Warrant.

* * * * *

(B) Arrest Warrants Initiating Proceedings

* * * * *

(3) When the defendant is taken before the issuing authority under paragraph (B)(1)(c),

(a) the defendant shall enter a plea; and

(b) if the defendant pleads guilty, the issuing authority shall impose sentence. If the defendant pleads not guilty, the defendant shall be given an immediate trial unless:

(i) the Commonwealth is not ready to proceed, or the defendant requests a postponement or is not capable of proceeding, and in any of these circumstances, [**the defendant shall be given the opportunity to deposit collateral for appearance on the new date and hour fixed for trial**] the issuing authority shall release the defendant on recognizance when the issuing authority has reasonable grounds to believe that the defendant will appear or may fix the amount of collateral, if any, to be deposited to insure a defendant's appearance on the new date and hour fixed for trial; or

(ii) the defendant's criminal record must be ascertained prior to trial as specifically required by statute for purposes of grading the offense charged, in which event the defendant shall be given the opportunity to deposit collateral for appearance on the new date and hour fixed for trial, which shall be after the issuing authority's receipt of the required information[;].

(c) If the defendant is under 18 years of age and cannot be given an immediate trial, the issuing authority promptly shall notify the defendant and defendant's parents, guardian, or other custodian of the date set for the summary trial, and shall release the defendant on his or her own recognizance.

* * * * *

Comment

* * * * *

Although the defendant's trial may be delayed under this rule, the requirement that an arrested defendant be taken without unnecessary delay before the proper issuing authority remains unaffected.

In determining whether it is necessary to set collateral and what amount of collateral should be set, the issuing authority must consider the factors listed in Rule 523. The amount of collateral may not exceed the full amount of the fine and costs. See also Rule 452.

When the police must detain a defendant pursuant to this rule, 61 P. S. § 798 provides that the defendant may be housed for a period not to exceed 48 hours in "the borough and township lockups and city or county prisons."

* * * * *

Official Note: Rule 76 adopted July 12, 1985, effective January 1, 1986; Comment revised September 23, 1985, effective January 1, 1986; January 1, 1986 effective dates extended to July 1, 1986; Comment revised January 31, 1991, effective July 1, 1991; amended August 9, 1994, effective January 1, 1995; amended October 1, 1997, effective October 1, 1998; amended July 2, 1999, effective August 1, 1999; renumbered Rule 431 and amended March 1, 2000, effective April 1, 2001; amended August 7, 2003, effective July 1, 2004; Comment revised April 1, 2005, effective October 1, 2005; amended June 30, 2005, effective August 1, 2006; Comment revised March 9, 2006, effective August 1, 2006; **amended** , **2014, effective** , **2014.**

Committee Explanatory Reports:

* * * * *

Report explaining the proposed amendment concerning the setting of collateral pending summary trial published for comment at 44 Pa.B. 580 (February 1, 2014).

PART E. General Procedures in Summary Cases

Rule 452. Collateral.

(A) The issuing authority shall release the defendant on recognizance when the issuing authority has reasonable grounds to believe that the defendant will appear.

(B) If the issuing authority does not have reasonable grounds to believe that the defendant will appear, the issuing authority [shall] may fix the amount of collateral, if any, to be deposited to insure a defendant's appearance at the summary trial, which amount shall not exceed the full amount of the fine and costs.

(C) To request a lower amount of collateral or to be released on recognizance, the defendant must appear personally before the issuing authority to enter a plea, as provided in Rules 408, 413, and 423.

[(B)] (D) The collateral deposited shall be in United States currency or a cash equivalent.

[(C)] (E) The collateral deposited may be forfeited after conviction at the summary trial and applied to payment of the fine and costs.

Comment

In determining whether it is necessary to set collateral and what amount of collateral should be set, the issuing authority must consider the factors listed in Rule 523.

The term "collateral" is intended to convey the dual purpose of the amount of money that is deposited. First, the amount deposited is used as bail to secure the defendant's appearance at the summary trial. Second, the amount deposited is used as security, and may be forfeited in the event of a conviction to satisfy any fine and costs.

A defendant may not be penalized or denied a hearing because he or she cannot pay the full amount of the fine and costs as collateral.

[Although this rule permits an issuing authority to fix collateral in an amount up to the full amount of fine and costs the issuing authority is not required to fix collateral or any particular amount of collateral, and may set an amount less than the fine and costs. The issuing authority may also release the defendant on recognizance when the issuing authority has reasonable grounds to believe that the defendant will appear or the defendant is without adequate resources to deposit collateral. To request a lower amount of collateral or to be released on recognizance, the defendant must appear personally before the issuing authority to enter a plea, as provided in Rules 408, 413, and 423.]

For the purpose of paragraph [(B)] (D), any guaranteed arrest bond certificate issued by an automobile club or association pursuant to 40 P. S. § 837 (1959) would constitute a "cash equivalent."

Official Note: Rule 81 adopted July 12, 1985, effective January 1, 1986; effective date extended to July 1, 1986; Comment revised February 1, 1989, effective July 1, 1989; Comment revised May 14, 1999, effective July 1, 1999; renumbered Rule 452 and Comment revised March 1, 2000, effective April 1, 2001; amended , 2014, effective , 2014.

Committee Explanatory Reports:

* * * * *

Report explaining the amendment concerning the setting of collateral published for comment at 44 Pa.B. 580 (February 1, 2014).

Rule 456. Default Procedures: Restitution, Fines, and Costs.

* * * * *

(C) If the defendant appears pursuant to the 10-day notice in paragraph (B) or following an arrest for failing to respond to the 10-day notice in paragraph (B), the issuing authority immediately, but in no event later than 72 hours after the defendant appears, shall conduct a hearing to determine whether the defendant is financially able to pay as ordered. If the hearing cannot be held immediately, the issuing authority may release the defendant on recognizance or may set bail as provided in Chapter 5 Part C.

(D) When a defendant appears pursuant to the notice in paragraph (B) or pursuant to an arrest warrant issued for failure to respond to the notice as provided in paragraph (C):

(1) [Upon] upon a determination that the defendant is financially able to pay as ordered, the issuing authority may impose any sanction provided by law.

(2) Upon a determination that the defendant is financially unable to pay as ordered, the issuing authority may order a schedule or reschedule for installment payments, or alter or amend the order as otherwise provided by law.

(3) At the conclusion of the hearing, the issuing authority shall:

(a) if the issuing authority has ordered a schedule of installment payments or a new schedule of installment payments, state the date on which each installment payment is due;

(b) advise the defendant of the right to appeal within 30 days for a hearing *de novo* in the court of common pleas, and that if an appeal is filed:

(i) the execution of the order will be stayed and the issuing authority may set bail or collateral; and

(ii) the defendant must appear for the hearing *de novo* in the court of common pleas or the appeal may be dismissed;

(c) if a sentence of imprisonment has been imposed, direct the defendant to appear for the execution of sentence on a date certain unless the defendant files a notice of appeal within the 30-day period; and

(d) issue a written order imposing sentence, signed by the issuing authority. The order shall include the information specified in paragraphs [(C)(3)(a) through (C)(3)(c)] (D)(3)(a) through (D)(3)(c), and a copy of the order shall be given to the defendant.

[(D)] (E) A defendant may appeal an issuing authority's determination pursuant to this rule by filing a notice of appeal within 30 days of the issuing authority's order. The appeal shall proceed as provided in Rules 460, 461, and 462.

Comment

* * * * *

Pursuant to paragraph (C), the issuing authority must conduct a default hearing when a defendant responds to the 10-day notice as provided in paragraph (B), or when the defendant is arrested for failing to respond to the 10-day notice. If the default hearing cannot be held immediately, the issuing authority may set bail as provided in Chapter 5 Part C. **However, the issuing authority should only set monetary bail conditions when he or she has determined that less restrictive conditions of release will not be effective in ensuring the defendant's appearance.**

Under paragraph [(C)(1)] (D)(1), when the issuing authority determines that a defendant is able to pay as ordered, the issuing authority may, as provided by law, impose imprisonment or other sanctions. In addition, delinquent restitution, fines, or court costs may be turned over to a private collection agency. See 42 Pa.C.S. §§ 9730(b)(2) and 9730.1(a).

When a defendant is in default of an installment payment, the issuing authority on his or her own motion or at the request of the defendant or the attorney for the Commonwealth must schedule a rehearing to determine the cause of the default. Before an issuing authority may impose a sentence of imprisonment as provided by law for nonpayment of restitution, fines, or costs, a hearing or rehearing must be held whenever a defendant alleges that his or her ability to pay has been diminished. See 42 Pa.C.S. § 9730(b). See also Rules 121 and 122 (dealing with [the right to] appearance or waiver of counsel).

When a rehearing is held on a payment schedule for fines or costs, the issuing authority may extend or accelerate the payment schedule, leave it unaltered, or sentence the defendant to a period of community service, as the issuing authority finds to be just and practicable under the circumstances. See 42 Pa.C.S. § 9730(b)(3).

This rule contemplates that when there has been an appeal pursuant to paragraph [(D)] (E), the case would return to the issuing authority who presided at the default hearing for completion of the collection process.

Nothing in this rule is intended to preclude an issuing authority from imposing punishment for indirect criminal contempt when a defendant fails to pay fines and costs in accordance with an installment payment order, 42 Pa.C.S. §§ 4137(a)(4), 4138(a)(3), and 4139(a)(3), or fails to pay restitution, 42 Pa.C.S. § 4137(a)(3). Separate Rules of Criminal Procedure govern contempt adjudications. See Chapter 1 Part D.

Official Note: Adopted July 12, 1985, effective January 1, 1986; amended September 23, 1985, effective January 1, 1986; January 1, 1986 effective dates extended to July 1, 1986; Comment revised February 1, 1989, effective July 1, 1989; rescinded October 1, 1997, effective October 1, 1998. New Rule 85 adopted October 1, 1997, effective October 1, 1998; amended July 2, 1999, effective August 1, 1999; renumbered Rule 456 and amended March 1, 2000, effective April 1, 2001; Comment revised August 7, 2003, effective July 1, 2004; amended March 3,

2004, effective July 1, 2004; Comment revised April 1, 2005, effective October 1, 2005; Comment revised September 21, 2012, effective November 1, 2012; Comment revised January 17, 2013, effective May 1, 2013; amended , 2014, effective , 2014.

Committee Explanatory Reports:

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Report explaining the proposed amendments clarifying that the results of a payment determination hearing apply when a defendant appears pursuant to an arrest warrant published for comment at 44 Pa.B. 580 (February 1, 2014).

PART F. Procedures in Summary Cases for Appealing to Court of Common Pleas for Trial De Novo

Rule 461. Stays.

* * * * *

(D) Whenever the execution of sentence is stayed pursuant to this rule, the issuing authority may set collateral. **The issuing authority shall state in writing the reason(s) why any collateral other than release on recognizance has been set and the facts that support a determination for that collateral.**

* * * * *

Comment

* * * * *

Under paragraph (B), the stay applies to all "sentences" imposed after conviction, including sentences of imprisonment, fines and costs, or restitution, and sentences of imprisonment for defaults in payment pursuant to Rule 456.

Paragraph (D) permits an issuing authority to require the defendant to post collateral during the stay pending appeal. However, given the potentially short sentences in summary cases, imprisoning a defendant during the stay period for failure to post collateral is contrary to the intent of the stay provision of this rule and should only be ordered as a last resort in extraordinary cases. In determining whether it is necessary to set collateral and what amount of collateral should be set, the issuing authority should consider the factors listed in Rule 523 as well as the length of sentence in relation to the length of the stay.

Official Note: Formerly Rule 86(B) and (C), adopted October 1, 1997, effective October 1, 1998; rescinded March 1, 2000, effective April 1, 2001, and paragraphs (B) and (C) replaced by Rule 461. New Rule 461 adopted March 1, 2000, effective April 1, 2001; amended February 28, 2003, effective July 1, 2003; amended , 2014, effective , 2014.

Committee Explanatory Reports:

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NEW RULE 461:

* * * * *

Report explaining the proposed amendment concerning the requirement for the issuing authority to state in writing the reasons for ordering collateral other than ROR published for comment at 44 Pa.B. 580 (February 1, 2014).

REPORT

*Proposed amendment to Pa.Rs.Crim.P. 431, 452, 456, and 461***Incarceration for Failure to Post Summary Case Collateral***Background*

The Committee has recently received a number of reports from various sources raising concerns regarding the practice of issuing authorities incarcerating defendants for failure to post collateral while awaiting summary trials or payment determination hearings. The reports suggest that this practice is increasing and has resulted in hardship for defendants in relatively minor cases, such as parking violation cases.

The Committee recognizes that the increased use of incarceration for failure to post collateral results from the frustration of the courts with scofflaw defendants, both for failing to appear for summary trials and for failing to pay appropriately awarded fines and costs. Nonetheless, the Rules of Criminal Procedure have always reflected the view that summary cases, because of their relatively minor nature, are not deserving of extended imprisonment, especially when the incarceration is the result of financial obligations that the defendant may not have the financial ability to pay. The proposed amendments therefore attempt to more equitably balance the interests of the courts in ensuring that a defendant meets his or her obligations with the need to avoid unduly harsh methods of enforcement.

Collateral in Pre-Disposition Summary Cases

While the rules generally permit an issuing authority to set collateral in a summary case to the full amount of fines and costs to ensure a defendant's appearance at summary trial, the preference under the rules always has been that less restrictive alternatives, such as release on recognizance (ROR), are preferable. As the current Comment to Rule 452 notes, ROR release is appropriate when the issuing authority has reasonable grounds to believe that the defendant will appear for trial.

The Committee is proposing to move the Rule 452 Comment language expressing this policy into the rule itself to give it greater weight. The "default setting" for a defendant's release, contained in a new paragraph (A), would be that the defendant must be released on recognizance when the issuing authority has reasonable grounds to believe that the defendant will appear. The language of current paragraph (A) would become paragraph (B) and provide that, where there is no reasonable ground to believe the defendant will appear, collateral may be set. The remainder of the substance of the third paragraph of the Comment, relating to requests to modify collateral, would be contained in new paragraph (C). Also, language would be added to that effect to Rule 431(B)(3)(b)(i).

The Committee considered draft language stating that the issuing authority should release the defendant if he or she is without adequate resources to deposit collateral. However, the Committee believed that this restriction should not be absolute and instead are suggesting the addition of a cross-reference to Rule 523 for factors that the issuing authority should consider in making the determination as to whether to set collateral and, if so, what amount the collateral should be. These would include "the defendant's employment status and history, and financial condition," as provided in Rule 523(A)(2), which should address the defendant's ability to deposit the collateral.

Collateral in Pre-Payment Determination Hearing Cases

Another problem the Committee considered was the lengthy periods of time that it takes in some cases for a payment determination hearing to be held, during which a defendant who fails to post collateral is incarcerated. The current Rule 456 Comment requires that a payment determination hearing be held "immediately." When first adopted, the Committee's assumption was that there should not be a significant delay between the defendant's arrest and the default hearing. The Committee did not place a specific time limit on when the hearing must be held because of the concern that the time limit would become the normal period for the holding of such hearings and the Committee did not want to preclude earlier hearings.

Since the reports suggest that there are often lengthy periods of delay in holding the payment determination hearing, the Committee agreed to place a specific outer time limit of 72 hours for when this hearing should be held. A 72-hour the time limit would be consistent with the time limit for a bench warrant hearing under Rule 150. The rule would also state directly that ROR is the preferred form of release when the defendant does not pose a flight risk. A cross-reference to the Rule 523 factors would also be added here similar to the one proposed for Rule 452.

Additionally, the Committee concluded that current Rule 456 does not make it clear that the same procedures related to collateral that are followed after the issuance of a notice of payment hearing should be followed when a warrant is issued. Therefore, it is proposed that the rule be amended to include a new (D) that would precede the current subparagraphs (1) through (3) that follow current paragraph (C) to indicate that the procedures apply to both "when a defendant appears pursuant to the notice in paragraph (B) or pursuant to an arrest warrant issued for failure to respond to the notice as provided in paragraph (B)."

Incarceration Pending Appeal from Payment Determination Hearing

The Committee also considered the situation when the defendant has been sentenced to incarceration after a payment determination hearing but does not waive the appeal of that order and then is ordered to post bail/collateral during the automatic stay period for the appeal pursuant to Rule 461. In some cases, when the defendant is unable to post this collateral, he or she is incarcerated for the entire period of the stay. This practice seems to be the result of the Court's Magisterial District Judge System (MDJS) not permitting a sentence of incarceration to begin until the stay period ends. As a result, it appears that the defendants in some cases are being incarcerated for periods longer than the period for which they have been sentenced.

The Committee concluded that there is no reason why a defendant should be held for a longer period than the original sentence pending the appeal and that the MDJS should permit the period when the defendant is being held for failing to post collateral to end when the full period of incarceration ends. Even with that correction however, this process renders the right to appeal and its associated stay moot. The defendant may win the appeal, by, for example, being found to have not been able to pay, but has still served the period of incarceration.

Furthermore, when the stay provisions of Rule 461 were adopted, the Committee did not consider that it would be a regular practice to incarcerate a defendant

pending such an appeal and the stay provision contemplates that the defendant would remain at liberty pending the appeal. However, the Committee recognized that there may be the occasional case in which assurances of the defendant's presence would be necessary and therefore the Committee is not recommending a complete prohibition of setting collateral at this stage. However, to ensure that there is demonstrated rationale for setting collateral in these situations, the Rule 461(D) provision that permits the setting of collateral has been amended to require the issuing authority to state in writing why collateral other than ROR has been set. As with the other proposed amendments, a cross-reference to the factors in Rule 523 for setting bail should be used as a model in determining whether and what amount of collateral should be set. Additionally, the factors to be considered would also include the length of the potential sentence.

Counsel Rules Reference

The Committee also discussed whether the rules should address the issue of the right to counsel for payment determination hearings. The Committee concluded that this question was more amenable to definition by caselaw. However, it was noted that the Rule 456 Comment contains this language, "See also Rules 121 and 122 (dealing with the right to counsel)." The Committee concluded that this was a misleading statement since neither of those rules deal with the right to counsel but rather provide for the appearance and waiver of counsel. The Comment language would therefore be revised to provide a correct description.

[Pa.B. Doc. No. 14-229. Filed for public inspection January 31, 2014, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CARBON COUNTY

Amendment of Local Rule of Criminal Procedure CARB.R.Crim.P. 570 Pretrial Conference; No. CP- 13-AD-0000002-2014

Administrative Order No. 5-2014

And Now, this 13th day of January, 2014, in order to provide for a uniform practice for the preparation and filing of continuances and stipulations for all cases listed for pretrial status conferences, it is hereby

Ordered and Decreed, that effective February 15, 2014, the Carbon County Court of Common Pleas *Amends* Local Rule of Criminal Procedure CARB.R.Crim.P. 570 governing Pretrial Status Conferences.

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. Pretrial Conference.

(A) In addition to the provisions of Pa.R.Crim.P. 570, the District Attorney shall conduct a status conference with defense counsel, defendant and, if unrepresented, the defendant on all cases that have not resulted in written agreements at the preliminary hearing level.

(B) Prior to the Defendant's status conference, the District Attorney shall obtain data of the prior criminal convictions, if any, of the defendant and shall calculate the prior record score for guideline sentencing purposes.

(C) At the status conference, the District Attorney shall make the Sentencing Guideline Report available to defense counsel, defendant, and, if unrepresented, the defendant.

(D) At the end of the status conference, written stipulations for pleas, trials, or other dispositions shall be completed and signed by the District Attorney/Assistant District Attorney, defense counsel, and defendant. The original stipulation shall be filed in the Clerk of Courts Office and service made pursuant to Pa.R.Crim.P. 576. Continuances shall be completed and signed by the District Attorney/Assistant District Attorney, defense counsel, and defendant and filed in the Clerk of Courts Office within the timeframe set forth pursuant to Carbon County Local Rule CARB.R.Crim.P. 106. Failure of any attorney or self-represented defendant to complete, sign and file the required stipulations at the end of the status conference or failure to file the timely continuance referenced above, absent exigent circumstances, shall result in the case being listed on the next criminal trial list.

[Pa.B. Doc. No. 14-230. Filed for public inspection January 31, 2014, 9:00 a.m.]

HUNTINGDON COUNTY

Crime Victim's Compensation Pennsylvania Fund and Victim Witness Service Fund; No. CP-31-MD- 4-2014

Administrative Order of Court

And Now, this 6th day of January, 2014, this Court pursuant to Title 18, Section 11.1101, Costs, (a) *Orders* the increased assessment of the Crime Victim's Compensation Fund and Victim Witness Services Fund to a total of one hundred (\$100.00) dollars, unless otherwise ordered by the Court. These costs shall be imposed in the Common Pleas Court of the 20th Judicial District notwithstanding any statutory provision to the contrary.

Pursuant to Title 18, Section 11.1101 Costs (b) *Disposition*,

(1) Thirty-five (\$35.00) dollars of the costs imposed under subsection (a)(1) and (2) plus thirty (30%) percent of the costs imposed under subsection (a)(1) which exceed

sixty (\$60.00) dollars (a total of forty-seven (\$47.00) dollars) shall be paid into the Crime Victim's Compensation Fund, and;

(2) Twenty-five (\$25.00) dollars of the costs imposed under subsection (a)(1) and (2) plus seventy (70%) percent of the costs imposed under subsection (a)(1) and (2) which exceed sixty (\$60.00) dollars (a total of fifty-three (\$53.00) dollars) shall be paid into the Victim Witness Services Fund.

The costs assessed and collected under Section (b)(2) that exceed sixty (\$60.00) dollars shall be returned by the Pennsylvania Commission on Crime and Delinquency to the County of Huntingdon for victim witness services.

It Is Ordered that in accordance with Pa.R.Crim.P. 105, the District Court Administrator shall:

(a) File one (1) certified copy of this Order with Administrative Office of Pennsylvania Courts,

(b) Distribute two (2) certified copies and (1) CD-ROM to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*,

(c) File one (1) certified copy of this Order with the Pennsylvania Rules Procedural Committee,

(d) Supervise the distribution of this Order to all Judges and all members of the ciminal bar of the Court.

GEORGE N. ZANIC,
President Judge

[Pa.B. Doc. No. 14-231. Filed for public inspection January 31, 2014, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that Feng Li, having been disbarred from the practice of law in the State of New Jersey by Order of the Supreme Court of New Jersey

dated May 21, 2013; the Supreme Court of Pennsylvania issued an Order on January 15, 2014, disbaring Feng Li from the Bar of this Commonwealth, effective February 14, 2014. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 14-232. Filed for public inspection January 31, 2014, 9:00 a.m.]

Notice of Disbarment

Notice is hereby given that Maqsood Hamid Mir, having been disbarred by consent from the practice of law in the District of Columbia by Order of the District of Columbia Court of Appeals filed November 5, 2009; the Supreme Court of Pennsylvania issued an Order on January 15, 2014, disbaring Maqsood Hamid Mir from the Bar of this Commonwealth, effective February 14, 2014. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 14-233. Filed for public inspection January 31, 2014, 9:00 a.m.]

RULES AND REGULATIONS

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF MEDICINE
[49 PA. CODE CHS. 16 AND 18]

Physician Assistants and Respiratory Therapists

The State Board of Medicine (Board) amends §§ 16.11, 16.13, 18.122, 18.145, 18.301, 18.302, 18.304—18.309, 18.309a, 18.309b and 18.310 and adds § 18.146 (relating to professional liability insurance coverage for licensed physician assistants) to read as set forth in Annex A.

Effective Date

This final-form rulemaking will be effective upon publication of the in the *Pennsylvania Bulletin*.

Statutory Authority

The amendments are authorized under sections 8, 8.1, 13(c) and 13.1(c) of the Medical Practice Act of 1985 (act) (63 P. S. §§ 422.8, 422.8a, 422.13(c) and 422.13a(c)).

Background and Need for the Amendment

The act of July 4, 2008 (P. L. 580, No. 45) (Act 45) amended the act to change references to the “certification of respiratory care practitioners” to the “licensure of respiratory therapists” and revised the standards for licensure as a respiratory therapist and for receipt of a temporary practice permit. Act 45 also identified additional specific acts of practice for physician assistants and required physician assistants to complete continuing education and maintain professional liability insurance.

Summary of Comments to the Proposed Rulemaking and the Board’s Response

The Board published a proposed rulemaking at 42 Pa.B. 2469 (May 2, 2012) with a 30-day public comment period. The Board received public comments from the Pennsylvania Society for Respiratory Care, Inc. (PSRC) and three respiratory care practitioners. The Board also received comments from the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC) as part of their review under the Regulatory Review Act (71 P. S. §§ 745.1—745.12).

Comments from Practitioners

The Board received three comments from practitioners, two of which were a form letter. The form letter opposed increasing the continuing education requirement for respiratory therapists from 20 hours biennially to 30 hours biennially, citing both financial challenge and lack of courses that present new information. The third letter also objected to the increased continuing education requirement, citing financial challenge and insisting that the PSRC and government officials are wrong in thinking that quality of care is related to the amount of mandatory continuing education credits an individual obtains. In response, the Board notes that the increase in the number of continuing education hours required biennially was made by the General Assembly and the Board lacks statutory authority to retain the 20-hour requirement. Regarding the assertion that respiratory therapist continuing education seminars repeat the same topics, the

Board will work with the PSRC and other continuing education providers to encourage a wider range of topics.

Comments from the PSRC

The PSRC sent the Board four comments on June 7, 2012. Regarding § 18.307(1)(i) (relating to criteria for licensure as a respiratory therapist), the PSRC requested that the Board identify the “credentialing examination” as the examination for entry to practice rather than the “CRTT.” IRRC agreed. In addition to making this change, the Board clarified the examination in § 18.306(b) (relating to temporary permits), a necessary amendment noted by the HPLC.

The PSRC also recommended that the Board delete § 18.306. The PSRC opined that temporary permits are unnecessary because graduates may now schedule the entry level examination immediately upon graduation. Act 45 revised qualifications of applicants for a temporary permit so that section 36.1(b) of the act (63 P. S. § 422.36a(b)) sets forth the criteria for the Board issuing a temporary permit to individuals who have applied for licensure and section 36.1(c) of the act sets forth the duration and effect of temporary permits. These recent amendments indicate that the General Assembly has reaffirmed the viability of temporary permits for respiratory therapists and, accordingly, the Board believes that it lacks statutory authority to eliminate temporary permits.

In addition, the Board believes there is some value to retaining temporary permits. A temporary permit to practice is valid for 12 months, unless the holder fails the entry level credentialing examination. Upon notification to the permit holder that the examination attempt was not successful, the permit becomes null and void. An applicant is not required to obtain a temporary permit, but may apply for a temporary permit to allow practice prior to the time the applicant takes the licensing examination, while the applicant is waiting for the examination results or while the applicant’s application for licensure is being processed. In short, a temporary permit bridges a time gap that may occur between graduation and licensure and allows graduates to become employed without delay.

The PSRC also recommended changes to § 18.309a (relating to requirement of continuing education). The PSRC suggested that the provision, as drafted, was confusing to new graduates. In response, the Board rewrote subsection (b) for clarity to read: “An individual applying for the first time for licensure in this Commonwealth is exempt from completing the continuing education requirements during the initial biennial renewal period in which the license is issued.” This language exempts the three types of applicants who may obtain initial Pennsylvania licensure from the continuing education requirement: 1) new graduates from this Commonwealth; 2) new graduates from other states; and 3) licensees in other states who are seeking licensure in this Commonwealth.

The PSRC suggested eliminating the exemption for licensees in other states who are seeking licensure in this Commonwealth who are not “new graduates.” The Board declines to make this change. Continuing education is required for license renewal in the 48 states where respiratory therapists are licensed. If a practicing respiratory therapist from another state applies for a license in this Commonwealth and has not taken as many hours of continuing education as now required in this Common-

wealth, that individual will still have both experience and knowledge gained while practicing in another state. The exemption is applied to only the first biennial renewal period for all of the allied health professionals licensed by the Board. Finally, eliminating the exemption would be time consuming and difficult for the Board to administer because it would require the Board to distinguish between licensees whose initial license was granted in this Commonwealth and licensees whose initial license was granted by another state. For all of these reasons, the Board maintains that the new language in § 18.309a(b) clarifies this subsection and that further changes are not necessary or warranted.

The PSRC asked the Board to approve advanced life support courses accredited by the American Heart Association (AHA) or similar groups in § 18.309b(a) (relating to approved educational courses). AHA advanced life support courses are approved by the American Medical Association (AMA). Section 18.309b(a) already provides approval for AMA-approved continuing education programs. Therefore, AHA advanced life support courses are already approved as continuing education for respiratory therapists.

Comments from the HPLC

On June 13, 2012, the HPLC submitted two comments. The first comment noted the Board's timing for the submission of this rulemaking as proposed. The Board respectfully understands the HPLC's comments and will work to provide more timely proposed rulemakings in the future.

Second, as noted previously, the HPLC suggested that references to the "credentialing examination" should be amended to references to the "entry level credentialing examination." The Board made this change to §§ 18.306(b) and 18.307(1)(i).

Comments from IRRC

On July 11, 2012, IRRC submitted seven comments. IRRC pointed out that the "Note" section of Act 45 requires the Board and the State Board of Osteopathic Medicine to jointly promulgate these regulations. The act and the Osteopathic Medical Practice Act (63 P.S. §§ 271.1—271.18) authorize the Board and the State Board of Osteopathic Medicine to license and regulate only those who practice under each act, respectively. The amendments to each act in Act 45 and the act of July 4, 2008 (P.L. 589, No. 46) do not change which board licenses and regulates the professionals under the jurisdiction of each board. Likewise, the Board and the State Board of Osteopathic Medicine do not jointly license or regulate the professionals under the jurisdiction of each board. The Board and the State Board of Osteopathic Medicine proposed similar regulations and now adopt substantially identical final-form rulemakings. By promulgating these regulations at the same time, the statutorily mandated changes will be effective at the same time, regardless of which board has jurisdiction over an individual practitioner. The Board believes this process meets with the statutory intent.

With respect to Subchapter D (relating to physician assistants), IRRC raised two issues. IRRC noted that § 18.145(c) (relating to biennial registration requirements; renewal of physician assistant license) requires physician assistants to maintain National certification and recommended that the final-form rulemaking should identify the recertification mechanisms recognized by the Board or identify how a physician assistant can access this information. The Board adds to the first sentence of

this subsection a reference to the National Commission on Certification of Physician Assistants (NCCPA) and directs physician assistants to the NCCPA's web site (www.nccpa.net) to access the information.

IRRC recommended that the Board clarify where it will publish any future recognition of an organization's certification of physician assistants. The Board addressed this request at § 18.145(c), noting that any additional National certification organization will be announced on the Board's web site.

IRRC's remaining comments addressed Subchapter F (relating to respiratory therapists). IRRC indicated some confusion in § 18.306(a), which refers to an individual "who is recognized as a *credentialed respiratory therapist*. . ." (Emphasis added by IRRC.) The Board amended this subsection to clarify that an applicant for a temporary permit would not yet be a licensee of the Board. The reference to a "credentialed respiratory therapist" is intended to mean an individual who holds one of the credentials issued by the National Board for Respiratory Care.

IRRC echoed the suggestion made by the HPLC to replace "credentialing examination" with "entry level credentialing examination," changes which were also made to §§ 18.306(b) and 18.307(1)(i).

IRRC made two recommendations regarding § 18.309a. IRRC recommended that the Board address in the Regulatory Analysis Form (RAF) any additional costs that the increase in the minimum number of mandatory continuing education hours will impose on the regulated community. The Board added this analysis in the RAF. Many courses are offered free of charge or at low cost through the American Association for Respiratory Care (AARC) free online courses. Most hospital respiratory therapy departments sponsor lectures at their facilities for their staff to attend at no charge and some offer "grand rounds" in their intensive care units. Print publications (such as Saxe Healthcare Communications at www.saxetesting.com) are also offered online at no charge. Because many courses are offered free of charge or at a low price, the Board estimates a cost of \$10 per credit hour, for a total cost for the additional 10 hours of continuing education of \$100 per licensee during a biennial renewal period or \$50 per year. Respiratory therapists may also receive free or low cost continuing education by joining AARC at a cost of \$90 annually. If one assumes that a licensee joins AARC primarily to receive low cost or free continuing education, then the total estimated cost of the additional continuing education and AARC membership is \$140 a year.

IRRC recommended consistency between the Board's proposed elimination of the limit on the number of continuing education hours that would be creditable for biennial renewal from nontraditional continuing education (prerecorded presentations, Internet-based presentations and journal review programs) and the State Board of Osteopathic Medicine's proposal that at least 10 hours of continuing education be earned in traditional continuing education (classroom lecture, clinical presentation, real-time web-cast or other live sessions where a presenter is involved). The Board and the State Board of Osteopathic Medicine have agreed that at least 10 hours of continuing education shall be taken from traditional sources to ensure consistent standards between the two boards.

IRRC also recommended that the Board define "practice building" in § 18.309b(c). The Board defined the term in

§ 18.302 (relating to definitions) as “marketing or any other activity that has as its primary purpose increasing the business volume or revenue of a licensee or the licensee’s employer.”

IRRC suggested that the Board’s description of amendments to the final-form rulemaking address first physician assistant provisions first, followed by the respiratory therapist provisions. The Board has done so.

IRRC asked the Board to add Purdon’s citations to § 18.146(c) and (d) and § 18.305(b) (relating to functions of respiratory therapists). The Board confirmed with the Legislative Reference Bureau that the proposed rulemaking is correct. Purdon’s citations to a cross-referenced statute are to appear only the first time the section of the act is referenced within a particular section of a regulation. The first citation applies to all subsequent references of the same statutory section or any subsection or paragraph of the same statutory section. Accordingly, the Board did not make the requested additions to §§ 18.146(c) and (d) and 13.305(b).

Description of Amendments to the Final-Form Rulemaking

In Chapter 16, the Board amended the paragraph number in § 16.11(b) (relating to licenses, certificates and registrations) that refers to the respiratory therapist license, as the Board has already published a final-form rulemaking regarding behavior specialists, athletic trainers and perfusionists in paragraphs (6)—(8), respectively. Thus, the respiratory therapist license will appear in paragraph (9).

In Chapter 18, the Board made amendments regarding physician assistants in Subchapter D. In § 18.122 (relating to definitions), the Board further defined NCCPA as the organization recognized by the Board to certify and recertify physician assistants by requiring continuing education and examination. In § 18.145, the Board directed physician assistants to the NCCPA’s web site for information regarding maintenance of certification and clarified that it will publish recognition of additional National organizations on the Board’s web site.

The remaining changes in the final-form rulemaking appear in Subchapter F. The Board added a definition of “practice building” in § 18.302.

In § 18.306, the Board clarified that a temporary permit will be issued to an applicant who is not yet a licensee of the Board. Furthermore, as requested by the PSRC, the HPLC and IRRC, the Board replaced CRTT with “entry level credentialing examination” in §§ 18.306(b) and 18.307(1)(i).

The Board amended § 18.309a(a)(3) to make the traditional and nontraditional continuing education requirements the same for both the Board and the State Board of Osteopathic Medicine. The provision provides that respiratory therapists shall complete at least 10 hours of traditional continuing education such as classroom lecture, clinical presentation, real-time web-case or other sessions when a presenter is involved to meet the biennial continuing education requirement. Prior to the statutory increase to the total number of credits required biennially, the Board had required 10 hours to be completed in traditional continuing education, but had proposed elimination of this restriction. Upon agreement with the State Board of Osteopathic Medicine, both boards will both retain this requirement.

The Board amended § 18.309a(b) to clarify that new licensees are exempt from the continuing education requirement for the first biennial renewal period. The new

language states: “An individual applying for the first time for licensure in this Commonwealth is exempt from completing the continuing education requirements during the initial biennial renewal period in which the license is issued.”

Fiscal Impact and Paperwork Requirements

There are minimal fiscal impacts upon physician assistants because they are already required to complete continuing education to maintain National certification and because virtually all physician assistants already carry professional liability insurance, usually provided by their employers. There will not be adverse fiscal impact on the Commonwealth or its political subdivisions. Likewise, the amendments in this final-form rulemaking will not impose additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector. The final-form rulemaking will have only a minor fiscal impact on respiratory therapists who shall take an additional 10 credit hours of continuing education during a biennial period and may impact those small businesses who pay continuing education costs for employed respiratory therapists.

Sunset Date

The Board continuously monitors its regulations. Therefore, a sunset date has not been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 2, 2012, the Board submitted a copy of the notice of proposed rulemaking, published at 42 Pa.B. 2469, to IRRC and the Chairpersons of the HPLC and the State Consumer Protection and Professional Licensure Committee (SCP/PLC) for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on December 11, 2013, the final-form rulemaking was approved by the HPLC. On December 11, 2013, the final-form rulemaking was deemed approved by the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on December 12, 2013, and approved the final-form rulemaking.

Findings

The Board finds that:

- (1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.
- (2) A public comment period was provided as required by law and all comments were considered.
- (3) The amendments to the final-form rulemaking do not enlarge the purpose of the proposed rulemaking published at 42 Pa.B. 2469.
- (4) This final-form rulemaking is necessary and appropriate for administering and enforcing the authorizing act identified in this Preamble.

Order

The Board, acting under its authorizing statute, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapters 16 and 18, are amended by adding § 18.146 and amending §§ 16.11, 16.13, 18.122, 18.145, 18.301, 18.302, 18.304—18.309, 18.309a, 18.309b and 18.310 are amended to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(Editor's Note: Section 18.122 was not included in the proposed rulemaking published at 42 Pa.B. 2469.)

(b) The Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General as required by law.

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

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

ANDREW J. BEHNKE, MD,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 43 Pa.B. 7606 (December 28, 2013).)

Fiscal Note: Fiscal Note 16A-4930 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 16. STATE BOARD OF MEDICINE—GENERAL PROVISIONS

Subchapter B. GENERAL LICENSE, CERTIFICATION AND REGISTRATION PROVISIONS

§ 16.11. Licenses, certificates and registrations.

(a) The following medical doctor licenses are issued by the Board:

- (1) License without restriction.
- (2) Institutional license.
- (3) Extraterritorial license.
- (4) Graduate license.
- (5) Temporary license.
- (6) Interim limited license.

(b) The following nonmedical doctor licenses and certificates are issued by the Board:

- (1) Nurse-midwife license.
- (2) Nurse-midwife certificate of prescriptive authority.
- (3) Physician assistant license.
- (4) Acupuncturist license.
- (5) Practitioner of Oriental medicine license.
- (6) Behavior specialist license.
- (7) Athletic trainer license.
- (8) Perfusionist license.
- (9) Respiratory therapist license.

(c) The following registrations are issued by the Board:

- (1) Registration as a supervising physician of a physician assistant.
- (2) Biennial registration of a license without restriction.
- (3) Biennial registration of an extraterritorial license.
- (4) Biennial registration of a midwife license.
- (5) Biennial registration of a physician assistant license.
- (6) Biennial registration of a drugless therapist license.
- (7) Biennial registration of a limited license—permanent.
- (8) Biennial registration of an acupuncturist license.
- (9) Biennial registration of a practitioner of Oriental medicine license.
- (10) Biennial registration of a behavior specialist license.
- (11) Biennial registration of athletic trainer license.
- (12) Biennial registration of a perfusionist license.

§ 16.13. Licensure, certification, examination and registration fees.

* * * * *

(g) *Respiratory Therapist License:*

Application, temporary permit	\$30
Application, initial certification	\$30
Biennial renewal	\$25

(h) *Athletic Trainer License:*

* * * * *

CHAPTER 18. STATE BOARD OF MEDICINE—PRACTITIONERS OTHER THAN MEDICAL DOCTORS

Subchapter D. PHYSICIAN ASSISTANTS GENERAL PROVISIONS

§ 18.122. Definitions.

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

* * * * *

NCCPA—The National Commission on Certification of Physician Assistants, the organization recognized by the Board to certify and recertify physician assistants by requiring continuing education and examination.

* * * * *

LICENSURE OF PHYSICIAN ASSISTANTS AND REGISTRATION OF SUPERVISING PHYSICIANS

§ 18.145. Biennial registration requirements; renewal of physician assistant license.

(a) A physician assistant shall register biennially according to the procedure in § 16.15 (relating to biennial registration; inactive status and unregistered status).

(b) The fee for the biennial registration of a physician assistant license is set forth in § 16.13 (relating to licensure, certification, examination and registration fees).

(c) To be eligible for renewal of a physician assistant license, the physician assistant shall complete continuing medical education as required by the NCCPA and maintain National certification by completing current recertifi-

cation mechanisms available to the profession, identified on the NCCPA's web site as recognized by the Board. The Board recognizes certification through the NCCPA and its successor organizations and certification through any other National organization for which the Board publishes recognition of the organization's certification of physician assistants on the Board's web site.

(d) The Board will keep a current list of persons licensed as physician assistants. The list will include:

- (1) The name of each physician assistant.
- (2) The place of residence.
- (3) The current business address.
- (4) The date of initial licensure, biennial renewal record and current supervising physician.

§ 18.146. Professional liability insurance coverage for licensed physician assistants.

(a) A licensed physician assistant shall maintain a level of professional liability insurance coverage as required under section 36(f) of the act (63 P. S. § 422.36(f)).

(b) Proof of professional liability insurance coverage may include:

(1) A certificate of insurance or copy of the declaration page from the applicable insurance policy setting forth the effective date, expiration date and dollar amounts of coverage.

(2) Evidence of a plan of self-insurance approved by the Insurance Commissioner of the Commonwealth under regulations of the Insurance Department in 31 Pa. Code Chapter 243 (relating to medical malpractice and health-related self-insurance plans).

(c) A license that was issued in reliance upon a letter from the applicant's insurance carrier indicating that the applicant will be covered against professional liability effective upon the issuance of the applicant's license as permitted under section 36(f)(2) of the act will become inactive as a matter of law 30 days after issuance of the license if the licensee has not provided proof of professional liability insurance coverage and will remain inactive until the licensee provides proof of insurance coverage.

(d) A licensee who does not have professional liability insurance coverage as required under section 36(f) of the act may not practice as a physician assistant in this Commonwealth.

Subchapter F. RESPIRATORY THERAPISTS

§ 18.301. Purpose.

This subchapter implements sections 13.1 and 36.1 of the act (63 P. S. §§ 422.13a and 422.36a), which were added by section 3 of the act of July 2, 1993 (P. L. 424, No. 60) to provide for the licensure of respiratory therapists.

§ 18.302. Definitions.

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

AARC—American Association for Respiratory Care, an organization which provides and approves continuing professional development programs.

AMA—American Medical Association, an organization which provides and approves continuing professional development programs.

AOA—American Osteopathic Association, an organization which provides and approves continuing professional development programs.

Act—The Medical Practice Act of 1985 (63 P. S. §§ 422.1—422.5(a)).

CoARC—The Committee on Accreditation for Respiratory Care, an organization which accredits respiratory care programs.

CSRT—Canadian Society of Respiratory Therapists, an organization which provides and approves continuing professional development programs.

Continuing education hour—Fifty minutes of continuing education.

NBRC—The National Board for Respiratory Care, the agency recognized by the Board to credential respiratory therapists.

Practice building—Marketing or any other activity that has as its primary purpose increasing the business volume or revenue of a licensee or the licensee's employer.

Respiratory therapist—A person who has been licensed in accordance with the act and this subchapter.

§ 18.304. Licensure of respiratory therapists; practice; exceptions.

(a) A person may not practice or hold himself out as being able to practice as a respiratory therapist in this Commonwealth unless the person holds a valid, current temporary permit or license issued by the Board, or the State Board of Osteopathic Medicine under Chapter 25 (relating to State Board of Osteopathic Medicine), or is exempted under section 13.1(e) of the act (63 P. S. § 422.13a(e)) or section 10.1(e) of the Osteopathic Medical Practice Act (63 P. S. § 271.10a(e)).

(b) A person may not use the words "licensed respiratory therapist" or "respiratory care practitioner," the letters "LRT," "RT" or "RCP" or similar words and related abbreviations to imply that respiratory care services are being provided, unless the services are provided by a respiratory therapist who holds a valid, current temporary permit or license issued by the Board or the State Board of Osteopathic Medicine and only while working under the supervision of a licensed physician.

§ 18.305. Functions of respiratory therapists.

(a) Under section 13.1(d) of the act (63 P. S. § 422.13a(d)), a respiratory therapist may implement direct respiratory care to an individual being treated by either a licensed medical doctor or a licensed doctor of osteopathic medicine, upon prescription or referral by a physician, certified registered nurse practitioner or physician assistant, or under medical direction and approval consistent with standing orders or protocols of an institution or health care facility. This care may constitute indirect services such as consultation or evaluation of an individual and also includes, but is not limited to, the following services:

- (1) Administration of medical gases.
- (2) Humidity and aerosol therapy.
- (3) Administration of aerosolized medications.
- (4) Intermittent positive pressure breathing.
- (5) Incentive spirometry.
- (6) Bronchopulmonary hygiene.
- (7) Management and maintenance of natural airways.
- (8) Maintenance and insertion of artificial airways.

(9) Cardiopulmonary rehabilitation.

(10) Management and maintenance of mechanical ventilation.

(11) Measurement of ventilatory flows, volumes and pressures.

(12) Analysis of ventilatory gases and blood gases.

(b) Under section 13.1(d) of the act, a respiratory therapist may perform the activities listed in subsection (a) only upon prescription or referral by a physician, certified registered nurse practitioner or physician assistant, or while under medical direction consistent with standing orders or protocols in an institution or health care facility.

§ 18.306. Temporary permits.

(a) A temporary permit will be issued to an applicant, who is not yet a licensee, who submits evidence satisfactory to the Board, on forms supplied by the Board, that the applicant has met one or more of the following criteria:

(1) Has graduated from a respiratory care program approved by the CoARC.

(2) Is enrolled in a respiratory care program approved by the CoARC and expects to graduate within 30 days of the date of application to the Board for a temporary permit.

(3) Meets all applicable requirements and is recognized as a credentialed respiratory therapist by the NBRC.

(b) A temporary permit is valid for 12 months and for an additional period as the Board may, in each case, specially determine except that a temporary permit expires if the holder fails the entry level credentialing examination. An applicant who fails the entry level credentialing examination may apply to retake it.

§ 18.307. Criteria for licensure as a respiratory therapist.

The Board will approve for licensure as a respiratory therapist an applicant who:

(1) Submits evidence satisfactory to the Board, on forms supplied by the Board, that the applicant has met one or more of the following criteria:

(i) Has graduated from a respiratory care program approved by the CoARC and passed the entry level credentialing examination as determined by the NBRC.

(ii) Holds a valid license, certificate or registration as a respiratory therapist in another state, territory or the District of Columbia which has been issued based on requirements substantially the same as those required by the Commonwealth, including the examination requirement.

(2) Has paid the appropriate fee in a form acceptable to the Board.

§ 18.308. Change of name or address.

A licensee shall inform the Board in writing within 10 days of a change of name or mailing address.

§ 18.309. Renewal of licensure.

(a) A license issued under this subchapter expires on December 31 of every even-numbered year unless renewed for the next biennium.

(b) Biennial renewal forms and other forms and literature to be distributed by the Board will be forwarded to the last mailing address given to the Board.

(c) To retain the right to engage in practice, the licensee shall renew licensure in the manner prescribed by the Board, complete the continuing education requirement set forth in § 18.309a (relating to requirement of continuing education) and pay the required fee prior to the expiration of the current biennium.

(d) When a license is renewed after December 31 of an even-numbered year, a penalty fee of \$5 for each month or part of a month of practice beyond the renewal date will be charged in addition to the renewal fee.

§ 18.309a. Requirement of continuing education.

(a) The following continuing education requirements shall be completed each biennial cycle:

(1) An applicant for biennial renewal or reactivation of licensure is required to complete, during the 2 years preceding the application for renewal or reactivation, a minimum of 30 hours of continuing education as set forth in section 36.1(f)(2) of the act (63 P. S. § 422.36a(f)(2)).

(2) At least 10 continuing education hours shall be obtained through classroom lecture, clinical presentation, real-time web-cast or other live sessions where a presenter is involved.

(3) At least 10 continuing education hours shall be obtained through traditional continuing education such as classroom lecture, clinical presentation, real-time web-cast or other live sessions where a presenter is involved. To qualify for credit, the provider shall make available documented verification of completion of the course or program.

(4) One continuing education hour shall be completed in medical ethics, and 1 continuing education hour shall be completed in patient safety.

(5) Credit will not be given for continuing education in basic life support, including basic cardiac life support and cardiopulmonary resuscitation. In any given biennial renewal period, a licensee may receive credit for no more than 8 continuing education hours in advanced life support, including advanced cardiac life support, neonatal advanced life support/neonatal resuscitation and pediatric advanced life support.

(6) A licensee will not receive continuing education credit for participating in a continuing education activity with objectives and content identical to those of another continuing education activity within the same biennial renewal period for which credit was granted.

(b) An individual applying for the first time for licensure in this Commonwealth is exempt from completing the continuing education requirements during the initial biennial renewal period in which the license is issued.

(c) The Board may waive all or a portion of the requirements of continuing education in cases of serious illness, other demonstrated hardship or military service. It shall be the duty of each licensee who seeks a waiver to notify the Board in writing and request the waiver prior to the end of the renewal period. The request must be made in writing, with appropriate documentation, and include a description of circumstances sufficient to show why the licensee is unable to comply with the continuing education requirement. The Board will grant, deny or grant in part the request for waiver and will send the licensee written notification of its approval or denial in whole or in part of the request. A licensee who requests a waiver may not practice as a respiratory therapist after

the expiration of the licensee's current license until the Board grants the waiver request.

(d) A licensee shall maintain the information and documentation supporting completion of the hours of continuing education required, or the waiver granted, for at least 2 years after the conclusion of the biennial renewal period to which the continuing education or waiver applies, the date of completion of the continuing education or grant of the waiver, whichever is latest, and provide the information and documentation to representatives of the Board upon request.

§ 18.309b. Approved educational courses.

(a) The Board approves respiratory care continuing education programs designated for professional development credits by the AARC, the AMA, the AOA and the CSRT. The courses, locations and instructors provided by these organizations for continuing education in respiratory care are deemed approved by the Board. Qualifying AMA continuing education programs shall be in AMA PRA Category I as defined in § 16.1 (relating to definitions) and qualifying AOA continuing education programs shall be in Category 1A and 1B.

(b) Advanced course work in respiratory care successfully completed at a degree-granting institution of higher education approved by the United States Department of Education which offers academic credits is also approved for continuing education credit by the Board. Advanced course work is any course work beyond the academic requirements necessary for licensure as a respiratory therapist. Proof of completion of the academic credits shall be submitted to the Board for determination of number of continuing education hours completed.

(c) The Board will not accept courses of study which do not relate to the clinical aspects of respiratory care, such as studies in office management or practice building.

§ 18.310. Inactive status.

(a) A licensee who does not intend to practice in this Commonwealth and who does not desire to renew licensure shall inform the Board in writing. Written confirmation of inactive status will be forwarded to the licensee.

(b) A licensee shall notify the Board, in writing, of the licensee's desire to reactivate the license.

(c) A licensee who is applying to return to active status is required to pay fees which are due for the current biennium and submit a sworn statement stating the period of time during which the licensee was not engaged in practice in this Commonwealth.

(d) The applicant for reactivation will not be assessed a fee or penalty for preceding biennial periods in which the applicant did not engage in practice in this Commonwealth.

[Pa.B. Doc. No. 14-234. Filed for public inspection January 31, 2014, 9:00 a.m.]

STATE BOARD OF OSTEOPATHIC MEDICINE

[49 PA. CODE CH. 25]

Physician Assistants and Respiratory Therapists

The State Board of Osteopathic Medicine (Board) amends §§ 25.141, 25.142, 25.161, 25.163, 25.176, 25.191, 25.192, 25.201, 25.215, 25.231, 25.501—25.509, 25.509a,

25.509b and 25.510 and adds § 25.164 (relating to professional liability insurance coverage for licensed physician assistants) to read as set forth in Annex A.

Effective Date

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

Statutory Authority

The final-form rulemaking is authorized under sections 10(f) and (h), 10.1(c), 10.2(f) and 16 of the Osteopathic Medical Practice Act (act) (63 P. S. §§ 271.10(f) and (h), 271.10a(c), 271.10b(f) and 271.16).

Background and Need for the Final-Form Rulemaking

The act of July 4, 2008 (P. L. 589, No. 46) (Act 46) amended the act to change references to the "certification of respiratory care practitioners" to "licensure of respiratory therapists" and revised the standards for licensure as a respiratory therapist and for receipt of a temporary practice permit. Act 46 also identified additional specific acts of practice for physician assistants and required physician assistants to complete continuing education and maintain professional liability insurance. Additionally, the act of July 2, 2004 (P. L. 486, No. 56) (Act 56) amended section 10(f) of the act to provide that the Board shall grant licensure, rather than certification, to physician assistants. This final-form rulemaking amends the Board's regulations to implement these changes.

Summary of Comments to Proposed Rulemaking and the Board's Response

The Board published the proposed rulemaking at 42 Pa.B. 2474 (May 12, 2012) with a 30-day public comment period. The Board received public comments from the Pennsylvania Society for Respiratory Care, Inc. (PSRC). The Board also received comments from the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC) as part of their review under the Regulatory Review Act (71 P. S. §§ 745.1—745.12).

Comments from the PSRC

The PSRC sent the Board four comments on June 7, 2012. Regarding § 25.507(1)(i) (relating to criteria for licensure as a respiratory therapist), the PSRC requested the Board identify the "credentialing examination" as the examination for entry to practice rather than the "CRTT." IRRC agreed. In addition to making this change, the Board similarly clarified the examination in § 25.506(b) (relating to temporary permits), a necessary amendment noted by the HPLC.

The PSRC also recommended that the Board delete § 25.506. The PSRC opined that temporary permits are unnecessary because graduates may now schedule the entry level examination immediately upon graduation. Act 46 revised qualifications of applicants for a temporary permit so that section 10.2(b) of the act sets forth the criteria for the Board issuing a temporary permit to individuals who have applied for licensure and section 10.2(c) of the act sets forth the duration and effect of temporary permits. These amendments indicate that the General Assembly has reaffirmed the viability of temporary permits for respiratory therapists and, accordingly, the Board believes that it lacks statutory authority to eliminate temporary permits.

In addition, the Board believes there is some value to retaining temporary permits. A temporary permit to practice is valid for 12 months, unless the holder fails the entry level credentialing examination. Upon notification

to the permit holder that the examination attempt was not successful, the permit becomes null and void. An applicant is not required to obtain a temporary permit, but may apply for a temporary permit to allow practice prior to the time the applicant takes the licensing examination, while the applicant is waiting for the examination results or while the applicant's application for licensure is being processed. In short, a temporary permit bridges a time gap that may occur between graduation and licensure and allows graduates to become employed without delay.

The PSRC also recommended changes to § 25.509a (relating to requirement of continuing education). The PSRC questioned whether this subsection applied to new graduates. In response, the Board rewrote subsection (b) for clarity to read: "An individual applying for the first time for licensure in this Commonwealth is exempt from completing the continuing education requirements during the initial biennial renewal period in which the license is issued." This language exempts from the continuing education requirement the three types of applicants who may obtain initial Pennsylvania licensure: 1) new graduates from this Commonwealth; 2) new graduates from other states; and 3) licensees in other states who are seeking licensure in this Commonwealth.

The PSRC suggested eliminating the exemption for licensees in other states who are seeking licensure in this Commonwealth who are not "new graduates." The Board declines to make this change. Continuing education is required for license renewal in the 48 states where respiratory therapists are licensed. If a practicing respiratory therapist from another state applies for a license in this Commonwealth and has not taken as many hours of continuing education as now required in this Commonwealth, that individual will still have both experience and knowledge gained while practicing in another state. The exemption is applied to only the first biennial renewal period for the allied health professionals licensed by the Board. Finally, eliminating the exemption would be time consuming and difficult for the Board to administer because it would require the Board to distinguish between licensees whose initial license was granted in this Commonwealth and licensees whose initial license was granted by another state. For these reasons, the Board maintains that the new language it has added to § 25.509a(b) clarifies this subsection and that further changes are not necessary or warranted.

The PSRC asked the Board to approve advanced life support courses accredited by the American Heart Association (AHA) or similar groups in § 25.509b(a) (relating to approved educational programs). AHA advanced life support courses are approved by the American Medical Association (AMA). Section 25.509b(a) already provides approval for AMA-approved continuing education programs. Therefore, AHA advanced life support courses are already approved as continuing education for respiratory therapists.

Comments from the HPLC

On June 13, 2012, the HPLC submitted comments. The first comment noted the Board's timing for the submission of the proposed rulemaking. The Board respectfully understands the Committee's comments and will work to provide more timely proposed rulemakings in the future.

Second, as noted previously, the HPLC suggested that with the deletion of "CRTT" from § 25.502 (relating to definitions), § 25.506(b) should be amended to refer to the "credentialing examination." The Board made this

change and also amended § 25.507(1)(i) to add "entry level" before "credentialing examination" to accurately identify the required examination.

Comments from IRRC

On July 11, 2012, IRRC submitted seven comments. IRRC pointed out that the "Note" section of Act 46 requires the Board and the State Board of Medicine to jointly promulgate these regulations. The act and the Medical Practice Act of 1985 (63 P. S. §§ 422.1—422.51a) authorize each board to license and regulate only those who practice under each act, respectively. The amendments to each act in the act of July 4, 2008 (P. L. 580, No. 45) and Act 46 do not change which board licenses and regulates the professionals under the jurisdiction of each board. Likewise, the Board and the State Board of Medicine do not jointly license or regulate the professionals under the jurisdiction of each board. The Board and the State Board of Medicine promulgated similar proposed rulemakings and now adopt substantially identical final-form rulemakings. By promulgating the final-form rulemakings at the same time, the statutorily mandated changes will be effective at the same time, regardless of which board has jurisdiction over an individual practitioner. The Board believes this process meets with the statutory intent.

With respect to Subchapter C (relating to physician assistant provisions), IRRC raised two issues. IRRC noted that § 25.163(c) (relating to approval and effect of licensure; biennial renewal of physician assistants; registration of supervising physicians) requires physician assistants to maintain National certification and recommended that the final-form rulemaking should identify the recertification mechanisms recognized by the Board or identify how a physician assistant can access this information. The Board adds to the first sentence of this subsection a reference to the National Commission on Certification of Physician Assistants (NCCPA) and directs physician assistants to the NCCPA's web site (www.nccpa.net) to access the information.

IRRC recommended that the Board clarify where it will publish future recognition of an organization's certification of physician assistants. The Board addressed this request in § 25.163(c), noting that additional National certification of an organization will be announced on the Board's web site (www.dos.state.pa.us/ost).

IRRC's remaining comments addressed Subchapter K (relating to respiratory therapists). IRRC indicated some confusion in § 25.506(a), which refers to an individual "who is recognized as a *credentialed respiratory therapist* . . ." (Emphasis added by IRRC.) The Board amended this subsection to clarify that an applicant for a temporary permit would not yet be a licensee of the Board. The reference to a "credentialed respiratory therapist" is intended to mean an individual who holds one of the credentials issued by the National Board for Respiratory Care.

Regarding § 25.506(b), IRRC echoed the suggestion made by the HPLC to replace "CRTT" with "credentialing examination." The change has been made. IRRC also agreed with the PSRC's comment regarding replacing "credentialing examination" with "entry level credentialing examination," changes which were also made to § 25.507(1)(i).

IRRC made two recommendations regarding § 25.509a. IRRC recommended that the Board address in the Regulatory Analysis Form (RAF) additional costs that the increase in the minimum number of mandatory continu-

ing education hours will impose on the regulated community. The Board added this analysis in the RAF. Many courses are offered free of charge or at low cost through the American Association for Respiratory Care (AARC). Most hospital respiratory therapy departments sponsor lectures at their facilities for their staff to attend at no charge and some offer “grand rounds” in their intensive care units. Print publications (such as Saxe Healthcare Communications at www.saxetesting.com) are also offered online at no charge. Because many courses are offered free of charge or at a low price, the Board estimates a cost of \$10 per credit hour, for a total additional cost of \$100 per licensee during a biennial renewal period or \$50 per year. Respiratory therapists may receive free or low cost continuing education by joining the AARC at a cost of \$90 annually. If one assumes that a licensee joins AARC primarily to receive low cost or free continuing education, then the total estimated cost of continuing education and AARC membership is \$140 a year.

IRRC recommended consistency between the Board’s proposal that no more than 10 hours of creditable continuing education may be earned through nontraditional sources (prerecorded presentations, Internet-based presentations and journal review programs) and the State Board of Medicine’s proposal that there be no restriction on these hours. The Board and the State Board of Medicine have agreed to identical language requiring at least 10 hours of continuing education be earned in traditional continuing education (classroom lecture, clinical presentation, real-time web-cast or other live sessions where a presenter is involved) to ensure consistent standards between the Board and the State Board of Medicine.

IRRC also recommended that the Board define “practice building.” The Board added the definition in § 25.502 as “marketing or any other activity that has as its primary purpose increasing the business volume or revenue of a licensee or the licensee’s employer.”

IRRC suggested that the Board’s description of amendments to the final-form rulemaking address first physician assistant provisions, followed by the respiratory therapist provisions. The Board has done so.

IRRC asked the Board to add Purdon’s citations to § 25.164(c) and (d) and § 25.505(b) (relating to functions of respiratory therapists). The Board confirmed with the Legislative Reference Bureau that the proposed rulemaking is correct. Purdon’s citations to a cross-referenced statute are to appear only the first time the section of the act is referenced within a particular section of a regulation. The first citation applies to all subsequent references to the same statutory section or any subsection or paragraph of the section. Accordingly, the Board did not make the requested additions.

Description of Amendments to the Final-Form Rulemaking

The Board amended § 25.142 (relating to definitions) to further define “NCCPA” as the organization recognized by the Board to certify and recertify physician assistants by requiring continuing education and examination. The Board added information to § 25.163 to direct applicants to NCCPA’s web site for information regarding maintaining current certification with that organization and clarified that it will publish recognition of additional National organizations on the Board’s web site.

The remaining changes in the final-form rulemaking are in Subchapter K. The Board added a definition of “practice building” in § 25.502.

In § 25.506, the Board clarified that a temporary permit will be issued to an applicant who is not yet a licensee of the Board. Furthermore, as requested by the PSRC, the HPLC and IRRC, the Board replaced “CRTT” with “entry level credentialing examination” in §§ 25.506(b) and 25.507(1)(i).

The Board amends § 25.509a(a)(3) to make the traditional and nontraditional continuing education requirements the same for both the Board and the State Board of Medicine. The provision provides that respiratory therapists shall complete at least 10 hours of traditional continuing education such as classroom lecture, clinical presentation, real-time web-case or other sessions where a presenter is involved to meet the biennial continuing education requirement.

The Board amended § 25.509a(b) to clarify that new licensees are exempt from the continuing education requirement for the first biennial renewal period. The new language states: “An individual applying for the first time for licensure in this Commonwealth is exempt from completing the continuing education requirements during the initial biennial renewal period in which the license is issued.”

Fiscal Impact and Paperwork Requirements

There are minimal fiscal impacts upon physician assistants because physician assistants are already required to complete continuing education to maintain National certification and because virtually all physician assistants already hold professional liability insurance. There will not be adverse fiscal impact on the Commonwealth or its political subdivisions. Likewise, the amendments in this final-form rulemaking will not impose additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector. The final-form rulemaking will have only a minor fiscal impact on respiratory therapists who shall take an additional 10 credit hours of continuing education during a biennial period and may impact those small businesses who pay continuing education costs for employed respiratory therapists.

Sunset Date

The Board continuously monitors its regulations. Therefore, a sunset date has not been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 2, 2012, the Board submitted a copy of the notice of proposed rulemaking, published at 42 Pa.B. 2474, to IRRC and the Chairpersons of the HPLC and the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on December 11, 2013, the final-form rulemaking was approved by the HPLC. On December 11, 2013, the final-form rulemaking was deemed approved by the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on December 12, 2013, and approved the final-form rulemaking.

Findings

The Board finds that:

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

(2) A public comment period was provided as required by law and all comments were considered.

(3) The amendments to the final-form rulemaking do not enlarge the purpose of the proposed rulemaking published at 42 Pa.B. 2474.

(4) This final-form rulemaking is necessary and appropriate for administering and enforcing the authorizing act identified in this preamble.

Order

The Board, acting under its authorizing statute, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 25, are amended by adding § 25.164 and amending §§ 25.141, 25.142, 25.161, 25.163, 25.176, 25.191, 25.192, 25.201, 25.215, 25.231, 25.501—25.509, 25.509a, 25.509b and 25.510 are amended to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General as required by law.

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

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

JEFFREY A. HEEBNER, DO,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 43 Pa.B. 7606 (December 28, 2013).)

Fiscal Note: Fiscal Note 16A-5321 remains valid for the final adoption of the subject regulations.

Annex A**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS****PART I. DEPARTMENT OF STATE****Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS****CHAPTER 25. STATE BOARD OF OSTEOPATHIC MEDICINE****Subchapter C. PHYSICIAN ASSISTANT PROVISIONS****GENERAL PROVISIONS****§ 25.141. Purpose.**

The purpose of this subchapter is to implement the provisions of the act which provide for the licensure of physician assistants. The legislation provides for more effective utilization of certain skills of osteopathic physicians enabling them to delegate certain medical tasks to qualified physician assistants when such delegation is consistent with the patient's health and welfare.

§ 25.142. Definitions.

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

Certification—The approval of a program by the Board for the training and education of physician assistants.

Direct supervision—The physical presence of the supervising physician on the premises so that the supervising physician is immediately available to the physician assistant when needed. Where emergency rooms are concerned, direct supervision requires the presence of the supervising physician in the emergency room suite.

NCCPA—The National Commission on Certification of Physician Assistants, the organization recognized by the Board to certify and recertify physician assistants by requiring continuing education and examination.

Protocol—Written treatment instructions prepared by the supervising osteopathic physician for use by the physician assistant, containing a detailed description of the manner in which the physician assistant will assist the physician in his practice, a list of functions to be delegated to the physician assistant including the procedures enumerated in § 25.171(a) (relating to generally) and other specified delegated tasks, detailed instructions for the use of the physician assistant in the performance of delegated tasks, the method and frequency of supervision and the geographic location where the physician assistant will serve.

Registration—The approval by the Board of an osteopathic physician, licensed to practice osteopathic medicine and surgery without restriction, to supervise and utilize a specified physician assistant.

Satellite operations—An office or clinic separate and apart from the office of the supervising physician established by the physician and manned exclusively by a physician assistant.

Supervising physician—A physician licensed to practice osteopathic medicine and surgery in this Commonwealth who registers with the Board and who accepts the responsibility for the supervision of services rendered by physician assistants.

Supervision—The opportunity or ability of the physician, or in his absence a substitute supervising physician, to provide or exercise control and direction over the services of physician assistants. Constant physical presence of the supervising physician on the premises is not required so long as the supervising physician and the physician assistant are or can easily be in contact with each other by radio, telephone or telecommunication. Supervision requires the availability of the supervising physician to the physician assistant. An appropriate degree of supervision includes:

(i) Active and continuing overview of the physician assistant's activities to determine that the physician's directions are being implemented.

(ii) Immediate availability of the supervising physician to the physician assistant for necessary consultations.

(iii) Personal and regular—at least weekly—review by the supervising physician of the patient records upon which entries are made by the physician assistant.

(iv) Periodic—at least monthly—education and review sessions held by the supervising physician for the physician assistant under his supervision for discussion of specific conditions, protocols, procedures and specific patients.

Written agreement—The agreement between the physician assistant and supervising physician, which satisfies the requirements of § 25.162(a)(4) (relating to criteria for registration as supervising physician).

LICENSURE OF PHYSICIAN ASSISTANTS AND REGISTRATION OF SUPERVISING PHYSICIANS

§ 25.161. Criteria for licensure as a physician assistant.

(a) The Board has approved as a proficiency examination the national certification examination on primary care developed by the NCCPA. The Board will maintain a current register of approved proficiency examinations. This register will list the full name of the examination, the organization giving the examination, the mailing address of the examination organization and the date the proficiency examination received Board approval. This register shall be available for public inspection.

(b) The clinical experience required by the Board is at present identical to the clinical experience required by the NCCPA for taking the NCCPA examination on primary care. To qualify for an NCCPA proficiency examination, the applicant's employment history must be verified by the NCCPA in cooperation with the Board and must be evaluated by the NCCPA in relation to specific work criteria.

(c) The Board will approve for licensure as a physician assistant an applicant who:

- (1) Is of good moral character and reputation.
- (2) Has graduated from a physician assistant training program certified by the Board.
- (3) Has submitted a completed application detailing his education and work experience, together with the required fee.
- (4) Has passed a proficiency examination approved by the Board.

(d) The physician assistant may amend information regarding his education and work experience submitted under the requirements of subsection (c)(3), by submitting to the Board in writing additional detailed information. No additional fee will be required. The file for each physician assistant will be reviewed by the Board to determine whether the physician assistant possesses the necessary skills to perform the tasks that a physician, applying for registration to supervise and utilize the physician assistant, intends to delegate to him as set forth in the protocol contained in the physician's application for registration.

(e) A person who has been licensed as a physician assistant by the State Board of Medicine shall make a separate application to the Board if he intends to provide physician assistant services for a physician licensed to practice osteopathic medicine and surgery without restriction.

(f) An application for licensure as a physician assistant by the Board may be obtained by writing to the Harrisburg office of the Board.

§ 25.163. Approval and effect of licensure; biennial renewal of physician assistants; registration of supervising physicians.

(a) Upon approval of an application for licensure as a physician assistant, the Board will issue a physician assistant license which contains the licensee's name,

license number and the date of issuance, after payment of the fee required under § 25.231 (relating to schedule of fees).

(b) A physician assistant's right to continue practicing is conditioned upon biennial renewal and the payment of the fee required under § 25.231. Upon receipt of the form provided to the physician assistant by the Board in advance of the renewal period and the required fee, the Board will issue the physician assistant a biennial renewal certificate containing the licensee's name, license number and the beginning and ending dates of the biennial renewal period.

(c) To be eligible for renewal of a physician assistant license, the physician assistant shall complete continuing medical education as required by NCCPA and maintain National certification by completing current certification and recertification mechanisms available to the profession, identified on NCCPA's web site and recognized by the Board. The Board recognizes certification through NCCPA and its successor organizations and certification through any other National organization for which the Board publishes recognition of the organization's certification of physician assistants on the Board's web site.

(d) Upon approval of an application for registration as a supervising physician, the Board will issue a supervising physician registration certificate which contains the name of the supervising physician, his registration number and the name of the physician assistant that he is authorized to supervise under that specific registration. The registration is not subject to renewal. When the physician submits a request to modify a protocol with respect to a physician assistant he is already registered to utilize, no new registration certificate will be issued; however, the physician will receive a letter from the Board confirming its approval of the expanded utilization.

(e) Only a physician registered with the Board may use the services of physician assistants. A physician assistant shall have a clearly identified supervising physician who is professionally and legally responsible for the physician assistant's services. Whenever a physician assistant is employed by a professional corporation or partnership, an individual physician must still register as the supervising physician. Each member of a professional corporation or partnership may register as a supervising physician. When a physician assistant is employed by a professional corporation or partnership, the registered supervising physician is not relieved of the professional and legal responsibility for the care and treatment of patients attended by the physician assistant under his supervision.

(f) The Board will keep a current register of persons licensed as physician assistants. This register will include the name of each physician assistant, the physician assistant's mailing address of record, current business address, the date of initial licensure, biennial renewal record and current supervising physician. This register is available for public inspection.

(g) The Board will keep a current register of approved registered supervising physicians. This register will include the physician's name, his mailing address of record, his current business address, the date of his initial registration, his satellite operation if applicable, the names of current physician assistants under his supervision and the names of physicians willing to provide substitute supervision in his absence. This register will be available for public inspection.

§ 25.164. Professional liability insurance coverage for licensed physician assistants.

(a) A licensed physician assistant shall maintain a level of professional liability insurance coverage as required under section 10(g.3) of the act (63 P.S. § 271.10(g.3)).

(b) Proof of professional liability insurance coverage may include:

(1) A certificate of insurance or copy of the declaration page from the applicable insurance policy setting forth the effective date, expiration date and dollar amounts of coverage.

(2) Evidence of a plan of self-insurance approved by the Insurance Commissioner of the Commonwealth under regulations of the Insurance Department in 31 Pa. Code Chapter 243 (relating to medical malpractice and health-related self-insurance plans).

(c) A license that was issued in reliance upon a letter from the applicant's insurance carrier indicating that the applicant will be covered against professional liability effective upon the issuance of the applicant's license as permitted under section 10(g.3)(2) of the act will become inactive as a matter of law 30 days after issuance of the license if the licensee has not provided proof of professional liability insurance coverage and will remain inactive until the licensee provides proof of insurance coverage.

(d) A licensee who does not have professional liability insurance coverage as required under section 10(g.3) of the act may not practice as a physician assistant in this Commonwealth.

PHYSICIAN ASSISTANT UTILIZATION

§ 25.176. Monitoring and review of physician assistant utilization.

(a) Designated representatives of the Board will be authorized to make on-site visits to the office of registered supervising physicians and medical care facilities utilizing physician assistants to review the following:

- (1) Supervision of physician assistants.
- (2) Maintenance of the protocols and compliance with them.
- (3) Utilization in conformity with the provisions of this subchapter.
- (4) Identification of physician assistants.
- (5) Compliance with certification and registration requirements.

(b) Reports shall be submitted to the Board and become a permanent record under the supervising physician's registration. Deficiencies reported shall be reviewed by the Board and may provide a basis for disciplinary action against the license of the physician assistant and the license or registration, or both, of the supervising physician.

(c) The Board reserves the right to review physician assistant utilization and records associated therewith, including patient records, without prior notice to either the physician assistant or the registered supervising physician. It will be considered a violation of this subchapter for a supervising physician to refuse to undergo a review by the Board.

PHYSICIAN ASSISTANT REQUIREMENTS IN EMPLOYMENT

§ 25.191. Physician assistant identification.

(a) No physician assistant may render medical services nor a permitted task as set forth in this chapter to a patient until the patient has been informed of the following:

- (1) That the physician assistant is not a physician.
- (2) That the physician assistant may perform the services required as an employee of the physician and as directed by the supervising physician.
- (3) That the patient has the right not to be treated by the physician assistant if he so desires.

(b) It shall be the supervising physician's responsibility to ensure that patients are apprised of subsection (a) and it shall further be his responsibility to be alert to patient complaints concerning the type or quality of services provided by the physician assistant.

(c) In the supervising physician's office and a satellite operation, a notice plainly visible to patients shall be posted in a prominent place explaining the meaning of the term "physician assistant." The supervising physician shall display his registration to supervise the office. The physician assistant's license shall be prominently displayed in all facilities in which he may function. Duplicate certificates may be obtained from the Board if required.

(d) The physician assistant shall wear an identification tag which uses the term "Physician Assistant," in 16 point type or larger, conspicuously worn.

§ 25.192. Notification of termination of employment; change of address.

(a) The physician assistant is required to notify the Board of a termination of employment or change of mailing address within 15 days. Failure to notify the Board, in writing, of change in mailing address may result in failure to receive pertinent material distributed by the Board.

(b) The supervising physician is required to notify the Board of a termination of his supervision of a physician assistant within 15 days.

(c) Failure to notify the Board of a termination in the physician/physician assistant relationship shall provide a basis for disciplinary action against the physician assistant's license, the supervising physician's license or registration as a supervising physician.

DISCIPLINARY ACTION AGAINST LICENSE OF PHYSICIAN ASSISTANT

§ 25.201. Grounds for complaint.

(a) The bases upon which the Board may take disciplinary action against the license of a physician assistant are set forth in section 15(b) of the act (63 P.S. § 271.15(b)). A complaint against a physician assistant shall allege that the physician assistant is performing tasks in violation of statute, regulation or good and acceptable standards of practice of physician assistants. The grounds include those specifically enumerated in section 15(b) of the act. Unprofessional conduct shall include, but is not limited to, the following:

- (1) Misrepresentation or concealment of a material fact in obtaining a license or a reinstatement thereof.

(2) Commission of an offense under a statute of the Commonwealth relating to the practice of physician assistants or under this chapter.

(3) The commission of an act involving moral turpitude, dishonesty or corruption when the act directly or indirectly affects the health, welfare or safety of citizens of the Commonwealth. If the act constitutes a crime, conviction thereof in a criminal proceeding will not be a condition precedent to disciplinary action.

(4) Conviction of a felony, defined as such under the statute of the Commonwealth or under the laws of another state, territory or country.

(5) Misconduct in his practice as a physician assistant or performing a task fraudulently, beyond its authorized scope, with incompetence or with negligence on a particular occasion or on repeated occasions.

(6) Performing tasks as a physician assistant while the ability to do so is impaired by alcohol, drugs, physical disability or mental instability.

(7) Impersonation of a licensed physician or another licensed physician assistant.

(8) The offering, undertaking or agreeing to cure or treat disease by a secret method, procedure, treatment or medicine; the treating or prescribing for a human condition by a method, means or procedure which the physician assistant refuses to divulge upon demand of the Board; or the use of methods or treatment which are not in accordance with treatment processes accepted by a reasonable segment of the medical profession.

(9) Violation of this chapter fixing a standard of professional conduct.

(b) Subsection (a) supplements 1 Pa. Code § 35.10 (relating to form and content of formal complaints).

Subchapter D. MINIMUM STANDARDS OF PRACTICE

§ 25.215. Definitions.

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

Board-regulated practitioner—An osteopathic physician, perfusionist, physician assistant, respiratory therapist, athletic trainer, acupuncturist or an applicant for a license or certificate issued by the Board.

Immediate family member—A parent or guardian, child, sibling, spouse or other family member, whether related by blood or marriage, with whom a patient resides.

Sexual behavior—Any sexual conduct which is nondiagnostic and nontherapeutic; it may be verbal or physical and may include expressions of thoughts and feelings or gestures that are sexual in nature or that reasonably may be construed by a patient as sexual in nature.

Sexual exploitation—Any sexual behavior that uses trust, knowledge, emotions or influence derived from the professional relationship.

Subchapter F. FEES

§ 25.231. Schedule of fees.

An applicant for a license, certificate, registration or service shall pay the following fees at the time of application:

* * * * *	
Application for physician assistant license	\$30
* * * * *	

Subchapter K. RESPIRATORY THERAPISTS

§ 25.501. Purpose.

This subchapter implements sections 10.1 and 10.2 of the act (63 P.S. §§ 271.10a and 271.10b), which were added by section 3 of the act of July 2, 1993 (P.L. 418, No. 59) to provide for the licensure of respiratory therapists.

§ 25.502. Definitions.

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

AARC—American Association for Respiratory Care, an organization which provides continuing professional development programs.

AMA—American Medical Association, an organization which provides continuing professional development programs.

AOA—American Osteopathic Association, an organization which provides continuing professional development programs.

Act—The Osteopathic Medical Practice Act (63 P.S. §§ 271.1—271.18).

CoARC—The Committee on Accreditation for Respiratory Care, an organization which accredits respiratory care programs.

CSRT—Canadian Society of Respiratory Therapists, an organization which provides continuing professional development programs.

NBRC—The National Board for Respiratory Care, the agency recognized by the Board to certify respiratory therapists.

Practice building—Marketing or any other activity that has as its primary purpose increasing the business volume or revenue of a licensee or the licensee’s employer.

Respiratory therapist—A person who has been licensed in accordance with the act and this subchapter.

§ 25.503. Fees.

The following is the schedule of fees charged by the Board:

- (1) Temporary permit \$30
- (2) Initial license application \$30
- (3) Licensure examination \$100
- (4) Reexamination \$60
- (5) Biennial renewal of licensure \$25

§ 25.504. Licensure of respiratory therapists; practice; exceptions.

(a) A person may not practice or hold himself out as being able to practice as a respiratory therapist in this Commonwealth unless the person holds a valid, current temporary permit or license issued by the Board, or the State Board of Medicine under Chapter 18 (relating to State Board of Medicine—practitioners other than medical doctors), or is exempted under section 10.1(e) of the act (63 P.S. § 271.10a(e)) or section 13.1(e) of the Medical Practice Act of 1985 (63 P.S. § 422.13a(e)).

(b) A person may not use the words “licensed respiratory therapist” or “respiratory care practitioner,” the letters “LRT,” “RT” or “RCP” or similar words and related abbreviations to imply that respiratory care services are being provided, unless the services are provided by a

respiratory therapist who holds a valid, current temporary permit or license issued by the Board or the State Board of Medicine and only while working under the supervision of a licensed physician.

§ 25.505. Functions of respiratory therapists.

(a) Under section 10.1(d) of the act (63 P. S. § 271.10a(d)), a respiratory therapist may implement direct respiratory care to an individual being treated by either a licensed medical doctor or a licensed doctor of osteopathic medicine, upon prescription or referral by a physician, certified registered nurse practitioner or physician assistant, or under medical direction and approval consistent with standing orders or protocols of an institution or health care facility. This care may constitute indirect services such as consultation or evaluation of an individual and also includes, but is not limited to, the following services:

- (1) Administration of medical gases.
- (2) Humidity and aerosol therapy.
- (3) Administration of aerosolized medications.
- (4) Intermittent positive pressure breathing.
- (5) Incentive spirometry.
- (6) Bronchopulmonary hygiene.
- (7) Management and maintenance of natural airways.
- (8) Maintenance and insertion of artificial airways.
- (9) Cardiopulmonary rehabilitation.
- (10) Management and maintenance of mechanical ventilation.
- (11) Measurement of ventilatory flows, volumes and pressures.
- (12) Analysis of ventilatory gases and blood gases.

(b) Under section 10.1(d) of the act, a respiratory therapist may perform the activities listed in subsection (a) only upon prescription or referral by a physician, certified registered nurse practitioner or physician assistant or while under medical direction consistent with standing orders or protocols in an institution or health care facility.

§ 25.506. Temporary permits.

(a) A temporary permit will be issued to an applicant, who is not yet a licensee, who submits evidence satisfactory to the Board, on forms supplied by the Board, that the applicant has met one or more of the following criteria:

- (1) Has graduated from a respiratory care program approved by the CoARC.
- (2) Is enrolled in a respiratory care program approved by the CoARC and expects to graduate within 30 days of the date of application to the Board for a temporary permit.
- (3) Meets the applicable requirements and is recognized as a credentialed respiratory therapist by the NBRC.

(b) A temporary permit is valid for 12 months and for an additional period as the Board may, in each case, specially determine except that a temporary permit expires if the holder fails the entry level credentialing examination. An applicant who fails the entry level credentialing examination may apply to retake it.

§ 25.507. Criteria for licensure as a respiratory therapist.

The Board will approve for licensure as a respiratory therapist an applicant who:

(1) Submits evidence satisfactory to the Board, on forms supplied by the Board, that the applicant has met one or more of the following criteria:

- (i) Has graduated from a respiratory care program approved by the CoARC and passed the entry level credentialing examination as determined by the NBRC.
- (ii) Holds a valid license, certificate or registration as a respiratory therapist in another state, territory or the District of Columbia which has been issued based on requirements substantially the same as those required by the Commonwealth, including the examination requirement.

(2) Has paid the appropriate fee in a form acceptable to the Board.

§ 25.508. Change of name or address.

A licensee shall inform the Board in writing within 10 days of a change of name or mailing address.

§ 25.509. Renewal of licensure.

(a) A license issued under this subchapter expires on December 31 of every even-numbered year unless renewed for the next biennium.

(b) Biennial renewal forms and other forms and literature to be distributed by the Board will be forwarded to the last mailing address given to the Board.

(c) To retain the right to engage in practice, the licensee shall renew licensure in the manner prescribed by the Board, pay the required fee and comply with the continuing education requirement of § 25.509a (relating to requirement of continuing education), prior to the expiration of the current biennium.

(d) When a license is renewed after December 31 of an even-numbered year, a penalty fee of \$5 for each month or part of a month of practice beyond the renewal date will be charged in addition to the renewal fee.

§ 25.509a. Requirement of continuing education.

(a) An applicant for biennial renewal or reactivation of licensure is required to complete a minimum of 30 hours of continuing education as set forth in section 10.2(f)(2) of the act (63 P. S. § 271.10b(f)(2)) subject to the following:

(1) At least 10 continuing education hours shall be obtained through traditional continuing education such as classroom lecture, clinical presentation, real-time webcast or other live sessions where a presenter is involved. For nontraditional continuing education such as prerecorded presentations, Internet-based presentations and journal review programs, to qualify for credit, the provider shall make available documented verification of completion of the course or program.

(2) One hour must be completed in medical ethics, and 1 hour must be completed in patient safety.

(3) Credit will not be given for continuing education in basic life support, including basic cardiac life support and cardiopulmonary resuscitation. In any given biennial renewal period, a licensee may receive credit for no more than 8 continuing education hours in advanced life support, including advanced cardiac life support, neonatal advanced life support/neonatal resuscitation and pediatric advanced life support.

(4) A licensee will not receive continuing education credit for participating in a continuing education activity with objectives and content identical to those of another continuing education activity within the same biennial renewal period for which credit was granted.

(b) An individual applying for the first time for licensure in this Commonwealth is exempt from completing the continuing education requirements during the initial biennial renewal period in which the license is issued.

(c) The Board may waive all or a portion of the requirements of continuing education in cases of serious illness, undue hardship or military service. It shall be the duty of each licensee who seeks a waiver to notify the Board in writing and request the waiver prior to the end of the renewal period. The request must be made in writing, with appropriate documentation, and include a description of circumstances sufficient to show why the licensee is unable to comply with the continuing education requirement. The Board will grant, deny or grant in part the request for waiver and will send the licensee written notification of its approval or denial of the waiver request. A licensee who requests a waiver may not practice as a respiratory therapist after the expiration of the licensee's current license until the Board grants the waiver request.

(d) A licensee shall maintain the information and documentation concerning compliance with the continuing education requirement or the waiver granted for a period of at least 2 years after the end of the biennial renewal period to which the continuing education or waiver applies, the date of completion of the continuing education or grant of the waiver, whichever is latest, and provide the information and documentation to representatives of the Board upon request.

§ 25.509b. Approved educational programs.

(a) The Board approves respiratory care continuing education programs designated for professional development credits by the AARC, the AMA, the AOA and the CSRT.

(1) Qualifying AMA continuing education programs must be in AMA PRA Category I credits, as defined in § 25.1 (relating to definitions).

(2) Qualifying AOA continuing education programs must be in Category I-A or I-B credits, as defined in § 25.1.

(b) Advanced course work in respiratory care successfully completed at a degree-granting institution of higher education approved by the United States Department of Education which offers academic credits are also approved for continuing education credit by the Board. Advanced course work is course work beyond the academic requirements necessary for licensure as a respiratory therapist.

(c) The Board will not accept courses of study which do not relate to the actual provision of respiratory care. Examples of unacceptable courses are those in office management or practice building.

§ 25.510. Inactive status.

(a) A licensee who does not intend to practice in this Commonwealth and who does not desire to renew licensure shall inform the Board in writing. Written confirmation of inactive status will be forwarded to the licensee.

(b) A licensee shall notify the Board, in writing, of the licensee's desire to reactivate the license.

(c) A licensee who is applying to return to active status is required to pay fees which are due for the current biennium and submit a sworn statement stating the period of time during which the licensee was not engaged in practice in this Commonwealth.

(d) The applicant for reactivation will not be assessed a fee or penalty for preceding biennial periods in which the applicant did not engage in practice in this Commonwealth.

[Pa.B. Doc. No. 14-235. Filed for public inspection January 31, 2014, 9:00 a.m.]

BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

[49 PA. CODE CH. 43b]

Corrective Amendment to 49 Pa. Code § 43b.4

The Bureau of Professional and Occupational Affairs has discovered a discrepancy between the agency text of 49 Pa. Code § 43b.4 (relating to schedule of civil penalties—barbers and barber shops) as deposited with the Legislative Reference Bureau and the official text as published at 36 Pa.B. 7833, 7836 (December 23, 2006) and as currently appearing in the *Pennsylvania Code*. The citation for a violation of section 7 of the act of June 19, 1931 (P. L. 589, No. 202) (63 P. S. § 557), "availability of current license on premises," was cited incorrectly.

Therefore, under 45 Pa.C.S. § 901: The Bureau of Professional and Occupational Affairs has deposited with the Legislative Reference Bureau a corrective amendment to 49 Pa. Code § 43b.4. The corrective amendment to 49 Pa. Code § 43b.4 is effective December 23, 2006, the effective date of adoption of the final-form rulemaking amending this section.

The correct version of 49 Pa. Code § 43b.4 appears in Annex A.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 43b. COMMISSIONER OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

SCHEDULE OF CIVIL PENALTIES, GUIDELINES FOR IMPOSITION OF CIVIL PENALTIES AND PROCEDURES FOR APPEAL

§ 43b.4. Schedule of civil penalties—barbers and barber shops.

STATE BOARD OF BARBER EXAMINERS

<i>Violation under 35 P. S.</i>	<i>Title/Description</i>	<i>Civil Penalty</i>
Section 637.6(a)(1)	Failure of licensed barber shop or school to post a sign as required under section 4 of the Clean Indoor Air Act (35 P. S. § 637.4)	1st offense—\$250 2nd offense (within 1 year of 1st offense)—\$500 3rd offense (within 1 year of 2nd offense)—\$1,000 Subsequent offenses (within 1 year of previous offense)—\$1,000
Section 637.6(a)(2)	Barber shop permitting smoking in the barber shop or barber school permitting smoking in the barber school in violation of the Clean Indoor Air Act (35 P. S. §§ 637.1—637.11)	1st offense—\$250 2nd offense (within 1 year of 1st offense)—\$500 3rd offense (within 1 year of 2nd offense)—\$1,000 Subsequent offenses (within 1 year of previous offense)—\$1,000
Section 637.6(a)(3)	Licensee of the Board smoking in a barber shop or in a barber school in violation of the Clean Indoor Air Act	1st offense—\$250 2nd offense (within 1 year of 1st offense)—\$500 3rd offense (within 1 year of 2nd offense)—\$1,000 Subsequent offenses (within 1 year of previous offense)—\$1,000
<i>Violation under 63 P. S.</i>	<i>Title/Description</i>	<i>Civil Penalty</i>
Section 551	Practicing without a license	1st offense—\$500 2nd offense—Formal action
Section 557	Availability of current license on premises	1st offense—\$150 2nd offense—\$500
Section 558	Practicing on a lapsed or expired license	1st offense—Up to 90 days—Warning; 90 days to 1 year—\$250; 1 year to 2 years—\$500; over 2 years—\$1,000 2nd offense—Formal action
Section 562(a)(2)	Operating a business or facility on a lapsed or expired permit or license	1st offense—Up to 90 days—Warning; 90 days to 1 year—\$250; from 1 year to 2 years—\$500; over 2 years—\$1,000 2nd offense—Formal action
Section 559	Failure to employ licensed persons	1st offense—\$500 for each individual unlicensed barber 2nd offense—Formal action
Section 560	Opening shop for business before shop inspected and approved	1st offense—\$200 2nd offense—Formal action
Section 560	Failure to file application when taking over as owner of existing shop	1st offense—\$500 2nd offense—Formal action
Section 562	Operating an establishment without supervision of designated manager barber or other designated licensee	1st offense—\$250 2nd offense—Formal action
Section 560	Operating a business or facility without a permit or license	1st offense—\$500 2nd offense—Formal action
Section 563(a)	Licensee practicing in place other than licensed shop	1st offense—\$500 2nd offense—Formal action

<i>Violation under 49 Pa. Code Chapter 3</i>	<i>Title/Description</i>	<i>Civil Penalty</i>
Section 3.51(a)	Failure to obtain new shop license when shop moves	1st offense—\$500 2nd offense—Formal action
Section 3.51(b)	Failure to register trade name	1st offense—\$100 2nd offense—Formal action
Section 3.54	Failure to meet minimum equipment requirements	1st offense—\$100 2nd offense—Formal action
Section 3.55	Failure to meet minimum maintenance and sanitation requirements	1st offense—\$100 2nd offense—Formal action
Section 3.85	School equipment does not meet requirements	1st offense—\$100 2nd offense—Formal action
Section 3.86	School maintenance and sanitation requirements not met	1st offense—\$250 2nd offense—Formal action
Section 3.89	School advertising requirements not met	1st offense—\$250 2nd offense—Formal action

[Pa.B. Doc. No. 14-236. Filed for public inspection January 31, 2014, 9:00 a.m.]

Title 58—RECREATION

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 461a, 463a, 464a, 465a, 607a, 627a, 629a, 631a AND 633a]

Slot Machine and Table Game Device Testing and Control; Possession of Slot Machines and Fully Automated Electronic Gaming Tables; Slot Machine Tournaments; Accounting and Internal Controls; Possession of Table Game and Table Game Devices; Rules of Play

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. §§ 1207(3), (6), (9) and (21) and 13A02(1), (2) and (4) (relating to regulatory authority of board; and regulatory authority), amends Chapters 461a, 463a, 465a, 627a, 629a, 631a and 633a and adds Chapters 464a and 607a (relating to slot machine tournaments; and possession of table games and table game devices) to read as set forth in Annex A.

Purpose of the Final-Form Rulemaking

This final-form rulemaking amends the requirements for the termination, transfer or modification of progressive jackpots, requires operators to provide monthly table game device master lists to the Bureau of Gaming Laboratory Operations (Bureau), codifies Board policy on slot machine tournaments and adds an additional side wager to the Baccarat games.

§ 461a.1. *Definitions*

The definitions added in this section are moved from § 461a.12 (relating to progressive slot machines).

§ 461a.8. *Gaming vouchers*

Although operators are required to file a report with the State Treasurer regarding old gaming vouchers that will escheat to the Commonwealth, operators are no longer required to submit a copy of that report to the Board.

§ 461a.12. *Progressive slot machines*

The definitions of “progressive slot machine” and “wide area progressive system” are moved from subsection (a) to § 461a.1 (relating to definitions) as these definitions are applicable to all sections in the chapter. Subsections (b)—(f) and (h) are amended for clarity.

Subsection (k) requires operators to receive written approval from the Bureau prior to capping or transferring a progressive jackpot. Additionally, operators may transfer progressive jackpots to machines with the same or similar probability of winning.

Subsection (k)(5) now states that if a transfer cannot be made slot machine licensees may remove the progressive functionality, change the game theme or permanently remove the machine from the gaming floor. This section is amended to ensure that progressive jackpots are not taken off the gaming floor if they can be transferred and not without prior approval from the Bureau. Additionally, final-form subsection (l) ensures that progressive jackpots that are removed are not simply returned to the gaming floor with lower reset amounts within a short period of time after removal. The remaining sections are renumbered.

§ 461a.26. *Testing and software installation on the live gaming floor*

The Board adds four types of electronic devices that require Bureau testing and approval prior to placement on the live gaming floor.

Chapter 463a. Possession of slot machines and fully automated electronic gaming tables

This chapter addresses the requirements for the possession of slot machines in this Commonwealth. Fully automated electronic gaming tables, which are more similar to slot machines that do not have a dealer than other types of table games, are added to the requirements in this chapter. Operators are required to include fully automated electronic gaming tables to the slot machine master device list which operators are required to submit to the Bureau monthly.

Chapter 464a. Slot machine tournaments

This chapter codifies a Board policy known to the industry as § 461b.6. This policy was not published in the

Pennsylvania Bulletin. The policy allowing operators to conduct tournaments was submitted to the industry on November 23, 2011, and was subsequently updated to allow for the charging of fees. This chapter reflects the current policy, submitted to the industry on March 21, 2012, without substantive revisions.

Operators shall submit a notice of intent to conduct a tournament to the Board as well as the Department of Revenue (Department) 10 days prior to the start of the tournament. In accordance with statutory provisions, operators may charge a fee to enter tournaments provided that the revenue generated is reported to the Department. Operators have discretion to establish rules of entry and prize structures provided that the rules are specified in the notice and provided to patrons who participate in the tournament.

§ 465a.2. *Internal control systems and audit protocols*

A minor amendment updates the name of the form that operators complete when submitting updated internal controls. Additionally, the language regarding the submission of changes to internal controls to the Department is deleted. The Department is sent only initial internal control submissions prior to a casino opening.

§ 465a.19. *Acceptance of tips or gratuities from patrons*

Language is added in subsection (d) which allows dealers to accept as a tip a winning wager that a patron has identified as a tip prior to play provided, however, that the tip shall be collected and deposited after the round of play or after a roll of the dice in craps that decides the outcome of the wager. A dealer is not allowed to subsequently wager a winning tip.

§ 465a.33. *Access to areas containing central control computer equipment*

A minor amendment was made to the key control requirements for access to the central control computer system.

Chapter 607a. Possession of table games and table game devices

This chapter addresses the possession of table games and table game devices. This chapter is similar to Chapter 463a (relating to possession of slot machines and fully automated electronic gaming tables). Section 607a.1 (relating to transportation of table games and table game devices into, within and out of this Commonwealth) requires persons transporting table games or table game devices to notify the Bureau and the Bureau of Casino Compliance that equipment is being shipped. Section 607a.2 (relating to table game device master list) requires operators to provide a monthly table game master list for certain table game equipment enumerated in subsection (a).

Section 607a.3 (relating to off premises storage of table games and table game devices) requires operators to obtain approval prior to storing table games or table game devices in locations other than the licensed facility. These provisions are consistent with the requirements applicable to slot machines.

Chapter 627a. Minibaccarat

Chapter 629a. Midibaccarat

Chapter 631a. Baccarat

Panda 8, a new side wager, is added for the Baccarat type games. The sections on layout, wager and payout odds are amended accordingly.

§ 633a.13. *Payout odds; payout limitation*

The payout table applicable to the hit and run progressive wager for Blackjack is corrected in subsection (l)(1).

Additional Revisions

§ 461a.5. *Slot machine conversions*

A minor revision was made in this section to reflect that § 463a.6 is rescinded and the requirements were moved and combined with § 463a.4 (relating to notice and connection to the central control computer system).

§ 461a.12. *Progressive slot machines*

In subsection (b)(7), the proposed language regarding progressive controllers that are not stored in a slot machine was replaced. Operators should have greater flexibility as to which departments will be responsible for key control provided that slot operations controls one key. Additionally, the licensee shall notify the Bureau if the progressive controller not located in a machine is to be accessed.

In subsection (k)(1), language was added stating that if the operator is going to place a cap on the progressive jackpot amount, the operator shall receive written approval from the Bureau prior to imposing the payout limit. These approvals are done electronically, typically by e-mail.

The proposed language in subsection (k)(5)(ii) was amended for clarity.

Language in final-form subsection (n) was deleted. The deleted language in this subsection is unnecessary as the requirements for transfers is addressed in subsection (k)(4).

§ 463a.1. *Possession of slot machines and fully automated electronic gaming tables generally*

Language in subsection (d) regarding the time period for Board approval of educational institutions, unlicensed manufacturers/suppliers and other persons to possess slot machines and electronic gaming tables was deleted. A request to possess slots and tables by persons, other than licensed entities, is treated like a petition. When a petition is filed it is answered by the Office of Enforcement Counsel within 30 days. Only after the Office of Enforcement Counsel answers a petition is it ready for the Board's consideration at an upcoming public meeting. Depending on the public meeting schedule, it may be more than 60 days before the Board can act on a request.

Subsection (e) is amended to allow the Board's designee (the Executive Director) to approve an alternative location to store slots and fully automated tables.

§ 463a.2. *Transportation of slot machines and fully automated electronic gaming tables into, within and out of this Commonwealth*

Many slot machine licensees now have approved, off premises storage locations for their extra slot machines and fully automated tables. However, the language in this section formerly only addressed movements from one person to another person. An additional requirement was added in subsection (b) to ensure that the Bureau and the onsite Casino Compliance representatives are notified when a shipment is coming in from or going out to an off premises storage location operated by the slot machine licensee. The same shipment notification requirement was added in § 607a.1.

§ 463a.4. *Notice and connection to the central control computer system*

The requirements in this section and formerly in rescinded § 463a.6 related to each other and were there-

fore combined into § 463a.4. Section 463a.6 is rescinded in this final-form rulemaking.

§ 463a.7. Off premises storage of slot machines and fully automated electronic gaming tables

Amendments were made to the information a slot machine licensee is required to submit as part of its request to store slots and tables in an off premises storage location. Operators will no longer be required to specify in the request the expected arrival and departure dates for the machines stored in the off premises location. This language was deleted as unnecessary since slots and tables may move in and out of the storage location many times depending on the business needs of the licensee. Similar proposed language regarding table games was deleted in § 607a.3.

§ 607a.1. Transportation of table games and table game devices into, within and out of this Commonwealth

A minor revision was made in subsection (a) for consistency with the title of the section and for consistency with § 463a.2 (relating to transportation of slot machines and fully automated electronic gaming tables into, within and out of this Commonwealth).

§ 607a.2. Table game device master list

Language was added in subsection (b)(3) requiring that operators include in their master list a notation if tables on the gaming floor offer a progressive or linked progressive. This is extremely important because table game progressive jackpots are funded solely through player wagers (minus any seed amount funded from the facility). If a facility is going to remove a table that has a progressive, the restrictions on removal in § 605a.7 (relating to progressive table game systems) would be applicable. Including the progressive in the master list is another mechanism to ensure that all progressives are accounted for on a monthly basis.

§ 633a.7. Procedure for dealing the cards; completion of each round of play

A minor revision was made in subsection (o)(2)(ii)(B) to reflect that the payout odds for the Hit and Run Progressive Wager in § 633a.13(1)(1) (relating to payout odds; payout limitation) were corrected.

Comment and Response Summary

Notice of proposed rulemaking was published at 42 Pa.B. 6761 (October 27, 2012). During the comment period, the Board received comments from slot machine licensee Greenwood Gaming and Entertainment, d/b/a Parx Casino (Parx). The Board did not receive comments from the Independent Regulatory Review Commission (IRRC).

Public Comment

Parx commented on the proposed rulemaking and requested clarification on the interplay between two provisions regarding transfer and termination of progressive jackpots in § 461a.12(k).

The current regulations provide operators with options regarding the movement of progressive jackpots. Operators can cap the progressive amount at a certain level, terminate the jackpot when a patron wins the jackpot amount, remove several linked progressives as long as one progressive remains on the floor, transfer the jackpot amount or terminate the progressive. If an operator were terminating a progressive jackpot, the current regulations require operators to simply notify the Board, without approval required, and post notice of the termination on the machine.

Many operators have taken large numbers of progressive jackpots off their gaming floors resulting in many patron complaints to the Board. The Board therefore believes it necessary to amend the process to terminate progressive jackpots. The language added in the proposed and final-form rulemakings in subsection (k)(5) will still allow for the termination of jackpots in those instances in which a transfer cannot otherwise be made or if there is good cause to remove the jackpots. Operators will need approval from Bureau staff prior to posting the 30-day removal notice on a progressive slot machine. Requests and subsequent approvals are typically handled electronically.

Lastly, former § 461a.12(k)(4) required that if operators were to transfer a progressive jackpot, the jackpot amount would have to be transferred in its entirety. Parx requested clarification regarding what portion of the jackpot amount would have to be transferred.

It was the intention of the Board to include only the accrued amount on the meter minus the seed or reset amount contributed by the licensee in the amount transferred to another jackpot. Clarifying language has been added to this section.

Affected Parties

Slot machine licensees, persons transporting table games and devices (typically licensed manufacturers) and table games dealers will be impacted by this final-form rulemaking.

Fiscal Impact

Commonwealth. It is not anticipated that this final-form rulemaking will have a fiscal impact on the Board or other Commonwealth agencies.

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

Private sector. Slot machine licensees will be required to provide notice of slot machine tournaments and a monthly table game device master list. Additionally, persons transporting table games and table game devices (manufacturers, suppliers and slot machine licensees) into, within and out of this Commonwealth will be required to notify the Bureau and the Bureau of Casino Compliance of the shipment. It is anticipated that the fiscal impact on the private sector, to prepare notices, would be negligible.

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

Paperwork Requirements

This final-form rulemaking will eliminate the need to file with the Board copies of reports that are submitted to the State Treasurer regarding gaming vouchers.

This final-form rulemaking will require operators to submit a monthly table game device master lists for tables and specified table game equipment. The monthly list is an online submission.

Operators that would like to conduct slot machine tournaments will be required to submit to the Board and the Department a notice specifying the rules of entry and the prize structure. This notice is also submitted online.

Effective Date

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

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 17, 2012, the Board submitted a copy of the notice of proposed rulemaking, published at 42 Pa.B. 6761, to IRRC and the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on December 11, 2013, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on December 12, 2013, and approved the final-form rulemaking.

Findings

The Board finds that:

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

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

Order

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

(a) The regulations of the Board, 58 Pa. Code, are amended by adding §§ 464a.1, 464a.2 and 607a.1—607a.3, by deleting § 463a.6 and by amending §§ 461a.1, 461a.5, 461a.8, 461a.12, 461a.13, 461a.26, 463a.1—463a.5, 463a.7, 465a.2, 465a.19, 465a.33, 627a.1, 627a.2, 627a.7, 627a.11, 627a.12, 629a.1, 629a.2, 629a.7, 629a.11, 629a.12, 631a.1, 631a.2, 631a.8, 631a.12, 631a.13, 633a.7 and 633a.13 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(Editor's Note: Sections 461a.5 and 633a.7 were not included in the proposed rulemaking published at 42 Pa.B. 6761. Section 463a.6, which was proposed to be amended in the proposed rulemaking, is rescinded in Annex A.)

(Editor's Note: Final-form rulemaking 125-166 also amends §§ 627a.2, 627a.7, 627a.12, 629a.2, 629a.7, 629a.12, 631a.2, 631a.8, 631a.13, 633a.7 and 633a.13. See 44 Pa.B. 619 (February 1, 2014).)

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

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

WILLIAM H. RYAN, Jr.,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 43 Pa.B. 7606 (December 28, 2013).)

Fiscal Note: Fiscal Note 125-162 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart E. SLOT MACHINES AND ASSOCIATED EQUIPMENT

CHAPTER 461a. SLOT MACHINE AND TABLE GAME DEVICE TESTING AND CONTROL

§ 461a.1. Definitions.

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

* * * * *

Progressive awards—The award to be paid out when the event in the progressive game that triggered the award occurs.

Progressive controller—A program or computer system, other than an approved program that controls the operation of the slot machine, which controls, adjusts and displays the amount of the progressive jackpot.

Progressive payout—A slot machine payout that increases in a monetary amount based on the amounts wagered in a progressive system.

Progressive slot machine—A slot machine that offers a jackpot that may increase in value based upon the slot machine wagers placed.

Pseudo random number generator—Software or hardware, or both, that ensures the randomness of slot machine outcomes.

* * * * *

Wide area progressive system—Progressive slot machines located at a licensed facility that are linked with progressive slot machines at another licensed facility.

§ 461a.5. Slot machine conversions.

A slot machine licensee shall:

(1) Maintain complete and accurate records of all conversions.

(2) Give prior notice of a slot machine conversion to the Bureau of Gaming Laboratory Operations in writing.

(3) Notice the Department in accordance with § 463a.4 (relating to notice and connection to the central control computer system).

§ 461a.8. Gaming vouchers.

* * * * *

(d) Prior to issuing a gaming voucher, a slot machine licensee shall establish a system of internal controls for the issuance and redemption of gaming vouchers. The internal controls shall be submitted and approved by the Board under § 465a.2 (relating to internal control systems and audit protocols) and address:

(1) Procedures for assigning a slot machine's asset number and identifying other redemption locations in the system, and enabling and disabling voucher capabilities for slot machines and redemption locations.

(2) Procedures for issuance, modification and termination of a unique system account for each user in accordance with technical standards under § 461b.3.

(3) Procedures used to configure and maintain user passwords in accordance with technical standards under § 461b.3.

(4) Procedures for restricting special rights and privileges, such as administrator and override capabilities, in accordance with technical standards under § 461b.3.

(5) The duties and responsibilities of the information technology, internal audit, slot operations and finance departments, respectively, and the level of access for each position with regard to the gaming voucher system.

(6) A description of physical controls on all critical hardware such as locks and surveillance, including the location and security protocols applicable to each piece of equipment.

(7) Procedures for the backup and timely recovery of critical data in accordance with technical standards under § 461b.3.

(8) Logs used to document and maintain the details of Board-approved hardware and software modifications upon implementation.

(9) Procedures for the payment of the value of unredeemed gaming vouchers, which individually or in the aggregate equal \$25 or more, to a patron whose identity can be determined by the slot machine licensee using the slot machine licensee's player tracking system.

(10) Procedures for the retention, tracking and payment of the value of unredeemed gaming vouchers to the State Treasurer as required by Article XIII.1 of The Fiscal Code (72 P. S. §§ 1301.1—1301.28a) regarding the disposition of abandoned and unclaimed property.

(e) The system of internal controls required to be submitted and approved by the Board under subsection (d) must also include the procedures to be applied in the following instances:

* * * * *

§ 461a.12. Progressive slot machines.

(a) A progressive slot machine may stand alone or be linked with other progressive slot machines.

(b) Each slot machine that offers a progressive jackpot must have:

(1) A progressive meter, visible from the front of the slot machine, which may increase in value based upon wagers, that advises the player of the amount which can be won if the player receives the combination on the slot machine that awards the progressive jackpot.

(2) A slot machine paid progressive payout meter in accordance with § 461a.7(g) (relating to slot machine minimum design standards).

(3) A slot attendant paid progressive payout meter in accordance with § 461a.7(g).

(4) A cumulative progressive payout meter that continuously and automatically records the total value of progressive jackpots paid directly by the slot machine or by a slot attendant.

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

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

(7) If the progressive controller is not secured in a slot machine, the progressive controller:

(i) Must be maintained in a secure area approved by the Bureau of Gaming Laboratory Operations.

(ii) Must be dual key controlled with one key controlled by the slot operations department and the other key controlled by a different designated department with no incompatible functions, as specified in the licensee's internal controls.

(iii) May not be accessed until the Bureau of Gaming Laboratory Operations is electronically notified.

(c) In addition to the requirements in subsection (b), a slot machine that is connected to a common progressive meter for the purpose of offering the same progressive jackpot on two or more slot machines must:

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

(2) Require that the same amount in wager be invested to entitle the player to a chance at winning the progressive jackpot and that each increase in wager increment the progressive meter by the same rate of progression as every other slot machine linked to the common progressive meter.

(d) Notwithstanding the provisions of subsection (c), two or more linked slot machines offering the same progressive jackpot may be of different denominations or have different wagers, or both, required to win the progressive jackpot, provided that:

(1) The probability of winning the progressive jackpot is directly proportional to the wager required to win that jackpot.

(2) Notice indicating the proportional probability of hitting the progressive jackpot on the linked progressive system is conspicuously displayed on each linked slot machine.

(e) A slot machine licensee seeking to utilize a linked slot machine shall submit for approval in accordance with § 461a.4 (relating to submission for testing and approval) the location and manner of installing any progressive meter display mechanism.

(f) A slot machine that offers a progressive jackpot may not be placed on the gaming floor until the slot machine licensee or, as applicable, the slot system operator, has submitted the following to the Bureau of Gaming Laboratory Operations for review and approval in accordance with § 461a.4:

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

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

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

(4) The proposed limit for the progressive jackpot, if any.

(5) The calculated probability of winning each progressive jackpot. The probability may not exceed 50 million to 1. Notwithstanding the foregoing, this paragraph does not apply to a jackpot with a probability that may exceed 50 million to 1 during the game cycle due solely to the intervening occurrence of free play awards between the activation of a play and the award of the jackpot.

(g) A slot machine that offers either a new progressive jackpot or undergoes a modification or RAM clear of an

existing progressive jackpot may not be made available for play by the public until the slot machine has been tested and certified by the Bureau of Gaming Laboratory Operations. For purposes of this subsection, a modification includes any change in the software, hardware, including controllers, and any associated equipment that relates to progressive functionality.

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

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

(2) With written approval, the progressive jackpot has been transferred to another progressive slot machine or wide area progressive system in accordance with subsection (k)(4).

(3) The change is necessitated by a slot machine or meter malfunction. An explanation for the change shall be entered on the progressive slot summary required under this subpart and the Bureau of Gaming Laboratory Operations shall be notified of the resetting in writing.

(i) Once an amount appears on a progressive meter, the probability of hitting the combination that will award the progressive jackpot may not be decreased unless the progressive jackpot has been won by a patron, has been transferred to another progressive slot machine or wide area progressive system or has been removed in accordance with subsection (k).

(j) When a slot machine has a progressive meter with digital limitations on the meter, the slot machine licensee shall set a limit on the progressive jackpot not to exceed the display capability of the progressive meter.

(k) A slot machine licensee or, as applicable, a slot system operator, may limit, transfer or terminate a progressive jackpot offered on a gaming floor only under the following circumstances:

(1) A slot machine licensee may establish a payout limit for a progressive jackpot provided that the payout limit is greater than the then current payout amount on the progressive jackpot meter. The slot machine licensee shall provide notice to and receive written approval from the Bureau of Gaming Laboratory Operations prior to the imposition of a payout limit on a progressive meter or a modification thereto.

(2) A slot machine licensee may terminate a progressive jackpot concurrent with the winning of the progressive jackpot provided its slot machine program or progressive controller was configured prior to the winning of the progressive jackpot to establish a fixed reset amount with no progressive increment.

(3) A slot machine licensee may immediately and permanently remove one or more linked slot machines from a gaming floor, provided that:

(i) When the slot machine is part of a wide area progressive system offered at multiple licensed facilities, the slot machine licensee retains at least one linked slot machine offering the same progressive jackpot on its gaming floor.

(ii) When the progressive jackpot is only offered in a single licensed facility, at least two linked slot machines offering the same progressive jackpot remain on the gaming floor.

(4) A slot machine licensee may transfer a progressive jackpot amount on a stand alone slot machine or the common progressive jackpot on an entire link of slot machines with a common progressive meter, including a wide area progressive system, from a gaming floor provided the slot machine licensee receives written approval from the Bureau of Gaming Laboratory Operations prior to the transfer and the accrued amount minus the seed amount of the progressive jackpot is:

(i) Transferred in its entirety.

(ii) Transferred to one of the following:

(A) The progressive meter for a slot machine or wide area progressive system with the same or similar probability of winning the progressive jackpot, the same or lower wager requirement to be eligible to win the progressive jackpot, and the same type of progressive jackpot (cash, annuity, annuity/cash option or a combination/alternate jackpot).

(B) The progressive meters of two separate slot machines or wide area progressive systems, provided that each slot machine or wide area progressive system to which the jackpot is transferred individually satisfies the requirements of clause (A).

(iii) Notice of intent to transfer the progressive jackpot is conspicuously displayed on the front of each slot machine for at least 30 days.

(5) If a transfer cannot be made in accordance with subsection (k)(4) or with good cause shown, a slot machine licensee may remove progressive functionality, change the game theme or permanently remove a stand alone progressive slot machine, an entire link of slot machines with a common progressive jackpot or an entire wide area progressive system from a gaming floor, provided:

(i) Notice of intent to remove the progressive slot machines or wide area progressive systems is conspicuously displayed on the front of each slot machine for at least 30 days.

(ii) Prior to posting the notice of intent required under subsection (k)(5)(i), the slot machine licensee receives written approval from the Bureau of Gaming Laboratory Operations to remove the progressive slot machines or wide area progressive systems.

(1) Progressive slot machines and wide area progressive systems removed from the gaming floor in accordance with subsection (k)(5) may not be returned to the gaming floor for 90 days.

(m) The amount indicated on the progressive meter or meters and coin in meter on each slot machine governed by subsection (b) shall be recorded on a progressive slot summary report at least once every 7 calendar days and each report shall be signed by the preparer. If not prepared by the finance department, the progressive slot summary report shall be forwarded to the finance department by the end of the gaming day on which it is prepared. A representative of the finance department shall be responsible for calculating the correct amount that should appear on a progressive meter. If an adjustment to the progressive meters is necessary, the adjustment shall be made by a member of the slot operations department as follows:

(1) Supporting documentation shall be maintained to explain any addition or reduction in the registered amount on the progressive meter. The documentation must include the date, asset number of the slot machine,

the amount of the adjustment and the signatures of the finance department member requesting the adjustment and of the slot operations department member making the adjustment.

(2) The adjustment must be effectuated within 48 hours of the meter reading.

(n) Except as otherwise authorized by this section, a slot machine offering a progressive jackpot that is temporarily removed from the gaming floor shall be returned to active play or replaced on the gaming floor within 5 gaming days. The amount on the progressive meter or meters on the returned or replacement slot machine may not be less than the amount on the progressive meter or meters at the time of removal. This subsection does not apply to the temporary removal by a slot machine licensee, for a period not to exceed 30 days, of all linked slot machines that are part of a particular wide area progressive system, provided that the progressive jackpot offered by the temporarily removed slot machines remains available on slot machines that are part of the same wide area progressive system in another licensed facility.

(o) When a slot machine is located adjacent to a slot machine offering a progressive jackpot, the slot machine licensee shall conspicuously display a notice advising patrons that the slot machine is not participating in the progressive jackpot of the adjacent slot machine.

§ 461a.13. Wide area progressive systems.

(a) Two or more slot machine licensees may, with the prior written approval of the Board as required under subsection (c), operate a wide area progressive system.

* * * * *

§ 461a.26. Testing and software installation on the live gaming floor.

(a) Prior to the testing of slot machines, table game devices as described in § 461a.4(c)(12) (relating to submission for testing and approval), associated equipment and displays on a live gaming floor during a slot machine licensee's normal hours of operation, the slot machine licensee shall notify the Bureau of Gaming Laboratory Operations and the Bureau of Casino Compliance in writing at least 72 hours prior to the test date and receive the required approvals from the Bureau of Gaming Laboratory Operations prior to beginning testing. The notification must include the following:

- (1) A detailed narrative description of the type of testing to be conducted, including the reason for the testing, a list of individuals conducting the testing and the slot machine licensee's procedures for conducting the testing.
- (2) The date, time and approximate duration of the testing.
- (3) The model, slot machine location number and asset number of the slot machine or machines or table game device to be tested.
- (4) The location within the licensed facility where the testing will occur.

(b) A slot machine licensee shall notify the Bureau of Gaming Laboratory Operations and the Bureau of Casino Compliance at least 72 hours prior to the installation of any new software or the installation of any change in previously approved software and receive the required approvals prior to the installation of:

- (1) Automated gaming voucher and coupon redemption machines.
- (2) Wide area progressive systems.
- (3) Slot monitoring systems.
- (4) Casino management systems.
- (5) Player tracking systems.
- (6) External bonusing systems.
- (7) Cashless funds transfer systems.
- (8) Server supported slot systems.
- (9) Server based slot systems.
- (10) Automated jackpot payout machines.
- (11) Electronic gaming tables.
- (12) Fully automated electronic gaming tables.
- (13) Progressive table game systems.
- (14) Electronic wagering systems.
- (15) Additional automated bill breaker machines, automated gaming voucher and coupon redemption machines, automated jackpot payout machines and automated teller machines on the gaming floor.
- (16) Gaming voucher systems.
- (17) Server supported slot systems.
- (18) Server based slot systems.

(c) The notification required under subsection (b) must include:

- (1) A description of the reasons for the new installation or change in previously approved software.
- (2) A list of the current computer components, software identifications or versions that are to be modified or replaced.
- (3) A list of the proposed computer components, software identifications or versions that will modify or replace the existing components or software.
- (4) The method to be used to complete the proposed installation.
- (5) The date and time that the proposed modification will be installed and the estimated time for completion.
- (6) The name, title and employer of the persons performing the installation.
- (7) The plan to handle disruptions, if any, to the gaming floor.
- (8) The approximate length of time the gaming floor or systems will be disrupted.
- (9) Plans for system backup prior to any proposed installation.

CHAPTER 463a. POSSESSION OF SLOT MACHINES AND FULLY AUTOMATED ELECTRONIC GAMING TABLES

§ 463a.1. Possession of slot machines and fully automated electronic gaming tables generally.

- (a) Except as otherwise provided in this section and 18 Pa.C.S. § 5513 (relating to gambling devices, gambling, etc.), a person may not possess any slot machine or fully automated electronic gaming table within this Commonwealth that may be used for gambling activity.
- (b) The following persons and any employee or agent acting on their behalf may possess slot machines or fully automated electronic gaming tables in this Common-

wealth for the purposes described herein provided that slot machines or fully automated electronic gaming tables located outside of a licensed facility may not be used for gambling activity:

(1) A slot machine licensee, for the purpose of maintaining for use, training or operating slot machines in a licensed facility.

(2) The holder of a manufacturer license for the purpose of manufacturing, exhibiting, demonstrating, training or preparing for transfer to a manufacturer designee licensee, supplier licensee or slot machine licensee.

(3) The holder of a manufacturer designee license or supplier license for the purpose of distributing, repairing, servicing, exhibiting or demonstrating slot machines or fully automated electronic gaming tables and any training with regard thereto.

(4) An educational institution for the purpose of teaching slot machine design, operation, repair or servicing.

(5) A manufacturer, manufacturer designee or supplier of slot machines not licensed within this Commonwealth for the limited purpose of temporary exhibition or demonstration.

(6) A common carrier, for the purpose of transporting slot machines or fully automated electronic gaming tables in accordance with § 463a.2 (relating to transportation of slot machines and fully automated electronic gaming tables into, within and out of this Commonwealth).

(7) An employee or agent of the Board, the Department, the Pennsylvania State Police or any law enforcement agency of this Commonwealth for the purpose of fulfilling official duties or responsibilities.

(8) Other persons upon a finding that the possession of slot machines or fully automated electronic gaming tables by those persons in this Commonwealth is not contrary to the goals and objectives of the act.

(c) Persons seeking to possess slot machines or fully automated electronic gaming tables under subsection (b)(4), (5) and (8) shall submit a petition to the Board as required under § 493a.4 (relating to petitions generally). The petition to the Board must contain:

(1) The purpose for having the slot machines or fully automated electronic gaming tables.

(2) The proposed location of the slot machines or fully automated electronic gaming tables.

(3) The time period for which the slot machines or fully automated electronic gaming tables will be kept.

(4) How the slot machines or fully automated electronic gaming tables will be secured.

(d) Requests approved by the Board may be subject to specific terms and conditions imposed by the Board.

(e) A person authorized to possess slot machines or fully automated electronic gaming tables under subsection (d) that desires to store the slot machines or fully automated electronic gaming tables at a location other than the location specified in subsection (c)(2) shall obtain approval from the Board's Executive Director prior to storing the slot machines or fully automated electronic gaming tables at the other location.

§ 463a.2. Transportation of slot machines and fully automated electronic gaming tables into, within and out of this Commonwealth.

(a) In furtherance of section 1511 of the act (relating to declaration of exemption from Federal laws prohibiting

slot machines), prior to the transport or movement of a slot machine or fully automated electronic gaming table into, within or out of this Commonwealth, from one person authorized to possess slot machines or fully automated electronic gaming tables under § 463a.1 (relating to possession of slot machines and fully automated electronic gaming tables generally) to another person, the persons causing the slot machine or fully automated electronic gaming table to be transported or moved shall notify the Bureau of Gaming Laboratory Operations and the Bureau of Casino Compliance in writing or in an electronic format approved by the Bureau of Gaming Laboratory Operations. The notice shall be submitted no later than the day the slot machine or fully automated electronic gaming table is transported and include the following information:

(1) The name and address of the person shipping or moving the slot machine or fully automated electronic gaming table.

(2) The name and address of the person who owns the slot machine or fully automated electronic gaming table, if different from the person shipping or moving the machine.

(3) The name and address of a new owner if ownership is being changed in conjunction with the shipment or movement.

(4) The method of shipment or movement and the name and address of the common carrier or carriers, if applicable.

(5) The name and address of the person to whom the slot machine or fully automated electronic gaming table is being sent and the destination of the slot machine or fully automated electronic gaming table, if different from that address.

(6) The quantity of slot machines or fully automated electronic gaming tables being shipped or moved and the manufacturer's serial number of each machine.

(7) The expected date and time of delivery to, or removal from, any authorized location within this Commonwealth.

(8) The port of entry, or exit, if any, of the slot machine or fully automated electronic gaming table if the origin or destination of the slot machine or fully automated electronic gaming table is outside the continental United States.

(9) The reason for transporting or moving the slot machine or fully automated electronic gaming table.

(b) In addition to the requirements in subsection (a), if a slot machine licensee is shipping slot machines or fully automated electronic gaming tables to or from the slot machine licensee's approved, off-premises storage location, the slot machine licensee shall comply with the requirements in subsection (a) and record the movement in the licensee's movement log as required under § 463a.5(e) (relating to slot machine and fully automated electronic gaming table master lists). If a slot machine or fully automated electronic gaming table is being transported to the licensed facility from the licensee's approved, off-premises storage location, the licensee shall specify in the notice required under subsection (a) whether the slot machine or fully automated electronic gaming table will be placed directly onto the gaming floor or stored off the gaming floor in a restricted area within the licensed facility.

§ 463a.3. Slot machine and fully automated electronic gaming table location on the gaming floor.

(a) A gaming floor must consist of one or more areas within a licensed facility approved by the Board or Executive Director under § 467a.1 (relating to gaming floor plan) for the placement and operation of slot machines or fully automated electronic gaming tables.

(b) A slot machine or fully automated electronic gaming table on a gaming floor shall be placed at a location, which location may contain no more than one slot machine or fully automated electronic gaming table, identified by number on a gaming floor plan approved by the Board or Executive Director under section 1322 of the act (relating to slot machine accounting controls and audits) and § 467a.1 and shall also be identified by this slot machine or fully automated electronic gaming table location number and an asset number on the Gaming Floor Slot Machine and Fully Automated Electronic Gaming Table Master List.

§ 463a.4. Notice and connection to the central control computer system.

(a) Prior to utilization for gambling activity, a slot machine or fully automated electronic gaming table on a gaming floor shall be connected or linked to a central control computer system having the capabilities and in compliance with the terms of section 1323 of the act (relating to central control computer system).

(b) To ensure activation or disabling, as appropriate, in the central control computer system and the retrieval of real time meter information from the slot machine or fully automated electronic gaming table in conjunction with the movement of a slot machine or fully automated electronic gaming table, the slot machine licensee shall provide the Department with written notice of the slot or fully automated electronic gaming table movement, prior to any of the following:

- (1) Placement of a slot machine or fully automated electronic gaming table on the gaming floor.
- (2) Movement of a slot machine or fully automated electronic gaming table between slot machine or fully automated electronic gaming table locations on the gaming floor.
- (3) Removal of a slot machine or fully automated electronic gaming table from the gaming floor.

§ 463a.5. Slot machine and fully automated electronic gaming table master lists.

(a) Prior to the commencement of operations at a licensed facility, a slot machine licensee shall file the following with the Bureau of Gaming Laboratory Operations and the Bureau of Casino Compliance, in an electronic format approved by the Bureau of Gaming Laboratory Operations:

- (1) Gaming Floor Slot Machine and Fully Automated Electronic Gaming Table Master List.
- (2) Restricted Area/Off Premises Slot Machine and Fully Automated Electronic Gaming Table Master List.

(b) A Gaming Floor Slot Machine and Fully Automated Electronic Gaming Table Master List must list all slot machines and fully automated electronic gaming tables located on the gaming floor in consecutive order by the slot machine location number under § 463a.3 (relating to slot machine and fully automated electronic gaming table location on the gaming floor) and contain the following:

- (1) The date the list was prepared.

(2) A description of each slot machine or fully automated electronic gaming table which includes:

- (i) The zone/location number.
- (ii) The asset number.
- (iii) The manufacturer's serial number.
- (iv) The base denomination, or if configured for multiple denominations, a list of the denominations.
- (v) The game software/program ID.
- (vi) The operating system/base ROM.
- (vii) The manufacturer.
- (viii) The slot machine or fully automated electronic gaming table model.
- (ix) The model type (reel or video).
- (x) The game theme/description.
- (xi) The minimum payout percentage.
- (xii) The machine displayed payout percentage.
- (xiii) The payable ID.
- (xiv) Whether the slot machine or fully automated electronic gaming table is in a smoking area.
- (xv) If the slot machine or fully automated electronic gaming table is a progressive, the type of progressive, the progressive controller type and the progressive software.
- (xvi) The fund transfer/voucher system software.

(c) If a slot machine or fully automated electronic gaming table is configured to allow a patron to select from multiple game themes, each game theme, minimum and machine displayed payout percentages and payable ID must be listed in the Gaming Floor Slot Machine and Fully Automated Electronic Gaming Table Master List. Instead of listing each game theme, minimum and machine displayed payout percentage and payable ID for a slot machine or fully automated electronic gaming table configured to offer multiple game themes with the slot machine or fully automated electronic gaming table, a slot machine licensee may use a unique generic code for the game theme and attach an appendix which lists the game themes, minimum and machine displayed payout percentages and payable IDs that correspond to each unique generic game theme code.

(d) A Restricted Area/Off Premises Slot Machine and Fully Automated Electronic Gaming Table Master List must include all slot machines and fully automated electronic gaming tables located off the gaming floor in a restricted area within the licensed facility approved under § 465a.8(b) (relating to licensed facility), or in storage locations in this Commonwealth off the premises of the licensed facility approved under § 463a.7 (relating to off premises storage of slot machines and fully automated electronic gaming tables) grouped by the location where the slot machines or fully automated electronic gaming tables are located. A Restricted Area/Off Premises Slot Machine and Fully Automated Electronic Gaming Table Master List must include the following information:

- (1) The date the list was prepared.
- (2) A description of each slot machine and fully automated electronic gaming table which includes:
 - (i) The location of the slot machine or fully automated electronic gaming table.
 - (ii) The asset number.
 - (iii) The manufacturer's serial number.

- (iv) The game software/program ID.
- (v) The operating system/base ROM.
- (vi) The game theme/description.
- (vii) The manufacturer.
- (viii) The slot machine or fully automated electronic gaming table model.
- (ix) The model type (reel or video).

(e) Once a slot machine or fully automated electronic gaming table has been placed in an authorized location on the gaming floor, stored in a restricted area off the gaming floor but within the licensed facility approved under § 465a.8 or in a location in this Commonwealth off the premises of the licensed facility approved under § 463a.7, all subsequent movements of that slot machine or fully automated electronic gaming table shall be recorded by a slot department member in a slot machine movement log which includes the following:

- (1) The asset number and model and manufacturer's serial number of the moved slot machine or fully automated electronic gaming table.
- (2) The date and time of movement.
- (3) The location from which the slot machine or fully automated electronic gaming table was moved.
- (4) The location to which the slot machine or fully automated electronic gaming table was moved.
- (5) The date and time of any required notice to the Department in connection with activation or disabling of the slot machine or fully automated electronic gaming table in the central control computer system.
- (6) The signature of the slot shift manager and the lead technician verifying the movement of the slot machine or fully automated electronic gaming table in compliance with this section.
- (f) Documentation summarizing slot machine or fully automated electronic gaming table movements, as described in subsection (e), shall be submitted to the Bureau of Gaming Laboratory Operations and the Bureau of Casino Compliance, in an electronic format approved by the Bureau of Gaming Laboratory Operations, on a daily basis.

(g) On the first Tuesday of each month a slot machine licensee shall file an updated Gaming Floor Slot Machine and Fully Automated Electronic Gaming Table Master List and an updated Restricted Area/Off Premises Slot Machine and Fully Automated Electronic Gaming Table Master List containing the information required under subsections (b)—(d). The Gaming Floor Slot Machine and Fully Automated Electronic Gaming Table Master List and the Restricted Area/Off Premises Slot Machine and Fully Automated Electronic Gaming Table Master List shall be filed in an electronic format with the Bureau of Gaming Laboratory Operations.

(h) Persons authorized by the Board to possess slot machines or fully automated electronic gaming tables under § 463a.1(c) (relating to possession of slot machines and fully automated electronic gaming tables generally) shall file with the Bureau of Gaming Laboratory Operations, in an electronic format approved by the Bureau of Gaming Laboratory Operations, a complete list of slot machines or fully automated electronic gaming table possessed by the person. The list shall:

(1) Be denoted as a Slot Machine and Fully Automated Electronic Gaming Table Master List.

(2) Be filed within 3 business days of the initial receipt of slot machines or fully automated electronic gaming tables.

(3) Contain the following information:

- (i) The date on which the list was prepared.
- (ii) A description of each slot machine or fully automated electronic gaming table including:
 - (A) The manufacturer.
 - (B) The manufacturer's serial number.
 - (C) The slot machine or fully automated electronic gaming table model.
 - (D) The model type (reel or video).
 - (E) Whether or not the slot machine or fully automated electronic gaming table is a progressive, and if it is, the type of progressive.

(i) On the first Tuesday of each month following the initial filing of a Slot Machine and Fully Automated Electronic Gaming Table Master List, those persons enumerated in subsection (h) shall file with the Bureau of Gaming Laboratory Operations, in an electronic format approved by the Bureau of Gaming Laboratory Operations, an updated Slot Machine and Fully Automated Electronic Gaming Table Master List containing the information required in subsection (h).

§ 463a.6. (Reserved).

§ 463a.7. Off premises storage of slot machines and fully automated electronic gaming tables.

(a) A slot machine licensee may not store slot machines or fully automated electronic gaming tables off the premises of a licensed facility without prior approval from the Board's Executive Director.

(b) A slot machine licensee seeking to store slot machines off the premises of a licensed facility shall submit a written request to the Bureau of Gaming Operations for off premise storage. The written request must include:

- (1) The location and a physical description of the proposed storage facility.
- (2) A description of the type of surveillance system that has been or will be installed at the proposed storage facility.
- (3) The plan to provide 24 hour, 7 day a week security at the proposed storage facility.
- (4) The anticipated number of slot machines or fully automated electronic gaming tables that may be stored at the proposed storage facility.
- (c) Before the Board's Executive Director will act on a request for off premise storage of slot machines, the Director of Casino Compliance will inspect the proposed storage facility.

(d) The Board's Executive Director will approve or disapprove requests within 60 days. Requests approved by the Board's Executive Director may be subject to specific terms and conditions imposed by the Board's Executive Director.

CHAPTER 464a. SLOT MACHINE TOURNAMENTS

- Sec.
- 464a.1. Definitions.
- 464a.2. Conduct of a slot machine tournament.

§ 464a.1. Definitions.

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

Points—Noncash equivalent electronic instrument utilized for slot machine tournament play only, the total of which determines the winners of a slot machine tournament.

Slot machine tournament—A contest whereby individuals engage in competitive slot machine play against other individuals utilizing points.

§ 464a.2. Conduct of a slot machine tournament.

(a) Slot machine tournaments may not be played with cash, value chips, plaques, gaming vouchers or other cash equivalents.

(b) A slot machine licensee may charge an entry fee to participate in a slot machine tournament. A slot machine licensee that charges an entry fee shall submit electronically to the Department of Revenue a Slot Tournament Revenue Report by 10 a.m. on the day following the conclusion of the tournament.

(c) A slot machine licensee that wishes to conduct a slot machine tournament shall submit for Executive Director approval notice of intent to conduct a slot machine tournament at least 10 days prior to the start of the tournament. The notice must be submitted electronically to the Bureau of Gaming Operations using the Internal Controls & Table Games Submission Form, which is posted on the Board's web site, and include the following:

- (1) A general description of how the slot machine tournament will be conducted and a copy of the rules governing play.
- (2) The dates and times that the tournament will be conducted.
- (3) Participation eligibility requirements including:
 - (i) Who is eligible to participate.
 - (ii) The minimum and maximum number of participants.
 - (iii) Entry fees charged.
- (4) The criteria used to determine the winners.
- (5) The monetary amount or description of the prizes to be awarded.
- (6) The details of when and how the prizes will be awarded.
- (7) The asset and gaming floor plan location numbers of the slot machines that will be used to conduct the slot machine tournament.
- (8) How the slot machine tournament area will be segregated from patrons who are not participating in the slot machine tournament.

(d) In addition to filing a notice required under subsection (c), a slot machine licensee shall submit a copy of the notice to the casino compliance representatives at the licensed facility, the Bureau of Gaming Laboratory Operations and the Department of Revenue.

(e) Advertising to promote a slot machine tournament must, at a minimum:

(1) Comply with the advertising requirements in Chapter 421b (relating to advertising guidelines—statement of policy) and § 421a.6 (relating to advertising).

(2) Contain information on who is eligible to participate.

(3) Include a copy of the slot machine tournament rules or state how a copy of the rules may be obtained.

(f) A slot machine used for a slot machine tournament must:

(1) Use tournament software authorized by the Bureau of Gaming Laboratory Operations in accordance with § 461a.4 (relating to submission for testing and approval).

(2) Maintain connectivity with the Central Control Computer System (CCS).

(3) Have the functionality of the bill validator, ticket printer and electronic funds transfer meters disabled during the slot machine tournament so that the slot machine does not accept cash or credits or make payouts during tournament play.

(g) A slot machine used in a slot machine tournament may not be made available for play to individuals entered in the tournament until the Bureau of Gaming Laboratory Operations has completed an initial test of the tournament software and has authorized the slot machine for tournament play.

(h) Before and after slot machine tournament, the slot machine licensee shall:

(1) Receive approval from the onsite CCR to place the slot machine in and take it out of tournament mode.

(2) Ensure that the CCS has recorded all meter settings on all slot machines used in the tournament.

(i) A slot machine licensee shall maintain records related to the conduct of a slot machine tournament in accordance with § 465a.6(c) (relating to retention, storage and destruction of books, records and documents). These records shall be made available to Board staff, the Department and the Pennsylvania State Police upon request and must include:

- (1) A copy of the notice required under subsection (d).
- (2) The names and addresses of all prize winners and the prize each winner was awarded.

CHAPTER 465a. ACCOUNTING AND INTERNAL CONTROLS

§ 465a.2. Internal control systems and audit protocols.

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(f) If a slot machine licensee intends to make a change or amendment to its system of internal controls, it shall submit the change or amendment electronically to the Bureau of Gaming Operations using the Internal Controls & Table Games Submission Form posted on the Board's web site. A request for a change or amendment must include electronic copies of the attestations required under subsection (b)(1) and (2). The slot machine licensee may implement the change or amendment on the 30th calendar day following the filing of a complete submission unless the slot machine licensee receives written notice tolling the change or amendment in accordance with subsection (g) or written notice from the Board's Executive Director rejecting the change or amendment.

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§ 465a.19. Acceptance of tips or gratuities from patrons.

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(d) A patron may identify a wager as a tip wager. A tip wager placed at the table shall be played separately from the player's other wagers. A winning tip wager shall be collected and deposited in the tip box after each round of play or after a roll of the dice which decides the outcome of the wager. A winning tip wager or part of a winning tip wager may not be wagered again. Upon receipt from a patron of a tip or gratuity, a dealer shall extend his arm in an overt motion, and deposit the tip or gratuity in the locked box reserved for tips and gratuities.

* * * * *

§ 465a.33. Access to areas containing central control computer equipment.

A slot machine licensee shall develop and submit to the Board and the Department, as part of the submission required under § 465a.2 (relating to internal control systems and audit protocols), procedures for safeguarding and limiting access to the central control computer (CCC) equipment housed within the licensed facility. At a minimum, these procedures must include the following requirements:

- (1) The area containing CCC equipment must:
 - (i) Be secured with a manual key lock system, the keys to which must be different from any other keys used in the licensed facility.
 - (ii) Have a door that when opened audibly signals the surveillance monitoring room.
 - (iii) Have adequate surveillance camera coverage to record all activity in the area.
- (2) Access to the area containing the CCC system equipment may not be permitted unless prior arrangements have been made with the Department and the operator of the CCC system.
- (3) All keys which access the area containing CCC equipment shall be maintained by the slot machine licensee's security department. The keys may only be signed out by a security supervisor or above to employees of the Department or the operator of the CCC system who are on the authorized access list. The authorized access list shall be obtained from the Department and made available to the casino compliance representatives and the director of security at the licensed facility. A verbal notification shall be made to the surveillance monitoring room, the operator of the CCC system and the casino compliance representatives at the licensed facility prior to signing out the keys.
- (4) The slot machine licensee shall maintain an access log for the area containing CCC equipment. The log shall be maintained in a book with bound numbered pages that cannot be readily removed and placed in close proximity to the CCC equipment. Casino compliance representatives at the licensed facility may review the log upon request to the Department and the operator of the CCC system. The log shall be stored and retained in accordance with § 465a.6 (relating to retention, storage and destruction of books, records and documents). The following information shall be recorded in a log:
 - (i) The date and time of each entry.
 - (ii) The entering individual's name, Board-issued credential number and department or affiliation.
 - (iii) The reason for entering the area containing CCC equipment.
 - (iv) The name of the individual authorizing entry into the area containing CCC equipment.
 - (v) The date and time of exiting the area containing the CCC equipment.

(5) Individuals who are not authorized to have access to the area containing CCC equipment may only be granted access for emergency situations requiring environmental adjustments, such as electrical, plumbing or HVAC malfunctions, with a security escort. When emergency access is granted, the slot machine licensee shall provide notice immediately to the Department, the operator of the CCC system and the casino compliance representatives at the licensed facility prior to permitting entry to the area containing CCC equipment.

Subpart K. TABLE GAMES

CHAPTER 607a. POSSESSION OF TABLE GAMES AND TABLE GAME DEVICES

Sec.

- 607a.1. Transportation of table games and table game devices into, within and out of this Commonwealth.
 607a.2. Table game device master list.
 607a.3. Off premises storage of table games and table game devices.

§ 607a.1. Transportation of table games and table game devices into, within and out of this Commonwealth.

(a) Prior to the transport or movement of table games and table game devices into, within or out of this Commonwealth, the persons causing the table games and table game devices to be transported or moved shall notify the Bureau of Gaming Laboratory Operations and the Bureau of Casino Compliance in writing or in an electronic format approved by Board staff. The notice shall be submitted no later than the day the table games or table game devices are transported and must include the following:

- (1) The name and address of the person shipping or moving the table games or table game devices.
- (2) The name and address of the person who owns the table games or table game devices if different from the person shipping or moving table games or table game devices.
- (3) The name and address of the new owner if ownership is being changed in conjunction with the shipment or movement.
- (4) The method of shipment or movement and the name and address of the common carrier, if applicable.
- (5) The name and address of the person to whom the table games or table game devices are being sent and the destination of the table games or table game devices, if different from that address.
- (6) The quantity of table games or table game devices being shipped or moved and the manufacturer's serial number, if applicable, for each table game or table game device.
- (7) The expected date and time of delivery to, or removal from, an authorized location within this Commonwealth.

(8) The port of entry or exit, if any, of the table games or table game devices if the origin or destination of the table games or table game devices is outside of the continental United States.

(9) The reason for transporting or moving the table games or table game devices.

(b) In addition to the requirements in subsection (a), if a certificate holder is shipping table games or table game devices to or from the certificate holder's off-premises storage location, the certificate holder shall comply with the requirements in subsection (a). If a table game or table game device is being transported to the licensed facility from the certificate holder's office-premises storage location, the certificate holder shall specify in the notice required under subsection (a) whether the table game or table game device will be placed directly onto the gaming floor or stored off the gaming floor in a restricted area within the licensed facility.

§ 607a.2. Table game device master list.

(a) Prior to commencement of table game operations at a licensed facility, a table games certificate holder shall file with the Bureau of Gaming Laboratory Operations and the Bureau of Casino Compliance, in an electronic format approved by the Bureau of Gaming Laboratory Operations, a Gaming Floor Table Game Device Master List and a Restricted Area/Off Premises Table Game Device Master List for the following table game devices:

(1) Electronic gaming tables as described in § 605a.4 (relating to electronic gaming tables).

(2) Progressive table game systems as described in § 605a.7 (relating to progressive table game systems).

(3) Automated card shuffling devices as described in § 603a.17 (relating to dealing shoes; automated card shuffling devices).

(4) Electronic dealing shoes as described in § 603a.17.

(5) Electronic wagering systems as described in § 605a.2 (relating to electronic wagering systems)

(6) Any other mechanical, electrical or computerized contrivance, terminal or machine required to be submitted to the Bureau of Gaming Laboratory Operators for testing and approval in accordance with Chapter 461a (relating to slot machine and table game device testing and control).

(b) The Gaming Floor Table Game Device Master List and the Restricted Area/Off Premises Table Game Device Master List must contain the following information:

(1) The date the list was prepared.

(2) A description of each table game device listed in subsection (a) which includes:

(i) The pit number or location on the gaming floor, restricted area of the licensed facility or other approved storage location.

(ii) The asset number or table game type, or both, that the device is connected to.

(iii) The manufacturer.

(iv) The manufacturer's serial number.

(v) The software/program identification.

(vi) If the device is a progressive:

(A) The name of the progressive controller type.

(B) The name and version of the progressive software.

(3) Identify if the fully automated, electronic or live gaming table on the gaming floor utilizes a progressive table game system in accordance with § 605a.7 to offer a progressive jackpot and, if so, identify all other tables that are linked to the same progressive jackpot.

(c) In conjunction with the Gaming Floor and Restricted Area/Off Premises Slot Machine and Fully Automated Electronic Gaming Table Master List filed in accordance with § 463a.5(g) (relating to slot machine and fully automated electronic gaming table master lists), on the first Tuesday of each month, a certificate holder shall file with the Bureau of Gaming Laboratory Operations an updated Gaming Floor Table Game Device Master List and Restricted Area/Off Premises Table Game Device Master List containing the information required under subsection (b). The Gaming Floor Table Game Device Master List and the Restricted Area/Off Premises Table Game Device Master List shall be filed in an electronic format with the Bureau of Gaming Laboratory Operations.

§ 607a.3. Off premises storage of table games and table game devices.

(a) A certificate holder may not store table games or table game devices off the premises of a licensed facility without prior approval from the Board's Executive Director.

(b) A slot machine licensee seeking to store table games and table game devices off the premises of a licensed facility shall submit a written request to the Bureau of Gaming Operations for off premise storage. The written request must include:

(1) The location and a physical description of the proposed storage facility.

(2) A description of the type of surveillance system that has been or will be installed at the proposed storage facility.

(3) The plan to provide 24-hour, 7-day a week security at the proposed storage facility.

(4) The anticipated number of table games or table game devices that may be stored at the proposed storage facility.

(c) Before the Board's Executive Director will act on a request for off premise storage of table games or table game devices, the Director of Casino Compliance will inspect the proposed storage facility.

(d) The Board's Executive Director will approve or disapprove requests within 60 days. Approved requests may be subject to specific terms and conditions imposed by the Board's Executive Director.

CHAPTER 627a. MINIBACCARAT

§ 627a.1. Definitions.

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

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

EZ Baccarat—A variation of Minibaccarat in which vigorish is not collected.

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

Panda 8—A Player's Hand which has a Point Count of 8 with a total of three cards dealt and the Banker's Hand which has a Point Count of less than 8.

§ 627a.2. Minibaccarat table physical characteristics.

(a) Minibaccarat shall be played on a table having numbered positions for no more than nine seated players on one side of the table and a place for the dealer on the opposite side of the table.

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

- (1) The name or logo of the certificate holder.
- (2) Separate areas designated for the placement of wagers on the Banker's Hand, Player's Hand and Tie Hand for each player.
- (3) The payout odds for all permissible wagers offered by the certificate holder. If the payout odds are not inscribed on the layout, a sign identifying the payout odds shall be posted at each Minibaccarat table.
- (4) An area designated for the placement of cards for the Player's Hand and Banker's Hand.
- (5) If a certificate holder offers the Dragon Bonus Wager authorized under § 627a.7(a)(4) (relating to wagers), separate areas designated for the placement of the Dragon Bonus Wager for each player.
- (6) If a certificate holder offers EZ Baccarat in which vigorish is not collected:
 - (i) Separate areas designated for the placement of the Dragon 7 Insurance Wager, authorized under § 627a.7(a)(5), for each player.
 - (ii) Inscriptions that advise patrons that a wager on the Banker's Hand that results in a Dragon 7 shall push and be returned to the player. If the information is not inscribed on the layout, a sign containing the information shall be posted at each Minibaccarat table.
 - (iii) Separate areas designated for the placement of the Panda 8 Insurance Wager, authorized under § 627a.7(a)(6), for each player.
- (7) If a certificate holder offers the House Money Wager, authorized under § 627a.7(a)(7), separate areas designated for the placement of the House Money Wager for each player.
- (8) Numbered areas that correspond to the seat numbers for the purpose of marking vigorish unless the dealer, in accordance with the option selected in the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions), collects the vigorish from a player at the time the winning payout is made or the table is designated for play as an EZ Baccarat table in which vigorish is not collected.

(c) If marker buttons are used for the purpose of marking vigorish, the marker buttons shall be placed in the table inventory container or in a separate rack designed for the purpose of storing marker buttons. If a separate rack is used, the rack shall be placed in front of the table inventory container during gaming activity.

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

prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

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

§ 627a.7. Wagers.

(a) The following are permissible wagers in the game of Minibaccarat:

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

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

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

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

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

(i) Win if the Player's Hand has a Point Count higher than that of the Banker's Hand and if EZ Baccarat is being played and the Point Counts of the Player's Hand and the Dealer's Hand result in a Panda 8.

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

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

(3) A Tie Wager which shall:

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

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

(4) If offered by a certificate holder, a Dragon Bonus Wager on the Player's Hand or Banker's Hand, or both, which shall:

(i) Win if the selected hand is:

(A) A Natural and the other hand is not a Natural.

(B) A Natural 9 and the other hand is a Natural 8.

(C) Not a Natural and has a Point Count that exceeds the Point Count of the other hand by four or more points.

(ii) Lose if the selected hand is:

(A) A Natural 8 and the other hand is a Natural 9.

(B) Not a Natural and has a Point Count less than or equal to the Point Count of the other hand.

(C) Not a Natural and has a Point Count that exceeds the Point Count of the other hand by less than four points.

(iii) Tie and be returned to the player if the selected hand is a Natural and the other hand is a Natural of equal Point Count.

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

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

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

(6) A Panda 8 Insurance Wager, if the table is designated for play as an EZ Baccarat table, which shall:

(i) Win if the Point Counts of the Player's Hand and the Dealer's Hand result in a Panda 8.

(ii) Lose if the Point Counts of the Player's Hand and the Dealer's Hand do not result in a Panda 8.

(7) If offered by a certificate holder, a House Money Wager which shall:

(i) Win if the first two cards of either the Player's Hand or Banker's Hand, or both, are a pair. For purposes of the House Money Wager, a pair must be of same rank (two queens, for example), regardless of suit.

(ii) Lose if in the first two cards dealt to the player's hand and the banker's hand, neither the player's hand nor the banker's hand contains a pair.

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

(c) A wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

§ 627a.11. Announcement of result of round; payment and collection of wagers.

(a) After each hand has received all the cards to which it is entitled under §§ 627a.8, 627a.9 and 627a.10 (relating to hands of player and banker; procedure for dealing initial two cards to each hand; procedure for dealing a third card; and rules for determining whether a third card shall be dealt), the dealer shall announce the final Point Count of each hand indicating which hand has won the round. If two hands have equal Point Counts, the dealer shall announce "tie hand." If the table is designated for play as an EZ Baccarat table and the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7 or a Panda 8, the dealer shall announce "Dragon 7" or "Panda 8."

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

(c) At the conclusion of a round of play, the dealer shall remove all cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

§ 627a.12. Payout odds; vigorish.

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

(b) A winning Tie Wager shall be paid at odds of at least 8 to 1.

(c) A winning wager made on the Banker's Hand shall be paid at odds of 1 to 1, except that the certificate holder shall extract a vigorish from the winning players in an amount equal to 5% of the amount won unless the certificate holder is offering EZ Baccarat in which vigorish is not collected. When collecting the vigorish, the certificate holder may round off the vigorish to 25¢ or the next highest multiple of 25¢.

(d) A dealer shall collect the vigorish from a player in accordance with one of the following procedures selected by the certificate holder in its Rules Submission under § 601a.2 (relating to table games Rules Submissions):

(1) At the time the winning payout is made.

(2) At a later time, provided that:

(i) The outstanding vigorish shall be collected prior to the reshuffling of the cards in a dealing shoe or when the player leaves the gaming table, whichever occurs first.

(ii) The amount of the vigorish shall be tracked by placing a coin or marker button, which contains the amount of the vigorish owed, in the rectangular space on the layout that is imprinted with the number of the player owing the vigorish.

(iii) The coin or marker button may not be removed from the layout until the vigorish owed is collected.

(e) If a certificate holder offers the Dragon Bonus Wager, in accordance with § 627a.7(a)(4) (relating to wagers), a vigorish may not be extracted on a winning Dragon Bonus Wager. Winning Dragon Bonus Wagers shall be paid out at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>
Win by 9 points	30 to 1	20 to 1	30 to 1
Win by 8 points	10 to 1	8 to 1	10 to 1
Win by 7 points	6 to 1	7 to 1	4 to 1
Win by 6 points	4 to 1	4 to 1	4 to 1
Win by 5 points	2 to 1	3 to 1	2 to 1
Win by 4 points	1 to 1	1 to 1	2 to 1
Natural winner	1 to 1	1 to 1	1 to 1
Natural tie	Push	Push	Push

(f) A winning Dragon 7 Insurance Wager, as described in § 627a.7(a)(5), shall be paid at odds of 40 to 1.

(g) A winning Panda 8 Insurance Wager, as described in § 627a.7(a)(6), shall be paid at odds of 25 to 1.

(h) If a certificate holder offers the House Money Wager and the player elects to take the payout, the player shall be paid in accordance with the following payable:

<i>Hand</i>	<i>Odds</i>
Player and Banker Pair	15 to 1
Player or Banker Pair	3 to 1

CHAPTER 629a. MIDIBACCARAT

§ 629a.1. Definitions.

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

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

EZ Baccarat—A variation of Midibaccarat in which vigorish is not collected.

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

Panda 8—A Player's Hand which has a Point Count of 8 with a total of three cards dealt and the Banker's Hand which has a Point Count of less than 8.

§ 629a.2. Midibaccarat table physical characteristics.

(a) Midibaccarat shall be played on a table having numbered positions for no more than nine seated players on one side of the table and a place for the dealer on the opposite side of the table.

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

- (1) The name or logo of the certificate holder.
- (2) Separate areas designated for the placement of wagers on the Banker's Hand, Player's Hand and Tie Hand for each player.
- (3) The payout odds for all permissible wagers offered by the certificate holder. If the payout odds are not inscribed on the layout, a sign identifying the payout odds shall be posted at each Midibaccarat table.
- (4) An area designated for the placement of cards for the Player's Hand and Banker's Hand.
- (5) If a certificate holder offers the Dragon Bonus Wager, authorized under § 629a.7(a)(4) (relating to wagers), separate areas designated for the placement of the Dragon Bonus Wager for each player.
- (6) If a certificate holder offers EZ Baccarat in which vigorish is not collected:
 - (i) Separate areas designated for the placement of the Dragon 7 Insurance Wager, authorized under § 629a.7(a)(5), for each player.
 - (ii) Inscriptions that advise patrons that a wager on the Banker's Hand that results in a Dragon 7 shall push and be returned to the player. If the information is not inscribed on the layout, a sign containing the information shall be posted at each Midibaccarat table.
 - (iii) Separate areas designated for the placement of the Panda 8 Insurance Wager, authorized under § 629a.7(a)(6), for each player.
- (7) If a certificate holder offers the House Money Wager, authorized under § 629a.7(a)(7), separate areas designated for the placement of the House Money Wager for each player.
- (8) Numbered areas that correspond to the seat numbers for the purpose of marking vigorish unless the dealer, in accordance with the option selected in the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions), collects the vigorish from a player at the time the winning payout is made or the table is designated for play as an EZ Baccarat table in which vigorish is not collected.

(c) If marker buttons are used for the purpose of marking vigorish, the marker buttons shall be placed in the table inventory container or in a separate rack designed for the purpose of storing marker buttons. If a separate rack is used, the rack shall be placed in front of the table inventory container during gaming activity.

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

(e) Each Midibaccarat table must have a discard bucket on the dealer's side of the table.

§ 629a.7. Wagers.

(a) The following are permissible wagers in the game of Midibaccarat:

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

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

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

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

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

(i) Win if the Player's Hand has a Point Count higher than that of the Banker's Hand and if EZ Baccarat is being played and the Point Counts of the Player's Hand and the Dealer's Hand result in a Panda 8.

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

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

(3) A Tie Wager which shall:

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

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

(4) If offered by a certificate holder, a Dragon Bonus Wager on the Player's Hand or Banker's Hand, or both, which shall:

(i) Win if the selected hand is:

(A) A Natural and the other hand is not a Natural.

(B) A Natural 9 and the other hand is a Natural 8.

(C) Not a Natural and has a Point Count that exceeds the Point Count of the other hand by four or more points.

(ii) Lose if the selected hand is:

(A) A Natural 8 and the other hand is a Natural 9.

(B) Not a Natural and has a Point Count less than or equal to the Point Count of the other hand.

(C) Not a Natural and has a Point Count that exceeds the Point Count of the other hand by less than four points.

(iii) Tie and be returned to the player if the selected hand is a Natural and the other hand is a Natural of equal Point Count.

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

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

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

(6) A Panda 8 Insurance Wager, if the table is designated for play as an EZ Baccarat table, which shall:

(i) Win if the Point Counts of the Player's Hand and the Dealer's Hand result in a Panda 8.

(ii) Lose if the Point Counts of the Player's Hand and the Dealer's Hand do not result in a Panda 8.

(7) If offered by a certificate holder, a House Money Wager which shall:

(i) Win if the first two cards of either the Player's Hand or Banker's Hand, or both, are a pair. For purposes of the House Money Wager, a pair must be of same rank (two queens, for example), regardless of suit.

(ii) Lose if in the first two cards dealt to the player's hand and the banker's hand, neither the player's hand nor the banker's hand contains a pair.

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

(c) A wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

§ 629a.11. Announcement of result of round; payment and collection of wagers.

(a) After each hand has received all the cards to which it is entitled under §§ 629a.8, 629a.9 and 629a.10 (relating to hands of player and banker; procedure for dealing initial two cards to each hand; procedure for dealing a third card; and rules for determining whether a third card shall be dealt), the dealer shall announce the final Point Count of each hand indicating which hand has won the round. If two hands have equal Point Counts, the dealer shall announce "tie hand." If the table is designated for play as an EZ Baccarat table and the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7 or a Panda 8, the dealer shall announce "Dragon 7" or "Panda 8."

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

(c) At the conclusion of a round of play, the dealer shall remove all cards from the table and place the cards in the discard bucket.

§ 629a.12. Payout odds; vigorish.

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

(b) A winning Tie Wager shall be paid at odds of at least 8 to 1.

(c) A winning wager made on the Banker's Hand shall be paid at odds of 1 to 1, except that the certificate holder shall extract a vigorish from the winning players in an amount equal to 5% of the amount won unless the certificate holder is offering EZ Baccarat in which vigorish is not collected. When collecting the vigorish, the certificate holder may round off the vigorish to 25¢ or the next highest multiple of 25¢.

(d) A dealer shall collect the vigorish from a player in accordance with one of the following procedures selected by the certificate holder in its Rules Submission under § 601a.2 (relating to table games Rules Submissions):

(1) At the time the winning payout is made.

(2) At a later time, provided that:

(i) The outstanding vigorish shall be collected prior to beginning play with a new dealing shoe of cards or when the player leaves the gaming table, whichever occurs first.

(ii) The amount of the vigorish shall be tracked by placing a coin or marker button, which contains the amount of the vigorish owed, in the rectangular space on the layout that is imprinted with the number of the player owing the vigorish.

(iii) The coin or marker button may not be removed from the layout until the vigorish owed is collected.

(e) If a certificate holder offers the Dragon Bonus Wager, in accordance with § 629a.7(a)(4) (relating to wagers), a vigorish may not be extracted on a winning Dragon Bonus Wager. Winning Dragon Bonus Wagers shall be paid out at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

Hand	Paytable A	Paytable B	Paytable C
Win by 9 points	30 to 1	20 to 1	30 to 1
Win by 8 points	10 to 1	8 to 1	10 to 1
Win by 7 points	6 to 1	7 to 1	4 to 1
Win by 6 points	4 to 1	4 to 1	4 to 1
Win by 5 points	2 to 1	3 to 1	2 to 1
Win by 4 points	1 to 1	1 to 1	2 to 1
Natural winner	1 to 1	1 to 1	1 to 1
Natural tie	Push	Push	Push

(f) A winning Dragon 7 Insurance Wager, as described in § 629a.7(a)(5), shall be paid at odds of 40 to 1.

(g) A winning Panda 8 Insurance Wager, as described in § 629a.7(a)(6), shall be paid at odds of 25 to 1.

(h) If a certificate holder offers the House Money Wager and the player elects to take the payout, the player shall be paid in accordance with the following paytable:

Hand	Odds
Player and Banker Pair	15 to 1
Player or Banker Pair	3 to 1

CHAPTER 631a. BACCARAT

§ 631a.1. Definitions.

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

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

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

EZ Baccarat—A variation of Baccarat in which vigorish is not collected.

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

Panda 8—A Player's Hand which has a Point Count of 8 with a total of three cards dealt and the Banker's Hand which has a Point Count of less than 8.

§ 631a.2. Baccarat table physical characteristics.

(a) Baccarat shall be played on a table having numbered positions for 10 to 14 seated players.

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

- (1) The name or logo of the certificate holder.
- (2) Separate areas designated for the placement of wagers on the Banker's Hand, Player's Hand and Tie Hand for each player.
- (3) The payout odds for all permissible wagers offered by the certificate holder. If the payout odds are not inscribed on the layout, a sign identifying the payout odds shall be posted at each Baccarat table.
- (4) An area designated for the placement of cards for the Player's Hand and Banker's Hand.
- (5) If a certificate holder offers the Dragon Bonus Wager, authorized under § 631a.8(a)(4) (relating to wagers), separate areas designated for the placement of the Dragon Bonus Wager for each player.
- (6) If a certificate holder offers EZ Baccarat:
 - (i) Separate areas designated for the placement of the Dragon 7 Insurance Wager, authorized under § 631a.8(a)(5), for each player.
 - (ii) Inscriptions that advise patrons that a wager on the Banker's Hand that results in a Dragon 7 shall push and be returned to the player. If the information is not inscribed on the layout, a sign containing the information must be posted at each Baccarat table.
 - (iii) Separate areas designated for the placement of the Panda 8 Insurance Wager, authorized under § 631a.8(a)(6), for each player.
- (7) If a certificate holder offers the House Money Wager, authorized under § 631a.8(a)(7), separate areas designated for the placement of the House Money Wager for each player.
- (8) Numbered areas that correspond to the seat numbers for the purpose of marking vigorish unless the dealer, in accordance with the option selected in the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions), collects the vigorish from a player at the time the winning payout is made or the table is designated for play as an EZ Baccarat table in which vigorish is not collected.

(c) If marker buttons are used for the purpose of marking vigorish, the marker buttons shall be placed in the table inventory container or in a separate rack designed for the purpose of storing marker buttons. If a separate rack is used, the rack shall be placed in front of the table inventory container during gaming activity.

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

(e) Each Baccarat table must have a discard bucket on dealer's side of the table.

§ 631a.8. Wagers.

(a) The following are permissible wagers in the game of Baccarat:

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

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

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

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

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

(i) Win if the Player's Hand has a Point Count higher than that of the Banker's Hand and if EZ Baccarat is being played and the Point Counts of the Player's Hand and the Dealer's Hand result in a Panda 8.

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

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

(3) A Tie Wager which shall:

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

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

(4) If offered by a certificate holder, a Dragon Bonus Wager on the Player's Hand or Banker's Hand, or both, which shall:

(i) Win if the selected hand is:

(A) A Natural and the other hand is not a Natural.

(B) A Natural 9 and the other hand is a Natural 8.

(C) Not a Natural and has a Point Count that exceeds the Point Count of the other hand by four or more points.

(ii) Lose if the selected hand is:

(A) A Natural 8 and the other hand is a Natural 9.

(B) Not a Natural and has a Point Count less than or equal to the Point Count of the other hand.

(C) Not a Natural and has a Point Count that exceeds the Point Count of the other hand by less than four points.

(iii) Tie and be returned to the player if the selected hand is a Natural and the other hand is a Natural of equal Point Count.

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

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

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

(6) A Panda 8 Insurance Wager, if the table is designated for play as an EZ Baccarat table, which shall:

(i) Win if the Point Counts of the Player's Hand and the Dealer's Hand result in a Panda 8.

(ii) Lose if the Point Counts of the Player's Hand and the Dealer's Hand do not result in a Panda 8.

(7) If offered by a certificate holder, a House Money Wager which shall:

(i) Win if the first two cards of either the Player's Hand or Banker's Hand, or both, are a pair. For purposes of the House Money Wager, a pair must be of the same rank (two queens, for example), regardless of suit.

(ii) Lose if in the first two cards dealt to the player's hand and the banker's hand, neither the player's hand nor the banker's hand contains a pair.

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

(c) A wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

§ 631a.12. Announcement of result of round; payment and collection of wagers.

(a) After each hand has received all the cards to which it is entitled under §§ 631a.9, 631a.10 and 631a.11 (relating to hands of player and banker; procedure for dealing initial two cards to each hand; procedure for dealing a third card; and rules for determining whether a third card shall be dealt), the dealer calling the game shall announce the final Point Count of each hand indicating which hand has won the round. If the two hands have equal Point Counts, the dealer shall announce "tie hand." If the table is designated for play as an EZ Baccarat table and the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7 or a Panda 8, the dealer shall announce "Dragon 7" or "Panda 8."

(b) After the result of the round is announced, the dealer or dealers responsible for the wagers on the table shall first collect each losing wager. After the losing wagers are collected, the dealer or dealers responsible for the wagers on the table shall, starting at the highest numbered player position at which a winning wager is located, pay that player's winning wager and immediately thereafter mark or collect the vigorish owed by that player unless the table is designated for play as an EZ

Baccarat table in which vigorish is not collected. The dealer shall then proceed in descending order to the next highest numbered player position at which a winning wager is located and repeat this procedure until each winning wager is paid and the vigorish owed by each player, if any, is either marked or collected.

(c) At the conclusion of a round of play, the dealer shall remove all cards from the table and place the cards in the discard bucket.

§ 631a.13. Payout odds; vigorish.

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

(b) A winning Tie Wager shall be paid at odds of at least 8 to 1.

(c) A winning wager made on the Banker's Hand shall be paid at odds of 1 to 1, except that the certificate holder shall extract a vigorish from the winning players in an amount equal to 5% of the amount won, unless the certificate holder is offering EZ Baccarat in which vigorish is not collected. When collecting the vigorish, the certificate holder may round off the vigorish to 25¢ or the next highest multiple of 25¢.

(d) A dealer shall collect the vigorish from a player in accordance with one of the following procedures selected by the certificate holder in its Rules Submission under § 601a.2 (relating to table games Rules Submissions):

(1) At the time the winning payout is made.

(2) At a later time, provided that:

(i) The outstanding vigorish shall be collected prior to beginning play with a new dealing shoe of cards or when the player leaves the gaming table, whichever occurs first.

(ii) The amount of the vigorish shall be tracked by placing a coin or marker button, which contains the amount of the vigorish owed, in the rectangular space on the layout that is imprinted with the number of the player owing the vigorish.

(iii) The coin or marker button may not be removed from the layout until the vigorish owed is collected.

(e) If a certificate holder offers the Dragon Bonus Wager, in accordance with § 631a.8(a)(4) (relating to wagers), a vigorish may not be extracted on a winning Dragon Bonus Wager. Winning Dragon Bonus Wagers shall be paid out at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>
Win by 9 points	30 to 1	20 to 1	30 to 1
Win by 8 points	10 to 1	8 to 1	10 to 1
Win by 7 points	6 to 1	7 to 1	4 to 1
Win by 6 points	4 to 1	4 to 1	4 to 1
Win by 5 points	2 to 1	3 to 1	2 to 1
Win by 4 points	1 to 1	1 to 1	2 to 1
Natural winner	1 to 1	1 to 1	1 to 1
Natural tie	Push	Push	Push

(f) A winning Dragon 7 Insurance Wager, as described in § 631a.8(a)(5), shall be paid out at odds of 40 to 1.

(g) A winning Panda 8 Insurance Wager, as described in § 631a.8(a)(6), shall be paid at odds of 25 to 1.

(h) If a certificate holder offers the House Money Wager and the player elects to take the payout, the player shall be paid in accordance with the following payable:

<i>Hand</i>	<i>Odds</i>
Player and Banker Pair	15 to 1
Player or Banker Pair	3 to 1

CHAPTER 633a. BLACKJACK

§ 633a.7. Procedure for dealing the cards; completion of each round of play.

* * * * *

(o) After all additional cards have been dealt to the players and the dealer, the dealer shall, starting with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, settle the remaining optional wagers by collecting all losing wagers and paying all winning wagers as follows:

* * * * *

(2) If a player placed a Hit and Run Progressive Wager:

(i) A player shall win if the dealer has Blackjack or the dealer's hand has five or more cards inclusive of any card which would give the dealer's hand a total point count of greater than 21. For example, if the dealer's hand has a total point count of 14 with five cards drawn and the dealer draws an additional card resulting in a total point count of 23, the dealer's sixth card shall also count toward the Hit and Run Progressive payout.

(ii) If a player has won the Hit and Run Progressive Wager, the dealer shall:

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

(B) Have a floormperson or above verify any Hit and Run Progressive payout with odds of 200 for 1 or greater in accordance with approved internal control procedures submitted under § 465a.2.

(C) Pay the player the winning Hit and Run Progressive Wager in accordance with § 633a.13(1). If a player has won a progressive payout that is 100% of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of the player must remain on the table until the necessary documentation has been completed. If more than one player at the table has won a progressive payout that is 100% of the jackpot amount on the progressive meter, each player shall share the maximum amount equally.

* * * * *

§ 633a.13. Payout odds; payout limitation.

* * * * *

(1) If the certificate holder offers the Hit and Run Progressive Wager:

(1) The certificate holder shall pay out winning Hit and Run Progressive Wagers at the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Dealer has:	
Eight or more cards	100% of meter
Seven cards	200 for 1
Six cards	25 for 1
Five cards	8 for 1
Blackjack	4 for 1

(2) The rate of progression for the meter used for the Hit and Run Progressive Wager must be specified in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amounts must also be in the Rules Submission and at least \$1,000.

(m) If the certificate holder offers the Straight Jack Progressive Wager:

(1) The certificate holder shall pay out winning Straight Jack Progressive Wagers at the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Player has:	
Six-card straight with an ace of spades	100% of meter and 200 to 1
Six-card straight with an ace of diamonds, clubs or hearts	10% of meter and 200 to 1
Five-card straight	200 to 1
Four-card straight	50 to 1
Three-card straight	15 to 1
Two-card straight	3 to 1

(2) The rate of progression for the meter used for the Straight Jack Progressive Wager must be specified in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amounts must also be in the Rules Submission and be at least \$5,000.

(n) If a certificate holder offers the House Money Wager and the player elects to take the payout, the player shall be paid in accordance with the following payable:

(1) If a single deck of cards is being used:

<i>Hand</i>	<i>Odds</i>
Ace-king suited	9 to 1
Two-card straight flush	5 to 1
Pair	3 to 1
Two-card straight	1 to 1

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

<i>Hand</i>	<i>Odds</i>
Ace-king suited	9 to 1
Two-card straight flush	4 to 1
Pair	3 to 1
Two-card straight	1 to 1

(o) Notwithstanding the payout odds in subsections (b) and (g), a certificate holder may, in its Rules Submission under § 601a.2, establish a maximum amount that is payable to a player with a queen of hearts pair and dealer Blackjack or king of spades pair and dealer Blackjack that is payable to all winning hands in the aggregate on a single round of play. The maximum payout amount shall be at least \$25,000 or the maximum amount that one patron could win per round when betting the maximum possible wager, whichever is greater. If a certificate holder establishes a maximum payout, and more than one player at a table has a winning hand of queen of hearts pair and dealer Blackjack or king of spades pair and dealer Blackjack, each player shall share the maximum payout amount proportionately to the amount of the player's respective wager. Any maximum payout limit established by the certificate holder shall apply only to payouts of Royal Match 21 Wagers and King's Bounty Wagers.

[Pa.B. Doc. No. 14-237. Filed for public inspection January 31, 2014, 9:00 a.m.]

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 461a, 465a, 525, 575, 577, 579, 603a, 609a, 623a, 627a, 629a, 631a, 633a, 635a, 637a, 649a, 659a, 661a, 663a AND 665a]

Slot Machines and Table Game Controls, Equipment, Credit and Rules

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. §§ 1207(3) and (9) and 13A02(1), (2) and (4) (relating to regulatory authority of board; and regulatory authority), amends Chapters 461a, 465a, 603a, 609a, 623a, 627a, 629a, 631a, 633a, 635a, 637a and 649a, rescinds Chapters 525, 575, 577 and 579 and adds Chapters 659a, 661a, 663a and 665a.

Purpose of the Final-Form Rulemaking

This final-form rulemaking transitions the requirements for Match Play Coupons and the game rules for Asia Poker, Three Dice Football and Five Card Hi-Lo from temporary to final-form regulations. This final-form rulemaking contains a new game, Double Attack Blackjack, and optional side wagers.

Explanation of Revisions

The heading of § 461a.9 (relating to coupons utilized in slot machine gaming) is amended to specify that the section refers to coupons utilized in slot machine gaming. The coupons used in table games, Match Play Coupons, are described in §§ 603a.20 and 603a.21 (relating to Match Play Coupons; physical characteristics and issuance; and Match Play Coupon use). The retention period for Match Play Coupons is added in § 465a.6 (relating to retention, storage and destruction of books, records and documents) and is consistent with the retention periods for coupons used in slot machine gaming.

In §§ 465a.9(c)(2) and 465a.35 (relating to surveillance system; surveillance department control; surveillance department restrictions; and personnel assigned to the operation and conduct of table games), the camera coverage requirements and the personnel assigned to Three Dice Football are added. The requirements are consistent with those established in the temporary regulations. Additionally, the inspection requirements for the dice utilized in Three Dice Football are added in § 603a.13(f)(1) and (2) (relating to dice; receipt, storage, inspection and removal from use).

In § 603a.1 (relating to definitions), the definition of "Match Play Coupon" is added. In § 603a.10 (relating to permissible wagering; exchange and redemption of gaming chips and plaques), a Match Play Coupon is added as a permissible wager. The requirements for the design, internal controls and distribution of promotional Match Play Coupons are in § 603a.20. Match Play Coupons are to be controlled by the finance department and distributed to patrons by the marketing department. Certificate holders are required to file a quarterly report with the Bureau of Casino Compliance listing the total value of Match Play Coupons redeemed by patrons.

Section 603a.21 specifies that a promotional Match Play Coupon shall be used with an equal value of gaming chips. The value of the Match Play Coupon is added to the gaming chips wagered by the patron. If the wager wins, it is paid in accordance with the terms and conditions of the Match Play Coupon. Irrespective of

whether the Match Play Coupon wins or loses, it is deposited into the table game drop box at the conclusion of each round of play.

Section 603a.13(f)(3) is added as an alternative dice inspection and distribution procedure. This alternative was previously available when the equipment chapter were temporary regulations but was inadvertently not transitioned when the final-form regulations were promulgated. One operator requested to continue utilizing the procedures in this subsection.

Amendments to § 603a.13(c)(3) allow the finance department to issue the manual Counter Checkbook to the table games department provided that adequate internal controls are submitted to Board staff for approval.

A new series of side wagers, Bonus Craps, are added to the game of Craps. The layout requirements are in § 623a.2(d)(5) (relating to Craps and Mini-Craps tables; physical characteristics) and a description of the side wagers is added to § 623a.3(a)(43) (relating to wagers) with the payout odds in § 623a.5(h) (relating to payout odds). The additional procedures regarding Bonus Craps are in § 623a.12 (relating to additional procedures and rules for Bonus Craps).

A new side wager, the House Money Wager, is added in the three Baccarat style games in Chapters 627a, 629a and 631a (relating to Minibaccarat; Midibaccarat; and Baccarat). The amendments to the games include layout requirements, the description of the wager, dealing procedure and the payout odds.

Two additional side wagers, the Straight Jack Progressive Wager and the House Money Wager, are added in Chapter 633a (relating to Blackjack). The layout requirements are added in § 633a.2(b) (relating to Blackjack table; card reader device; physical characteristics; inspections), a description of the wagers are added in § 633a.6(e) (relating to wagers), the dealing procedures are added to § 633a.7(g) and (o) (relating to procedure for dealing the cards; completion of each round of play) and the payout odds are added in § 633a.13(m) and (n) (relating to payout odds; payout limitation).

In Chapter 635a (relating to Spanish 21), the provision on when a patron may double down is expanded to allow patrons to double down on two or more cards dealt instead of only the first two cards dealt to the patron. Additionally, § 635a.8(e) (relating to Insurance Wager) is deleted as unnecessary. If a player has Blackjack, the player shall win even if the dealer also has a Blackjack.

A new variation and several new games are added to Chapter 637a (relating to Poker). Operators may now offer the Super Seven-card Stud High Low Split Eight or Better, Five-card Omaha, Triple Draw 2-7, Triple Draw A-5, Triple Draw Bادهucey, Triple Draw Bادهucey and Badugi. The new variation of seven-card stud is added in § 637a.10 (relating to Seven-card Stud Poker; procedures for dealing the cards; completion of each round of play) and the new games are added in §§ 637a.19—637a.21 (relating to Five-card Omaha Poker; procedures for dealing the cards; completion of each round of play; Triple Draw Poker; procedures for dealing the cards; completion of each round of play; and Badugi Poker; procedures for dealing the cards; completion of each round of play).

In Three Card Poker, a new hand ranking, a mini-royal flush, is added in § 649a.6(e) (relating to Three Card Poker rankings) and the corresponding payout is added in § 649a.12(g) (relating to payout odds; Envy Bonus; rate of progression). This payout was, at one time, available

when the regulation was temporary but was not transitioned when the final-form regulation was promulgated.

Three games that were in temporary form are in this final-form rulemaking including Asia Poker, Three Dice Football and Five Card Hi-Lo. Chapters 659a, 661a and 663a (relating to Asia Poker; Three Dice Football; and Five Card Hi-Lo) contain the table layout requirements, dealing procedures, permissible wagers and payout odds for all permissible wagers.

Chapter 665a (relating to Double Attack Blackjack) is added. This is a variation on Blackjack in which a player may place an additional wager after seeing the dealer's up card and may surrender even after taking additional cards. Table layout requirements, the dealing procedures, permissible wagers and payout odds are included in this chapter.

Comment and Response Summary

Notice of proposed rulemaking was published at 43 Pa.B. 834 (February 9, 2013). The Board did not receive comments from the public or the regulated community. On April 10, 2013, the Board received comments from the Independent Regulatory Review Commission (IRRC) on the rulemaking.

Chapter 627a, 629a and 631a

IRRC requested that the Board clarify when a House Money Wager would win and when it would lose. The Board did not add additional language regarding when a House Money Wager would win but has amended the language regarding losing wagers. A House Money Wager in Baccarat style games will lose if in the first two cards dealt to the player's hand or banker's hand, neither hand contains a pair. This amendment was made to §§ 627a.7(a)(7)(ii), 629a.7(a)(7)(ii) and 631a.8(a)(7)(ii) (relating to wagers).

Chapter 659a

IRRC requested that the Board clarify § 659a.6(b)(2)—(6) (relating to Asia Poker rankings) regarding when a joker may be used. The rules regarding the use of the joker are in subsection (a). For consistency among the paragraphs in subsection (b), the reference to the joker was deleted from paragraph (1).

The same rules regarding the use of the joker are also applicable to subsection (d) with the exception of paragraphs (4) and (5) which either specifically include or exclude the use of a joker.

IRRC commented that § 659a.10(a)(2) (relating to procedures for dealing the cards from an automated dealing shoe) is redundant with the requirements in subsection (a)(1). The Board agrees and amended the language accordingly.

Chapter 663a

The Board added corrective language to § 663a.6(a) (relating to Five Card Hi-Lo rankings) regarding the point value of nonface cards.

IRRC commented that § 663a.11(j) (relating to procedures for completion of each round of play) was unclear as to when a player's Tie Wager would win or lose. IRRC requested that the Board clarify the language. Subsection (j)(1)(i) was amended to reflect that if neither the high hand nor the low hand of the player is identical in point value to the high and low hands of the dealer, the Tie Wager will be collected as a losing wager.

Affected Parties

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

Fiscal Impact

Commonwealth. The Board does not expect that this final-form rulemaking will have fiscal impact on the Board or other Commonwealth agencies. Internal control procedures submitted by certificate holders regarding table games Rules Submissions and Match Play Coupons will be reviewed by existing Board staff.

Promotional Match Play Coupons have been utilized by the licensed facilities to increase the amount of table game play and the overall revenue to the facilities and the tax collected for the Commonwealth. Match Play Coupons are neither included in nor deducted from gross table game revenue.

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

Private sector. Slot machine licensees that decide to offer the new games, variations or side wagers will be required to comply with the requirements in this final-form rulemaking and will be required to submit updated Rules Submission forms and internal controls to reflect additions. Costs incurred to purchase equipment and train employees should be offset by the proceeds of gaming.

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

Paperwork Requirements

If a certificate holder selects different options for the play of table games, the certificate holder will be required to update its gaming guide and submit an updated Rules Submission reflecting the changes. These forms are available and submitted to the Board electronically. If a certificate holder elects to offer Match Play Coupons to patrons, the certificate holder will have to submit updated internal controls for approval and will have to submit a quarterly report listing the total value of Match Play Coupons given to patrons.

Effective Date

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

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on January 29, 2013, the Board submitted a copy of the notice of proposed rulemaking, published at 43 Pa.B. 834, to IRRC and the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on December 11, 2013, the final-form rulemaking was deemed approved by the House and

Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on December 12, 2013, and approved the final-form rulemaking.

Findings

The Board finds that:

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

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

Order

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

(a) The regulations of the Board, 58 Pa. Code, are amended by:

Adding §§ 603a.20, 603a.21, 623a.12, 637a.19, 637a.20 and 661a.1—661a.8, deleting §§ 525.21, 525.22, 575.1—575.13, 577.1—577.9 and 579.1—579.13 and amending §§ 461a.9, 465a.6, 465a.9, 465a.35, 603a.1, 603a.10, 603a.13, 609a.13, 623a.2, 623a.3, 623a.4, 623a.5, 633a.1, 633a.2, 633a.6, 635a.10, 637a.6, 649a.6 and 649a.12 to read as set forth at 43 Pa.B. 834.

Adding §§ 637a.21, 659a.1—659a.13, 663a.1—663a.13 and 665a.1—665a.13 and amending §§ 627a.2, 627a.7, 627a.8, 627a.12, 629a.2, 629a.7, 629a.8, 629a.12, 631a.2, 631a.8, 631a.9, 631a.13, 633a.7, 633a.13, 635a.8 and 637a.10 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(Editor's Note: Sections 635a.8 and 637a.10 were not included in the proposed rulemaking published at 43 Pa.B. 834.)

(Editor's Note: Final-form rulemaking 125-162 also amends §§ 627a.2, 627a.7, 627a.12, 629a.2, 629a.7, 629a.12, 631a.2, 631a.8, 631a.13, 633a.7 and 633a.13. See 44 Pa.B. 599 (February 1, 2014).)

(b) The Chairperson of the Board shall certify this order, 43 Pa.B. 834 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

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

WILLIAM H. RYAN, Jr.,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 43 Pa.B. 7606 (December 28, 2013).)

Fiscal Note: Fiscal Note 125-166 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart K. TABLE GAMES

CHAPTER 627a. MINIBACCARAT

§ 627a.2. Minibaccarat table physical characteristics.

(a) Minibaccarat shall be played on a table having numbered positions for no more than nine seated players on one side of the table and a place for the dealer on the opposite side of the table.

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

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

(2) Separate areas designated for the placement of wagers on the Banker's Hand, Player's Hand and Tie Hand for each player.

(3) The payout odds for all permissible wagers offered by the certificate holder. If the payout odds are not inscribed on the layout, a sign identifying the payout odds shall be posted at each Minibaccarat table.

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

(5) If a certificate holder offers the Dragon Bonus Wager authorized under § 627a.7(a)(4) (relating to wagers), separate areas designated for the placement of the Dragon Bonus Wager for each player.

(6) If a certificate holder offers EZ Baccarat in which vigorish is not collected:

(i) Separate areas designated for the placement of the Dragon 7 Insurance Wager, authorized under § 627a.7(a)(5), for each player.

(ii) Inscriptions that advise patrons that a wager on the Banker's Hand that results in a Dragon 7 shall push and be returned to the player. If the information is not inscribed on the layout, a sign containing the information shall be posted at each Minibaccarat table.

(iii) Separate areas designated for the placement of the Panda 8 Insurance Wager, authorized under § 627a.7(a)(6), for each player.

(7) If a certificate holder offers the House Money Wager, authorized under § 627a.7(a)(7), separate areas designated for the placement of the House Money Wager for each player.

(8) Numbered areas that correspond to the seat numbers for the purpose of marking vigorish unless the dealer, in accordance with the option selected in the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions), collects the vigorish from a player at the time the winning payout is made or the table is designated for play as an EZ Baccarat table in which vigorish is not collected.

(c) If marker buttons are used for the purpose of marking vigorish, the marker buttons shall be placed in the table inventory container or in a separate rack designed for the purpose of storing marker buttons. If a separate rack is used, the rack shall be placed in front of the table inventory container during gaming activity.

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

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

§ 627a.7. Wagers.

(a) The following are permissible wagers in the game of Minibaccarat:

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

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

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

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

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

(i) Win if the Player's Hand has a Point Count higher than that of the Banker's Hand and if EZ Baccarat is being played and the Point Counts of the Player's Hand and the Dealer's Hand result in a Panda 8.

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

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

(3) A Tie Wager which shall:

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

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

(4) If offered by a certificate holder, a Dragon Bonus Wager on the Player's Hand or Banker's Hand, or both, which shall:

(i) Win if the selected hand is:

(A) A Natural and the other hand is not a Natural.

(B) A Natural 9 and the other hand is a Natural 8.

(C) Not a Natural and has a Point Count that exceeds the Point Count of the other hand by four or more points.

(ii) Lose if the selected hand is:

(A) A Natural 8 and the other hand is a Natural 9.

(B) Not a Natural and has a Point Count less than or equal to the Point Count of the other hand.

(C) Not a Natural and has a Point Count that exceeds the Point Count of the other hand by less than four points.

(iii) Tie and be returned to the player if the selected hand is a Natural and the other hand is a Natural of equal Point Count.

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

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

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

(6) A Panda 8 Insurance Wager, if the table is designated for play as an EZ Baccarat table, which shall:

(i) Win if the Point Counts of the Player's Hand and the Dealer's Hand result in a Panda 8.

(ii) Lose if the Point Counts of the Player's Hand and the Dealer's Hand do not result in a Panda 8.

(7) If offered by a certificate holder, a House Money Wager which shall:

(i) Win if the first two cards of either the Player's Hand or Banker's Hand, or both, are a pair. For purposes of the House Money Wager, a pair must be of same rank (two queens, for example), regardless of suit.

(ii) Lose if in the first two cards dealt to the player's hand and the banker's hand, neither the player's hand nor the banker's hand contains a pair.

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

(c) A wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

§ 627a.8. Hands of player and banker; procedure for dealing initial two cards to each hand.

(a) There shall be two hands dealt in the game of Minibaccarat, one of which shall be designated the Player's Hand and the other designated the Banker's Hand.

(b) Prior to dealing any cards, the dealer shall announce "no more bets."

(c) The dealer shall then deal an initial four cards from the dealing shoe in accordance with one of the following options selected by the certificate holder in its Rules Submission under § 601a.2 (relating to table games Rules Submissions):

(1) The dealer shall remove cards from the dealing shoe with his left hand and place them face up on the appropriate area of the layout with his right hand. The first and third cards dealt shall constitute the first and second cards of the Player's Hand and placed on the area designated for the Player's Hand. The second and fourth cards dealt shall constitute the first and second cards of the Banker's Hand and placed on the area designated for the Banker's Hand.

(2) The dealer shall remove cards from the dealing shoe with his left hand and place them face down on the layout. The first and third cards dealt shall constitute the first and second cards of the Player's Hand and placed on the area designated for the Player's Hand. The second and fourth cards dealt shall constitute the first and second cards of the Banker's Hand and placed underneath the right corner of the dealing shoe until the Player's Hand is called as provided in § 627a.9 (relating to procedure for dealing a third card). The second and fourth cards shall then be turned face up and placed on the area designated for the Banker's Hand.

(d) Prior to dealing a third card to the Player's or Banker's Hand, the dealer shall settle all House Money Wagers as follows:

(1) If a player placed a House Money Wager, beginning from the dealer's right and moving counterclockwise around the table, the dealer shall collect all losing House Money Wagers and pay all winning wagers in accordance with § 627a.12(h) (relating to payout odds; vigorish) provided that, at a player's discretion, the player may add

the winning House Money payout to the player's original wager on the Player's or Banker's Hand in accordance with the following:

(i) All of the winning House Money payout or, if specified in the certificate holder's Rules Submission filed in accordance with § 601a.2, only a specified portion of the winning House Money payout shall be added to the area designated for the placement of the player's original wager on the Player's or Banker's Hand. The player's original wager and the House Money payout which was added to the player's original wager shall be settled based on the outcome of the player's wager on the Player's or Banker's Hand.

(ii) A player may not touch the winning House Money payout. The dealer shall either hand the entire winning House Money payout to the player or place all or a portion thereof, as authorized by the certificate holder, on the area designated for the placement of the player's wager on the Player's or Banker's Hand.

(2) After settling the House Money Wagers, the game shall resume by dealing any third cards that are required to be dealt in accordance with § 627a.9.

(e) Players may not touch, handle, remove or alter any cards used to play Minibaccarat.

§ 627a.12. Payout odds; vigorish.

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

(b) A winning Tie Wager shall be paid at odds of at least 8 to 1.

(c) A winning wager made on the Banker's Hand shall be paid at odds of 1 to 1, except that the certificate holder shall extract a vigorish from the winning players in an amount equal to 5% of the amount won unless the certificate holder is offering EZ Baccarat in which vigorish is not collected. When collecting the vigorish, the certificate holder may round off the vigorish to 25¢ or the next highest multiple of 25¢.

(d) A dealer shall collect the vigorish from a player in accordance with one of the following procedures selected by the certificate holder in its Rules Submission under § 601a.2 (relating to table games Rules Submissions):

(1) At the time the winning payout is made.

(2) At a later time, provided that:

(i) The outstanding vigorish shall be collected prior to the reshuffling of the cards in a dealing shoe or when the player leaves the gaming table, whichever occurs first.

(ii) The amount of the vigorish shall be tracked by placing a coin or marker button, which contains the amount of the vigorish owed, in the rectangular space on the layout that is imprinted with the number of the player owing the vigorish.

(iii) The coin or marker button may not be removed from the layout until the vigorish owed is collected.

(e) If a certificate holder offers the Dragon Bonus Wager, in accordance with § 627a.7(a)(4) (relating to wagers), a vigorish may not be extracted on a winning Dragon Bonus Wager. Winning Dragon Bonus Wagers shall be paid out at the odds in one of the following

paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>
Win by 9 points	30 to 1	20 to 1	30 to 1
Win by 8 points	10 to 1	8 to 1	10 to 1
Win by 7 points	6 to 1	7 to 1	4 to 1
Win by 6 points	4 to 1	4 to 1	4 to 1
Win by 5 points	2 to 1	3 to 1	2 to 1
Win by 4 points	1 to 1	1 to 1	2 to 1
Natural winner	1 to 1	1 to 1	1 to 1
Natural tie	Push	Push	Push

(f) A winning Dragon 7 Insurance Wager, as described in § 627a.7(a)(5), shall be paid at odds of 40 to 1.

(g) A winning Panda 8 Insurance Wager, as described in § 627a.7(a)(6), shall be paid at odds of 25 to 1.

(h) If a certificate holder offers the House Money Wager and the player elects to take the payout, the player shall be paid in accordance with the following payable:

<i>Hand</i>	<i>Odds</i>
Player and Banker Pair	15 to 1
Player or Banker Pair	3 to 1

CHAPTER 629a. MIDIBACCARAT

§ 629a.2. Midibaccarat table physical characteristics.

(a) Midibaccarat shall be played on a table having numbered positions for no more than nine seated players on one side of the table and a place for the dealer on the opposite side of the table.

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

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

(2) Separate areas designated for the placement of wagers on the Banker's Hand, Player's Hand and Tie Wager for each player.

(3) The payout odds for all permissible wagers offered by the certificate holder. If the payout odds are not inscribed on the layout, a sign identifying the payout odds shall be posted at each Midibaccarat table.

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

(5) If a certificate holder offers the Dragon Bonus Wager, authorized under § 629a.7(a)(4) (relating to wagers), separate areas designated for the placement of the Dragon Bonus Wager for each player.

(6) If a certificate holder offers EZ Baccarat in which vigorish is not collected:

(i) Separate areas designated for the placement of the Dragon 7 Insurance Wager, authorized under § 629a.7(a)(5), for each player.

(ii) Inscriptions that advise patrons that a wager on the Banker's Hand that results in a Dragon 7 shall push and be returned to the player. If the information is not inscribed on the layout, a sign containing the information shall be posted at each Midibaccarat table.

(iii) Separate areas designated for the placement of the Panda 8 Insurance Wager, authorized under § 629a.7(a)(6), for each player.

(7) If a certificate holder offers the House Money Wager, authorized under § 629a.7(a)(7), separate areas designated for the placement of the House Money Wager for each player.

(8) Numbered areas that correspond to the seat numbers for the purpose of marking vigorish unless the dealer, in accordance with the option selected in the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions), collects the vigorish from a player at the time the winning payout is made or the table is designated for play as an EZ Baccarat table in which vigorish is not collected.

(c) If marker buttons are used for the purpose of marking vigorish, the marker buttons shall be placed in the table inventory container or in a separate rack designed for the purpose of storing marker buttons. If a separate rack is used, the rack shall be placed in front of the table inventory container during gaming activity.

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

(e) Each Midibaccarat table must have a discard bucket on the dealer's side of the table.

§ 629a.7. Wagers.

(a) The following are permissible wagers in the game of Midibaccarat:

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

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

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

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

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

(i) Win if the Player's Hand has a Point Count higher than that of the Banker's Hand and if EZ Baccarat is being played and the Point Counts of the Player's Hand and the Dealer's Hand result in a Panda 8.

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

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

(3) A Tie Wager which shall:

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

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

(4) If offered by a certificate holder, a Dragon Bonus Wager on the Player's Hand or Banker's Hand, or both, which shall:

(i) Win if the selected hand is:

(A) A Natural and the other hand is not a Natural.

(B) A Natural 9 and the other hand is a Natural 8.

(C) Not a Natural and has a Point Count that exceeds the Point Count of the other hand by four or more points.

(ii) Lose if the selected hand is:

(A) A Natural 8 and the other hand is a Natural 9.

(B) Not a Natural and has a Point Count less than or equal to the Point Count of the other hand.

(C) Not a Natural and has a Point Count that exceeds the Point Count of the other hand by less than four points.

(iii) Tie and be returned to the player if the selected hand is a Natural and the other hand is a Natural of equal Point Count.

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

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

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

(6) A Panda 8 Insurance Wager, if the table is designated for play as an EZ Baccarat table, which shall:

(i) Win if the Point Counts of the Player's Hand and the Dealer's Hand result in a Panda 8.

(ii) Lose if the Point Counts of the Player's Hand and the Dealer's Hand do not result in a Panda 8.

(7) If offered by a certificate holder, a House Money Wager which shall:

(i) Win if the first two cards of either the Player's Hand or Banker's Hand, or both, are a pair. For purposes of the House Money Wager, a pair must be of same rank (two queens, for example), regardless of suit.

(ii) Lose if in the first two cards dealt to the player's hand and the banker's hand, neither the player's hand nor the banker's hand contains a pair.

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

(c) A wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

§ 629a.8. Hands of player and banker; procedure for dealing initial two cards to each hand.

(a) There shall be two hands dealt in the game of Midibaccarat, one of which shall be designated the Player's Hand and the other designated the Banker's Hand.

(b) Prior to dealing any cards, the dealer shall announce "no more bets."

(c) The dealer shall then deal an initial four cards from the dealing shoe. The first and third cards dealt shall be placed face down on the area designated for the Player's Hand and the second and fourth cards dealt shall be placed face down on the area designated for the Banker's Hand.

(1) After all four cards have been dealt, the dealer shall place the Banker's Hand underneath the right corner of the dealing shoe. The dealer shall then hand the two cards of the Player's Hand, face down, to the player with the highest wager on the Player's Hand. After viewing the Player's Hand, the player shall return the two cards, face up, to the dealer, who shall place the cards face up on the area designated for the Player's Hand and announce the Point Count of the Player's Hand.

(2) The dealer shall then hand the two cards of the Banker's Hand, face down, to the player with the highest wager on the Banker's Hand. After viewing the Banker's Hand, the player shall return the two cards, face up, to the dealer, who shall place the cards face up on the area designated for the Banker's Hand and announce the Point Count of the Banker's Hand.

(3) Prior to dealing a third card to the Player's or Banker's Hand, the dealer shall settle all House Money Wagers as follows:

(i) If a player placed a House Money Wager, after the initial two cards of the Player's Hand and Banker's Hand have been turned face up on the layout, beginning from the dealer's right and moving counterclockwise around the table, the dealer shall collect all losing House Money wagers and pay all winning wagers in accordance with § 629a.12(h) (relating to payout odds; vigorish) provided that, at a player's discretion, the player may add the winning House Money payout to the player's original wager on the Player's or Banker's Hand in accordance with the following:

(A) All of the winning House Money payout or, if specified in the certificate holder's Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions), only a specified portion of the winning House Money payout shall be added to the area designated for the placement of the player's original wager on the Player's or Banker's Hand. The player's original wager and the House Money payout which was added to the player's original wager shall then be settled based on the outcome of the player's wager on the Player's or Banker's Hand.

(B) A player may not touch the winning House Money payout. The dealer shall either hand the entire winning House Money payout to the player or place all or a portion thereof, as authorized by the certificate holder, on the area designated for the placement of the player's wager on the Player's or Banker's Hand.

(ii) After settling the House Money Wagers, the game shall resume by dealing any third cards that are required to be dealt.

(4) Any third card required to be dealt to the Player's Hand shall be placed face down on the area designated for the Player's Hand. The dealer shall then hand the card, face down, to the player who was handed and returned the Player's Hand. After viewing the card, the player shall return the card, face up, to the dealer, who shall place the card face up on the area designated for the Player's Hand.

(5) Any third card required to be dealt to the Banker's Hand shall be placed face down on the area designated for the Banker's Hand. The dealer shall then hand the card, face down, to the player who was handed and returned the Banker's Hand. After viewing the card, the player shall return the card, face up, to the dealer, who shall place the card face up on the area designated for the Banker's Hand.

(6) If two or more players wager an equally high amount on the Player's Hand, the player making the wager who is closest to the dealer, moving counterclockwise around the table, shall be handed the Player's Hand and any third card required to be dealt. If two or more players wager an equally high amount on the Banker's Hand, the player making the wager who is closest to the dealer, moving counterclockwise around the table, shall be handed the Banker's Hand and any third card required to be dealt.

(d) The dealer or floorperson assigned to the table may require any player to relinquish the right to turn over the cards in accordance with subsection (c) if the player unreasonably delays the game. If the voluntary or compulsory relinquishment of that right occurs, the dealer shall offer it to the player immediately to the right of the previous player. If the player does not accept it or there is not a player in that position, the dealer shall offer it to each of the other players in turn, moving counterclockwise around the table for the remainder of that round of play. If no player accepts the cards, the dealer shall turn the cards over and place them on the designated areas of the layout.

§ 629a.12. Payout odds; vigorish.

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

(b) A winning Tie Wager shall be paid at odds of at least 8 to 1.

(c) A winning wager made on the Banker's Hand shall be paid at odds of 1 to 1, except that the certificate holder shall extract a vigorish from the winning players in an amount equal to 5% of the amount won unless the certificate holder is offering EZ Baccarat in which vigorish is not collected. When collecting the vigorish, the certificate holder may round off the vigorish to 25¢ or the next highest multiple of 25¢.

(d) A dealer shall collect the vigorish from a player in accordance with one of the following procedures selected by the certificate holder in its Rules Submission under § 601a.2 (relating to table games Rules Submissions):

(1) At the time the winning payout is made.

(2) At a later time, provided that:

(i) The outstanding vigorish shall be collected prior to beginning play with a new dealing shoe of cards or when the player leaves the gaming table, whichever occurs first.

(ii) The amount of the vigorish shall be tracked by placing a coin or marker button, which contains the amount of the vigorish owed, in the rectangular space on the layout that is imprinted with the number of the player owing the vigorish.

(iii) The coin or marker button may not be removed from the layout until the vigorish owed is collected.

(e) If a certificate holder offers the Dragon Bonus Wager, in accordance with § 629a.7(a)(4) (relating to wagers), a vigorish may not be extracted on a winning Dragon Bonus Wager. Winning Dragon Bonus Wagers shall be paid out at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>
Win by 9 points	30 to 1	20 to 1	30 to 1
Win by 8 points	10 to 1	8 to 1	10 to 1
Win by 7 points	6 to 1	7 to 1	4 to 1

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>
Win by 6 points	4 to 1	4 to 1	4 to 1
Win by 5 points	2 to 1	3 to 1	2 to 1
Win by 4 points	1 to 1	1 to 1	2 to 1
Natural winner	1 to 1	1 to 1	1 to 1
Natural tie	Push	Push	Push

(f) A winning Dragon 7 Insurance Wager, as described in § 629a.7(a)(5), shall be paid at odds of 40 to 1.

(g) A winning Panda 8 Insurance Wager, as described in § 629a.7(a)(6), shall be paid at odds of 25 to 1.

(h) If a certificate holder offers the House Money Wager and the player elects to take the payout, the player shall be paid in accordance with the following paytable:

<i>Hand</i>	<i>Odds</i>
Player and Banker Pair	15 to 1
Player or Banker Pair	3 to 1

CHAPTER 631a. BACCARAT

§ 631a.2. Baccarat table physical characteristics.

(a) Baccarat shall be played on a table having numbered positions for 10 to 14 seated players.

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

- (1) The name or logo of the certificate holder.
- (2) Separate areas designated for the placement of wagers on the Banker's Hand, Player's Hand and Tie Hand for each player.
- (3) The payout odds for all permissible wagers offered by the certificate holder. If the payout odds are not inscribed on the layout, a sign identifying the payout odds shall be posted at each Baccarat table.
- (4) An area designated for the placement of cards for the Player's Hand and Banker's Hand.
- (5) If a certificate holder offers the Dragon Bonus Wager, authorized under § 631a.8(a)(4) (relating to wagers), separate areas designated for the placement of the Dragon Bonus Wager for each player.
- (6) If a certificate holder offers EZ Baccarat:
 - (i) Separate areas designated for the placement of the Dragon 7 Insurance Wager, authorized under § 631a.8(a)(5), for each player.
 - (ii) Inscriptions that advise patrons that a wager on the Banker's Hand that results in a Dragon 7 shall push and be returned to the player. If the information is not inscribed on the layout, a sign containing the information must be posted at each Baccarat table.
 - (iii) Separate areas designated for the placement of the Panda 8 Insurance Wager, authorized under § 631a.8(a)(6), for each player.
- (7) If a certificate holder offers the House Money Wager, authorized under § 631a.8(a)(7), separate areas designated for the placement of the House Money Wager for each player.
- (8) Numbered areas that correspond to the seat numbers for the purpose of marking vigorish unless the dealer, in accordance with the option selected in the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions), collects the

vigorish from a player at the time the winning payout is made or the table is designated for play as an EZ Baccarat table in which vigorish is not collected.

(c) If marker buttons are used for the purpose of marking vigorish, the marker buttons shall be placed in the table inventory container or in a separate rack designed for the purpose of storing marker buttons. If a separate rack is used, the rack shall be placed in front of the table inventory container during gaming activity.

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

(e) Each Baccarat table must have a discard bucket on dealer's side of the table.

§ 631a.8. Wagers.

(a) The following are permissible wagers in the game of Baccarat:

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

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

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

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

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

(i) Win if the Player's Hand has a Point Count higher than that of the Banker's Hand and if EZ Baccarat is being played and the Point Counts of the Player's Hand and the Dealer's Hand result in a Panda 8.

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

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

(3) A Tie Wager which shall:

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

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

(4) If offered by a certificate holder, a Dragon Bonus Wager on the Player's Hand or Banker's Hand, or both, which shall:

(i) Win if the selected hand is:

(A) A Natural and the other hand is not a Natural.

(B) A Natural 9 and the other hand is a Natural 8.

(C) Not a Natural and has a Point Count that exceeds the Point Count of the other hand by four or more points.

(ii) Lose if the selected hand is:

(A) A Natural 8 and the other hand is a Natural 9.

(B) Not a Natural and has a Point Count less than or equal to the Point Count of the other hand.

(C) Not a Natural and has a Point Count that exceeds the Point Count of the other hand by less than four points.

(iii) Tie and be returned to the player if the selected hand is a Natural and the other hand is a Natural of equal Point Count.

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

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

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

(6) A Panda 8 Insurance Wager, if the table is designated for play as an EZ Baccarat table, which shall:

(i) Win if the Point Counts of the Player's Hand and the Dealer's Hand result in a Panda 8.

(ii) Lose if the Point Counts of the Player's Hand and the Dealer's Hand do not result in a Panda 8.

(7) If offered by a certificate holder, a House Money Wager which shall:

(i) Win if the first two cards of either the Player's Hand or Banker's Hand, or both, are a pair. For purposes of the House Money Wager, a pair must be of the same rank (two queens, for example), regardless of suit.

(ii) Lose if in the first two cards dealt to the player's hand and the banker's hand, neither the player's hand nor the banker's hand contains a pair.

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

(c) A wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

§ 631a.9. Hands of player and banker; procedure for dealing initial two cards to each hand.

(a) There shall be two hands dealt in the game of Baccarat, one of which shall be designated the Player's Hand and the other designated the Banker's Hand.

(b) After the dealer calling the game announces "no more bets," the dealer calling the game shall instruct the curator to commence dealing the cards by announcing "cards."

(c) The curator shall deal an initial four cards from the dealing shoe face down to the areas designated for the placement of the Player's Hand and the Dealer's Hand. The first and third cards dealt shall constitute the first and second cards of the Player's Hand. The second and fourth cards dealt shall constitute the first and second cards of the Banker's Hand. Except as provided in subsection (d), after the cards are dealt to each hand, the dealer calling the game shall place the cards face up in front of himself. Any third cards that are required to be dealt shall first be dealt face up to the Player's Hand and then to the Banker's Hand by the curator.

(d) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules

Submissions), elect to use the following procedures in lieu of the procedures in subsection (c) and § 631a.10(a) (relating to procedure for dealing a third card), after all four cards have been dealt:

(1) The curator shall place the Banker's Hand underneath the right corner of the dealing shoe.

(2) The dealer calling the game shall then hand the two cards of the Player's Hand, face down, to the player with the highest wager on the Player's Hand. After viewing the Player's Hand, the player shall return the two cards, face up, to the dealer calling the game, who shall place the cards face up on the area designated for the Player's Hand and announce the Point Count of the Player's Hand.

(3) The dealer calling the game shall then hand the two cards of the Banker's Hand, face down, to the player with the highest wager on the Banker's Hand. After viewing the Banker's Hand, the player shall return the two cards, face up, to the dealer calling the game, who shall place the cards face up on the area designated for the Banker's Hand and announce the Point Count of the Banker's Hand.

(4) Any third card required to be dealt to the Player's Hand shall be placed face down on the area designated for the Player's Hand. The dealer calling the game shall then hand the card, face down, to the player who was handed and returned the Player's Hand. After viewing the card, the player shall return the card, face up, to the dealer calling the game, who shall place the card face up on the area designated for the Player's Hand.

(5) Any third card required to be dealt to the Banker's Hand shall be placed face down on the area designated for the Banker's Hand. The dealer calling the game shall then hand the card, face down, to the player who was handed and returned the Banker's Hand. After viewing the card, the player shall return the card, face up, to the dealer calling the game, who shall place the card face up on the area designated for the Banker's Hand.

(6) If two or more players wager an equally high amount on the Player's Hand, the player making the wager who is closest to the dealer calling the game, moving counterclockwise around the table, shall be handed the Player's Hand and any third card required to be dealt. If two or more players wager an equally high amount on the Banker's Hand, the player making the wager who is closest to the dealer calling the game, moving counterclockwise around the table, shall be handed the Banker's Hand and any third card required to be dealt.

(7) In the event there are no wagers on the Player's Hand, the dealer calling the game shall turn the Player's Hand face up and any additional card required to be dealt. In the event there are no wagers on the Banker's Hand, the dealer calling the game shall turn the Banker's Hand face up and any additional card required to be dealt.

(e) After the initial two cards of the Player's Hand and Banker's Hand have been turned face up on the layout but prior to dealing a third card in accordance with subsections (c) and (d), the dealer shall settle all House Money Wagers as follows:

(1) If a player placed a House Money Wager, beginning from the dealer's right and moving counterclockwise around the table, the dealer shall collect all losing House Money wagers and pay all winning wagers in accordance with § 631a.13(h) (relating to payout odds; vigorish)

provided that, at a player's discretion, the player may add the winning House Money payout to the player's original wager on the Player's or Banker's Hand in accordance with the following:

(i) All of the winning House Money payout or, if specified in the certificate holder's Rules Submission filed in accordance with § 601a.2, only a specified portion of the winning House Money payout shall be added to the area designated for the placement of the player's original wager on the Player's or Banker's Hand. The player's original wager and the House Money payout which was added to the player's original wager shall then be settled based on the outcome of the player's wager on the Player's or Banker's Hand.

(ii) A player may not touch the winning House Money payout. The dealer shall either hand the entire winning House Money payout to the player or place all or a portion thereof, as authorized by the certificate holder, on the area designated for the placement of the player's wager on the Player's or Banker's Hand.

(2) After settling the House Money Wagers, the game shall resume by dealing any third cards that are required to be dealt in accordance with subsection (c) or (d)(4).

(f) The dealer or floorperson assigned to the table may require any player to relinquish the right to turn over the cards in accordance with subsection (d) if the player unreasonably delays the game. If the voluntary or compulsory relinquishment of that right occurs, the dealer shall offer it to the player immediately to the right of the previous player. If the player does not accept it or there is not a player in that position, the dealer shall offer it to each of the other players in turn, moving counterclockwise around the table for the remainder of that round of play. If no player accepts the cards, the dealer shall turn the cards over and place them on the designated areas of the layout.

§ 631a.13. Payout odds; vigorish.

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

(b) A winning Tie Wager shall be paid at odds of at least 8 to 1.

(c) A winning wager made on the Banker's Hand shall be paid at odds of 1 to 1, except that the certificate holder shall extract a vigorish from the winning players in an amount equal to 5% of the amount won, unless the certificate holder is offering EZ Baccarat in which vigorish is not collected. When collecting the vigorish, the certificate holder may round off the vigorish to 25¢ or the next highest multiple of 25¢.

(d) A dealer shall collect the vigorish from a player in accordance with one of the following procedures selected by the certificate holder in its Rules Submission under § 601a.2 (relating to table games Rules Submissions):

- (1) At the time the winning payout is made.
(2) At a later time, provided that:

(i) The outstanding vigorish shall be collected prior to beginning play with a new dealing shoe of cards or when the player leaves the gaming table, whichever occurs first.

(ii) The amount of the vigorish shall be tracked by placing a coin or marker button, which contains the amount of the vigorish owed, in the rectangular space on the layout that is imprinted with the number of the player owing the vigorish.

(iii) The coin or marker button may not be removed from the layout until the vigorish owed is collected.

(e) If a certificate holder offers the Dragon Bonus Wager, in accordance with § 631a.8(a)(4) (relating to wagers), a vigorish may not be extracted on a winning Dragon Bonus Wager. Winning Dragon Bonus Wagers shall be paid out at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

Table with 4 columns: Hand, Paytable A, Paytable B, Paytable C. Rows include Win by 9 points, Win by 8 points, Win by 7 points, Win by 6 points, Win by 5 points, Win by 4 points, Natural winner, Natural tie.

(f) A winning Dragon 7 Insurance Wager, as described in § 631a.8(a)(5), shall be paid out at odds of 40 to 1.

(g) A winning Panda 8 Insurance Wager, as described in § 631a.8(a)(6), shall be paid at odds of 25 to 1.

(h) If a certificate holder offers the House Money Wager and the player elects to take the payout, the player shall be paid in accordance with the following payable:

Table with 2 columns: Hand, Odds. Rows include Player and Banker Pair (15 to 1), Player or Banker Pair (3 to 1).

CHAPTER 633a. BLACKJACK

§ 633a.7. Procedure for dealing the cards; completion of each round of play.

* * * * *

(g) Immediately after the second card is dealt to each player and the dealer, but prior to any additional cards being dealt or before any card reader device is utilized, the dealer shall, starting with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, settle the player's optional wagers by collecting all losing wagers and paying all winning wagers as follows:

* * * * *

(8) If a player placed a Three Card Poker Wager and the dealer's up card and the player's initial two cards form a three-card Poker hand of a straight flush, three-of-a-kind, straight or a flush, the dealer shall pay the winning Three Card Poker Wager in accordance with § 633a.13(k).

(9) If a player placed a Straight Jack Progressive Wager and the player's initial two cards do not form a two-card straight, the dealer shall collect the player's Straight Jack Progressive Wager.

(10) If a player placed a House Money Wager and the player's initial two cards do not form a two-card straight, a pair, a two-card straight flush or an ace-king suited, the dealer shall collect the player's House Money Wager. If a player has a winning hand:

(i) And the dealer's up card is an ace, king, queen, jack or 10, the dealer shall determine whether the hole card will give the dealer a Blackjack in accordance with subsection (h). If the dealer:

(A) Has a Blackjack, the dealer shall pay the winning House Money Wager in accordance with § 633a.13(n).

(B) Does not have a Blackjack, the dealer shall follow the requirements in subparagraph (ii).

(ii) And the dealer's up card is not an ace, king, queen, jack or 10, the dealer shall pay all winning wagers in accordance with § 633a.13(n) provided that, at a player's discretion, the player may add the winning House Money payout to the player's Blackjack Wager in accordance with the following:

(A) All of the winning House Money payout or, if specified in the certificate holder's Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions), only a specified portion of the winning House Money payout shall be added to the area designated for the placement of the player's Blackjack Wager.

(B) A player may not touch the winning House Money payout. The dealer shall either hand the entire winning House Money payout to the player or place all or a portion thereof, as authorized by the certificate holder, on the area designated for the placement of the player's Blackjack Wager. If a player has a Blackjack, the player may add the House Money payout to the Blackjack Wager.

(C) If the player adds the House Money payout to his Blackjack Wager, the House Money payout and the Blackjack Wager must be considered the entire Blackjack Wager. Thus, if the player elects to split in accordance with § 633a.11 (relating to splitting pairs) or doubles down in accordance with § 633a.10 (relating to Double Down Wager), the player shall match the entire Blackjack Wager.

(h) After settling the player's optional wagers in accordance with subsection (g), if the dealer's first card is an ace, king, queen, jack or 10, the dealer shall, after offering the Insurance Wager or even money in accordance with § 633a.8 (relating to Insurance Wager), determine whether the hole card will give the dealer a Blackjack. The dealer shall insert the hole card into the card reader device by moving the card face down on the layout without exposing it to anyone at the table, including the dealer. If the dealer has a Blackjack, additional cards may not be dealt and each player's Blackjack Wager and the Bad Beat, Hit and Run Progressive and Insurance Wagers, if applicable, shall be settled.

(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.

(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 split pairs as permitted under § 633a.11 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.

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

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

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

(l) After the decisions of each player have been implemented and all additional cards have been dealt, the dealer shall turn the hole card face up. Any additional cards required to be dealt to the hand of the dealer, in accordance with subsection (m), shall be dealt face up. The dealer shall announce the dealer's total point count after each additional card is dealt.

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

(n) A dealer shall draw no additional cards to his hand, regardless of the point count, if decisions have been made on all players' hands and the point count of the dealer's hand will not have an effect on the outcome of the round of play.

(o) After all additional cards have been dealt to the players and the dealer, the dealer shall, starting with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, settle the remaining optional wagers by collecting all losing wagers and paying all winning wagers as follows:

(1) If a player placed a Bad Beat Progressive Wager:

(i) A player shall win if the player's hand has a total point count of 20 and the dealer has Blackjack or the total point count of the dealer's hand is 21. If selected by the certificate holder in its Rules Submission under § 601a.2, a player may also win if the total point count of the player's hand is 20, irrespective of the total point count of the dealer's hand.

(ii) If a player has won the Bad Beat Progressive Wager or a Magic Card or Lucky Player Bonus, if offered by the certificate holder, the dealer shall:

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

(B) Have a floorperson or above verify any Bad Beat Progressive payout with odds of 100 for 1 or greater in accordance with approved internal control procedures submitted under § 465a.2 (relating to internal control systems and audit protocols).

(C) Credit the player's game account for the winning Bad Beat Progressive Wager or the Magic Card or Lucky Player Bonus in accordance with § 633a.13(j). If more than one player at the table has won a progressive payout that is 100% of the jackpot amount on the progressive meter, each player shall share the maximum amount proportionally to the amount of the player's respective Bad Beat Progressive Wager.

(2) If a player placed a Hit and Run Progressive Wager:

(i) A player shall win if the dealer has Blackjack or the dealer's hand has five or more cards inclusive of any card which would give the dealer's hand a total point count of greater than 21. For example, if the dealer's hand has a total point count of 14 with five cards drawn and the dealer draws an additional card resulting in a total point count of 23, the dealer's sixth card shall also count toward the Hit and Run Progressive payout.

(ii) If a player has won the Hit and Run Progressive Wager, the dealer shall:

- (A) Verify that the hand is a winning hand.
- (B) Have a floorperson or above verify any Hit and Run Progressive payout with odds of 200 for 1 or greater in accordance with approved internal control procedures submitted under § 465a.2.

(C) Pay the player the winning Hit and Run Progressive Wager in accordance with § 633a.13(1). If a player has won a progressive payout that is 100% of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of the player must remain on the table until the necessary documentation has been completed. If more than one player at the table has won a progressive payout that is 100% of the jackpot amount on the progressive meter, each player shall share the maximum amount equally.

(3) If a player placed a Straight Jack Progressive Wager:

(i) A player shall win if the player's initial two cards were a two-card straight. Each additional card drawn by the player which does not break the sequence of the two-card straight shall result in a payout increase, provided that an ace, king shall be a two-card straight. For example, if the player's initial two cards are a 4 and a 5 and the player draws:

- (A) A 6, the player has a three-card straight.
- (B) A 3 then a 6, the player has a four-card straight.
- (C) A 2 then a 3, the 2 breaks the sequence and the player has a two-card straight.

(D) A 6 then a 7, resulting in a hand with a total point count greater than 21, the last card drawn may not count toward the Straight Jack Progressive Payout. The player will receive a payout for only a three-card straight.

(ii) If a player has won the Straight Jack Progressive Wager, the dealer shall:

- (A) Verify that the hand is a winning hand.
- (B) Have a floorperson or above verify any Straight Jack Progressive Payout with odds of 100 for 1 or greater in accordance with approved internal control procedures submitted under § 465a.2.

(C) Pay the player the winning Straight Jack Progressive Wager in accordance with § 633a.13(m). If a player has won a progressive payout that is 10% or more of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container. If a player has won a progressive payout that is not being paid from the table inventory container, the cards of the player must remain on the table until the necessary documentation has been completed. If more than one player at the table has won a progressive payout that is 100% of the jackpot amount on the progressive meter, each player shall share the maximum amount equally.

(p) A player shall win the Blackjack Wager and be paid in accordance with the payout odds in § 633a.13(a) if:

- (1) The total point count of the player's hand is 21 or less and the total point count of the dealer's hand is in excess of 21.
- (2) The total point count of the player's hand exceeds the total point count of the dealer's hand without exceeding 21.

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

(q) A Blackjack Wager shall tie and be returned to the player if the total point count of the player's hand is the same as the dealer's. A player's Blackjack Wager shall be lost if the dealer has a Blackjack and the player's hand has a total point count of 21 in more than two cards.

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

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

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

(t) Except as provided in § 633a.12(b), players and spectators may not handle, remove or alter any cards used to play Blackjack.

§ 633a.13. Payout odds; payout limitation.

* * * * *

(1) If the certificate holder offers the Hit and Run Progressive Wager:

(1) The certificate holder shall pay out winning Hit and Run Progressive Wagers at the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Dealer has:	
Eight or more cards	100% of meter
Seven cards	200 for 1
Six cards	25 for 1
Five cards	8 for 1
Blackjack	4 for 1

(2) The rate of progression for the meter used for the Hit and Run Progressive Wager must be specified in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amounts must also be in the Rules Submission and at least \$1,000.

(m) If the certificate holder offers the Straight Jack Progressive Wager:

(1) The certificate holder shall pay out winning Straight Jack Progressive Wagers at the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Player has:	
Six-card straight with an ace of spades	100% of meter and 200 to 1
Six-card straight with an ace of diamonds, clubs or hearts	10% of meter and 200 to 1
Five-card straight	200 to 1
Four-card straight	50 to 1
Three-card straight	15 to 1
Two-card straight	3 to 1

(2) The rate of progression for the meter used for the Straight Jack Progressive Wager must be specified in the certificate holder's Rules Submission filed in accordance with § 601a.2. The initial and reset amounts must also be in the Rules Submission and be at least \$5,000.

(n) If a certificate holder offers the House Money Wager and the player elects to take the payout, the player shall be paid in accordance with the following paytable:

(1) If a single deck of cards is being used:

<i>Hand</i>	<i>Odds</i>
Ace-king suited	9 to 1
Two-card straight flush	5 to 1
Pair	3 to 1
Two-card straight	1 to 1

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

<i>Hand</i>	<i>Odds</i>
Ace-king suited	9 to 1
Two-card straight flush	4 to 1
Pair	3 to 1
Two-card straight	1 to 1

(o) Notwithstanding the payout odds in subsections (b) and (g), a certificate holder may, in its Rules Submission under § 601a.2, establish a maximum amount that is payable to a player with a queen of hearts pair and dealer Blackjack or king of spades pair and dealer Blackjack that is payable to all winning hands in the aggregate on a single round of play. The maximum payout amount shall be at least \$25,000 or the maximum amount that one patron could win per round when betting the maximum possible wager, whichever is greater. If a certificate holder establishes a maximum payout, and more than one player at a table has a winning hand of queen of hearts pair and dealer Blackjack or king of spades pair and dealer Blackjack, each player shall share the maximum payout amount proportionately to the amount of the player's respective wager. Any maximum payout limit established by the certificate holder shall apply only to payouts of Royal Match 21 Wagers and King's Bounty Wagers.

CHAPTER 635a. SPANISH 21

§ 635a.8. Insurance Wager.

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

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

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

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

CHAPTER 637a. POKER

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

* * * * *

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

(m) Notwithstanding the requirements in subsection (c), if the certificate holder is offering Super Seven-card Stud High-low Split Eight or better, starting with the first player to the dealer's left and continuing around the table in a clockwise manner, the dealer shall deal four rounds of cards face down and one round of cards face up to each player. After examining the cards, each player shall discard two cards. The first betting round shall commence in accordance with subsection (d).

§ 637a.21. Badugi Poker; procedures for dealing the cards; completion of each round of play.

(a) A certificate holder that offers Badugi Poker shall observe the procedures in this section.

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

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

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

- (i) The first player to the right of the dealer.
- (ii) The player randomly determined by rank of a single card dealt.

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

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

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

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

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

(h) The dealer shall then burn the top card of the deck. Each player who has not folded, starting with the player to the immediate left of the button and continuing in a clockwise rotation, shall have the opportunity to draw new cards one player at a time. Each player may keep his original hand or discard as many cards as he chooses. Each discarded card shall be replaced by the dealer with a new card from the deck. If an insufficient number of cards remain in the deck for a player to draw new cards, the discarded cards, except the cards discarded by that player, shall be reshuffled and the new cards shall be dealt to the player. The first player to the left of the button who has not folded shall commence the next betting round and may bet or check. Each subsequent player may, in clockwise rotation, fold, call, raise or, if preceding players have not made a bet, make an opening bet or check. After the last player has responded to the most recent bet, the second betting round shall be considered complete.

(i) Upon completion of the second betting round, the dealer shall burn the top card of the deck. Each player who has not folded shall then have the opportunity to draw new cards in accordance with subsection (h). The next betting round shall be commenced and completed in accordance with subsection (h).

(j) Upon completion of the third betting round, the dealer shall burn the top card of the deck. Each player who has not folded shall then have the opportunity to draw new cards in accordance with subsection (h). The fourth and final betting round shall be commenced and completed in accordance with subsection (h).

(k) If more than one player remains in the round of play after the final betting round has been completed, a showdown shall be used to determine the winner of the pot based upon the following rankings in order from highest to lowest:

(1) The lowest Badugi hand shall win the pot. For purposes of this section, a Badugi hand shall be a hand in which each of the player's four cards are of a different suit from the others and rank in accordance with § 637a.6(c) (relating to Poker rankings) with the best Badugi hand being an ace, 2, 3 and 4.

(2) If no players have a Badugi, the player with the lowest hand containing three cards, each of which are a different suit and rank.

(3) If no players have three cards of a different suit and rank than the player with the lowest hand containing two cards, each of which are a different suit and rank shall win the pot.

(4) If no remaining players have a hand containing two cards of a different suit and rank than the player with the lowest card.

(5) If a tie exists between two or more players, the pot shall be divided equally among the tied players. If the pot cannot be divided equally among the tied players, the

excess, which may not exceed \$1, shall be given to the player specified in the certificate holder's Rules Submission under § 601a.2.

CHAPTER 659a. ASIA POKER

Sec.

- 659a.1. Definitions.
- 659a.2. Asia Poker table; Asia Poker shaker; physical characteristics.
- 659a.3. Cards; number of decks.
- 659a.4. Opening of the table for gaming.
- 659a.5. Shuffle and cut of the cards; procedures for determining the starting position for dealing cards.
- 659a.6. Asia Poker rankings.
- 659a.7. Wagers.
- 659a.8. Procedures for dealing the cards from a manual dealing shoe.
- 659a.9. Procedures for dealing the cards from the hand.
- 659a.10. Procedures for dealing the cards from an automated dealing shoe.
- 659a.11. Procedures for completion of each round of play.
- 659a.12. Payout odds; payout limitation.
- 659a.13. Irregularities; invalid roll of dice.

§ 659a.1. Definitions.

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

Copy hand—A high hand, medium hand or low hand of a player that is identical in rank to the corresponding high hand, medium hand or low hand of the dealer.

High hand—The four-card hand that is formed from the seven cards dealt so as to rank higher than the medium hand and the low hand.

Low hand—The one-card hand that is formed from the seven cards dealt so as to rank lower than the high hand and the medium hand.

Medium hand—The two-card hand that is formed from the seven cards dealt so as to rank lower than the high hand and higher than the low hand.

Setting the hands—The process of forming a high hand, medium hand and low hand from the seven cards dealt.

§ 659a.2. Asia Poker table; Asia Poker shaker; physical characteristics.

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

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

- (1) The name or logo of the certificate holder.
- (2) A separate betting area designated for the placement of the Asia Poker Wager for each player.
- (3) Three separate areas designated for the placement of the high hand, medium hand and low hand of each player.
- (4) Three separate areas designated for the placement of the high hand, medium hand and low hand of the dealer.
- (5) If the certificate holder offers the optional Bonus Wager authorized under § 659a.7(e) (relating to wagers), a separate area designated for the placement of the Bonus Wager for each player.

(6) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder. If the payout odds or amounts are not

inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each Asia Poker table.

(7) An inscription indicating the payout limit per hand established by the certificate holder under § 659a.12(c) (relating to payout odds; payout limitation) or a generic inscription indicating the game is subject to the posted payout limit. If the payout limit is not inscribed on the layout, a sign which sets forth the required information shall be posted at each Asia Poker table.

(c) To determine the starting position for the dealing or delivery of the cards, Asia Poker may be played with:

(1) An Asia Poker shaker, approved in accordance with § 601a.10(a), which shall be designed and constructed to maintain the integrity of the game. The Asia Poker shaker shall be the responsibility of the dealer, may not be left unattended while at the table and must:

(i) Be capable of housing three dice that when not being shaken shall be maintained within the Asia Poker shaker. Dice that have been placed in an Asia Poker shaker for use in gaming may not remain on a table for more than 24 hours.

(ii) Be designed to prevent the dice from being seen while being shaken.

(iii) Have the name or logo of the certificate holder imprinted or impressed thereon.

(2) A computerized random number generator which must be approved by the Bureau of Gaming Laboratory Operations in accordance with § 461a.4 (relating to submission for testing and approval) prior to its use.

(3) A flat button which shall be approved by the Bureau of Gaming Operations prior to its use.

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

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

§ 659a.3. Cards; number of decks.

(a) Except as provided in subsection (b), Asia Poker shall be played with one deck of cards that are identical in appearance and two cover cards. The deck of cards used to play Asia Poker must include one joker. A certificate holder may use decks that are manufactured with two jokers provided that only one joker is used for gaming.

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

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

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

(3) Both decks of cards shall be continuously alternated in and out of play, with each deck being used for every other round of play.

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

(c) The decks of cards used in Asia Ride Poker shall be changed at least every:

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

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

§ 659a.4. Opening of the table for gaming.

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

(b) If the deck of cards used by the certificate holder contains two jokers, the dealer and a floorperson shall ensure that only one joker is utilized and that the other joker is torn in half and placed in the box, envelope or container that the deck came from. After the cards are inspected, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread in horizontal fan shaped columns by deck according to suit and in sequence and include the one joker.

(c) After the first player is afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, they shall be shuffled in accordance with § 659a.5 (relating to shuffle and cut of the cards; procedures for determining the starting position for dealing cards).

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

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

§ 659a.5. Shuffle and cut of the cards; procedures for determining the starting position for dealing cards.

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

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

(1) If the cards were shuffled using an automated card shuffling device, determine the starting position in accordance with subsection (g), then deal the cards in

accordance with § 659a.8, § 659a.9 or § 659a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe).

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

(c) If a cut of the cards is required, the dealer shall place the cover card in the stack at least ten cards in from the top of the stack. Once the cover card has been inserted, the dealer shall take all cards above the cover card and the cover card and place them on the bottom of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play. The dealer shall then determine the starting position in accordance with subsection (g), and deal the cards in accordance with § 659a.8, § 659a.9 or § 659a.10.

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

(e) If there is no gaming activity at an Asia Poker table which is open for gaming, the cards shall be removed from the dealing shoe and discard rack and spread out on the table face down unless a player requests that the cards be spread face up on the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards, the procedures in § 659a.4(c) (relating to opening of the table for gaming) and this section shall be completed.

(f) A certificate holder may utilize a dealing shoe or other device designed to automatically reshuffle the cards provided that the device is submitted and approved in accordance with § 461a.4 (relating to submission for testing and approval) prior to its use in the licensed facility. If a certificate holder is utilizing the approved device, subsections (c)—(e) do not apply.

(g) To determine the starting position for the dealing of cards, the certificate holder shall use one of the following:

(1) An Asia Poker shaker in accordance with the following procedures:

(i) The dealer shall shake the Asia Poker shaker at least three times to cause a random mixture of the dice.

(ii) The dealer shall then remove the lid covering the Asia Poker shaker and place the uncovered shaker on the designated area of the table layout. The dealer shall then total the dice and announce the total.

(iii) To determine the starting position, the dealer shall count each betting position in order, regardless of whether there is a wager at the betting position, beginning with the dealer as number one and continuing around the table in a counterclockwise manner, until the count matches the total of the three dice.

(iv) After the dealing procedures required under § 659a.8, § 659a.9 or § 659a.10 have been completed, the dealer shall place the cover on the Asia Poker shaker and shake the shaker once. The Asia Poker shaker shall then be placed to the right of the dealer.

(2) A computerized random number generator to select and display a number from 1 to 7. To determine the starting position, the dealer shall count each betting position in order, regardless of whether there is a wager at the betting position, beginning with the dealer as

number one and continuing around the table in a counterclockwise manner, until the count matches the number displayed by the random number generator.

(3) If an automated card shuffling device and dealing shoe are used under § 659a.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.

(h) 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 by the Bureau of Gaming Operations.

§ 659a.6. Asia Poker rankings.

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

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

(1) Four aces, which is a high hand consisting of four aces.

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

(3) A straight flush, which is a high hand consisting of four cards of the same suit in consecutive ranking, with ace, 2, 3 and 4 being the highest ranking straight flush; king, queen, jack and 10 being the second highest ranking straight flush; and 2, 3, 4 and 5 being the lowest ranking straight flush. The certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), specify that a straight flush formed with an ace, 2, 3 and 4 of the same suit is the lowest ranking straight flush.

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

(5) A flush, which is a high hand consisting of four cards of the same suit. When comparing two flushes, the provisions in subsection (c) shall be applied.

(6) A straight, which is a high hand consisting of four cards of consecutive rank, regardless of suit, with an ace, king, queen and jack being the highest ranking straight; an ace, 2, 3 and 4 being the second highest ranking straight; and a 2, 3, 4 and 5 being the lowest ranking straight. The certificate holder may, if specified in its Rules Submission under § 601a.2, specify that a straight formed with an ace, 2, 3 and 4, regardless of suit, is the lowest ranking straight.

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

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

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

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

(d) If the certificate holder offers the optional Bonus Wager under § 659a.7(e) (relating to wagers), the following hands shall be used to determine the amount of the bonus payout to a winning player:

- (1) A three-of-a-kind and four 8s.
- (2) Five aces, which is a hand consisting of four aces and a joker.
- (3) A royal flush, which is a hand consisting of an ace, king, queen, jack and 10 of the same suit.
- (4) A natural straight flush, which is a hand consisting of five cards of the same suit in consecutive rank with no joker.
- (5) A straight flush with a joker, which is a hand consisting of five cards of the same suit in consecutive rank, one of which is a joker.
- (6) A four-of-a-kind, which is a hand consisting of four cards of the same rank regardless of suit.
- (7) A 9-high, which is a seven-card hand that contains a 9, 8, 7, 6, 4, 3 and 2 or a 9, 8, 7, 5, 4, 3 and 2.
- (8) A full house, which is a hand consisting of a three-of-a-kind and a pair.
- (9) A flush, which is a hand consisting of five cards of the same suit.
- (10) A three-of-a-kind, which is a hand containing three cards of the same rank regardless of suit.
- (11) A straight, which is a hand consisting of five cards of consecutive rank, regardless of suit.

§ 659a.7. Wagers.

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

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

(c) All wagers at Asia Poker shall be placed prior to the dealer announcing “no more bets” in accordance with the dealing procedures in § 659a.8, § 659a.9 or § 659a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). A wager may not be made, increased or withdrawn after the dealer has announced “no more bets.”

(d) To participate in a round of play and compete against the dealer’s high hand, medium hand and low hand, a player shall place an Asia Poker Wager.

(e) If specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), a certificate holder may offer to each player who placed an Asia Poker Wager, the option of placing a Bonus Wager that the seven cards dealt to the player will form a hand with a rank of 9-high or better as described in § 659a.6(d) (relating to Asia Poker rankings).

(f) If specified in its Rules Submission under § 601a.2, a certificate holder may permit a player to wager on two adjacent betting areas at an Asia Poker table. If a certificate holder permits a player to wager on adjacent betting areas, the cards dealt to each betting area shall be played separately. If the two wagers are not equal, the player shall set the hand with the larger wager before ranking and setting the other hand. If the amounts wagered are equal, each hand shall be played separately in a counterclockwise rotation with the first hand being ranked and set before the player proceeds to rank and set the second hand. Once a hand has been ranked, set and placed face down on the layout, the hands may not be changed.

§ 659a.8. Procedures for dealing the cards from a manual dealing shoe.

(a) If a manual dealing shoe is used, the dealing shoe must be located on the table in a location approved by the Bureau of Casino Compliance. Once the procedures required under § 659a.5 (relating to shuffle and cut of the cards; procedures for determining the starting position for dealing cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe either by the dealer or by an automated card shuffling device.

(b) Prior to dealing any cards, the dealer shall announce “no more bets” and use one of the procedures authorized under § 659a.5(g) to determine the starting position for dealing the cards.

(c) The dealer shall then deal the first card to the starting position as determined in subsection (b) and, continuing around the table in a clockwise manner, deal one card at a time to all other positions, regardless of whether there is a wager at the position, and the dealer, until each position and the dealer has seven cards. Each card dealt shall be removed from the dealing shoe with the hand of the dealer that is closest to the dealing shoe and placed face down on the appropriate area of the layout with the opposite hand.

(d) After seven cards have been dealt to each position and the dealer, the dealer shall remove the stub from the manual dealing shoe and determine whether four cards are left by spreading them face down on the layout. The four cards that remain may not be exposed to anyone and shall be placed in the discard rack.

(e) If more or less than four cards remain, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player position or the dealer has more or less than seven cards), all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

(f) If the dealer determines the cards were dealt properly, the dealer shall collect any stacks dealt to a position where there was no wager and place them in the discard rack without exposing the cards.

§ 659a.9. Procedures for dealing the cards from the hand.

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

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

(2) After the procedures required under § 659a.5 (relating to shuffle and cut of the cards; procedures for determining the starting position for dealing cards) have been completed, the dealer shall place the deck of cards in either hand. After the dealer has chosen the hand in which to hold the cards, the dealer shall continue to use that hand when holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(3) Prior to dealing any cards, the dealer shall announce "no more bets" and use one of the procedures authorized under § 659a.5(g) to determine the starting position for dealing the cards. The dealer shall deal each card by holding the deck of cards in the chosen hand and shall use the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout.

(b) The dealer shall then deal the first card to the starting position as determined in subsection (a) and, continuing around the table in a clockwise manner, deal one card at a time to all other positions, regardless of whether there is a wager at the position, and the dealer, until each position and the dealer has seven cards.

(c) After seven cards have been dealt to each position and the dealer, the dealer shall determine whether four cards are left by spreading them face down on the layout. The four cards that remain may not be exposed to anyone and shall be placed in the discard rack.

(d) If more or less than four cards remain, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player position or the dealer has more or less than seven cards), all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

(e) If the dealer determines the cards were dealt properly, the dealer shall collect any stacks dealt to a position where there was no wager and place them in the discard rack without exposing the cards.

§ 659a.10. Procedures for dealing the cards from an automated dealing shoe.

(a) If the cards are dealt from an automated dealing shoe, after the procedures under § 659a.5 (relating to shuffle and cut of the cards; procedures for determining the starting position for dealing cards) have been completed, the cards shall be placed in the automated dealing shoe. Prior to the shoe dispensing any stacks of cards, the dealer shall announce "no more bets."

(b) After the starting position for delivering the cards has been determined, the dealer shall deliver the first stack of cards dispensed by the automated dealing shoe face down to that position. As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down to each of the other positions, regardless of whether there is a wager at the position, and the dealer.

(c) After seven cards have been dispensed and delivered to each position and the dealer, the dealer shall remove the remaining cards from the shoe and determine whether four cards are left by spreading them face down on the layout. The four cards that remain may not be exposed to anyone and shall be placed in the discard rack.

(d) If more or less than four cards remain, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player position or the dealer has more or less than seven cards), all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

(e) If the dealer determines the cards were dealt properly, the dealer shall collect any stacks dealt to a position where there was no wager and place them in the discard rack without exposing the cards.

§ 659a.11. Procedures for completion of each round of play.

(a) After the dealing procedures required under § 659a.8, § 659a.9 or § 659a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards subject to the following limitations:

(1) Each player who wagers at an Asia Poker table shall be responsible for setting his own hands and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player. If a player requests assistance in the setting of his hands, the dealer shall inform the player of the manner in which the certificate holder requires the hands of the dealer to be set in accordance with the certificate holder's Rules Submission under § 601a.2 (relating to table games Rules Submissions).

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

(3) Once each player has set his three hands and placed them face down on the appropriate area of the layout, the player may not touch the cards again.

(b) Each player shall set his hands by arranging the cards into a high hand, a medium hand and a low hand. When setting the three hands, the four-card high hand must be higher in rank than the two-card medium hand and the medium hand must be higher in rank than the one-card low hand. For example, if the two-card medium hand contains a pair of sevens, the four-card high hand must contain at least a pair of sevens and the two remaining cards.

(c) After all players have set their hands and placed the cards on the table, the seven cards of the dealer shall be turned over and the dealer shall set his hands by arranging the cards into a high hand, medium hand and low hand. The certificate holder shall specify in its Rules Submission under § 601a.2 the manner in which the hands of the dealer shall be set. The dealer shall then place the three hands face up on the appropriate area of the layout.

(d) Unless a player has placed an optional Bonus Wager in accordance with § 659a.7(e) (relating to wagers), a player may surrender his wager after the hands of the dealer have been set. The player shall announce his intention to surrender prior to the dealer exposing any of the three hands of that player as provided in

subsection (e). Once the player has announced his intention to surrender, the dealer shall immediately collect the Asia Poker Wager from that player and collect the seven cards dealt to that player without exposing the cards to anyone at the table. The dealer shall verify that seven cards were collected by counting them face down on the layout prior to placing them in the discard rack.

(e) After the dealer has set a high hand, medium hand and a low hand, the dealer shall reveal all three hands of each player, beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction. The dealer shall compare the high, medium and low hand of each player to the high, medium and low hand of the dealer and shall announce if the Asia Poker Wager of that player wins or loses.

(f) An Asia Poker Wager will:

(1) Lose and will immediately be collected if:

(i) Any two of the player's three hands are identical or lower in rank than the dealer's corresponding hands.

(ii) Any one of the player's three hands is identical in rank to the corresponding hand of the dealer and one of the player's remaining hands is lower in rank than the dealer's corresponding hand.

(iii) The high hand of the player was not set so as to rank higher than the medium hand of that player.

(iv) The medium hand of the player was not set so as to rank higher than the low hand of that player.

(v) The three hands of the player were not otherwise set correctly in accordance with this chapter.

(2) Win if any two of the player's three hands are higher in rank than the dealer's corresponding hands. The dealer shall pay the winning Asia Poker Wager in accordance with the payout odds in § 659a.12(a) (relating to payout odds; payout limitation).

(g) Except as provide in subsection (h), after settling the player's Asia Poker Wager, the dealer shall place the cards of the player in the discard rack.

(h) If a player placed a Bonus Wager, after settling the player's Asia Poker Wager, the dealer shall rearrange the seven cards of any player and form the highest ranking hand and shall be responsible for creating the hand for purposes of the Bonus Wager. If a player:

(1) Does not have a 9-high or better, as described in § 659a.6(d) (relating to Asia Poker rankings), the dealer shall collect the Bonus Wager and place the cards of the player in the discard rack.

(2) Has a 9-high or better, the dealer shall pay the winning Bonus Wager in accordance with § 659a.12(b) and place the cards of the player in the discard rack.

(i) All cards removed from the table shall be placed in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

§ 659a.12. Payout odds; payout limitation.

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

(b) The certificate holder shall pay out winning Bonus Wagers at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions):

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>
Three-of-a-kind and four 8s	5,000 to 1	5,000 to 1	5,000 to 1
Five aces	800 to 1	800 to 1	800 to 1
Royal flush	200 to 1	200 to 1	200 to 1
Natural straight flush	80 to 1	50 to 1	50 to 1
Straight flush with a joker	40 to 1	40 to 1	40 to 1
Four-of-a-kind 9-high	30 to 1	30 to 1	25 to 1
Full house	10 to 1	10 to 1	10 to 1
Flush	5 to 1	5 to 1	5 to 1
Three-of-a-kind	4 to 1	4 to 1	4 to 1
Straight	3 to 1	3 to 1	3 to 1
	2 to 1	2 to 1	2 to 1

(c) Notwithstanding the payout odds in subsections (a) and (b), a certificate holder may, in its Rules Submission under § 601a.2, establish a maximum amount that is payable to a player on a single hand. The maximum payout amount shall be at least \$50,000 or the maximum amount that one player could win per round when betting the minimum permissible wager, whichever is greater.

§ 659a.13. Irregularities; invalid roll of dice.

(a) If the dealer uncovers the Asia Poker shaker and all three dice do not land flat on the bottom of the shaker, the dealer shall call a "no roll" and reshake the dice.

(b) If the dealer uncovers the Asia Poker shaker and a die or dice fall out of the shaker, the dealer shall call a "no roll" and reshake the dice.

(c) If the dealer incorrectly totals the dice and deals the first card to the wrong position, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(d) If the dealer exposes any of the cards dealt to a player, the player may void the hand. The player shall make the decision to either play out the hand or to void the hand without looking at the unexposed cards.

(e) If a card or cards in the dealer's hand are exposed, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(f) A card that is found face up in the shoe or the deck while the cards are being dealt shall not be used in that round of play and shall be placed in the discard rack. If more than one card is found face up in the shoe or the deck during the dealing of the cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

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

(h) If any player or the dealer is dealt an incorrect number of cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(i) If the dealer does not set his hands in the manner in which the certificate holder requires the hands of the dealer to be set, the hands shall be reset in accordance with the certificate holder's Rules Submission and the round of play shall be completed.

(j) If any of the dealer's cards are inadvertently exposed while the dealer is dealing the cards, all wagers shall be returned to the players and the cards shall be reshuffled.

(k) If any player position or the dealer is dealt an incorrect number of cards, all hand shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

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

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

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

CHAPTER 663a. FIVE CARD HI-LO

Sec.	
663a.1.	Definitions.
663a.2.	Five Card Hi-Lo table; physical characteristics.
663a.3.	Cards; number of decks.
663a.4.	Opening of the table for gaming.
663a.5.	Shuffle and cut of the cards.
663a.6.	Five Card Hi-Lo rankings.
663a.7.	Wagers.
663a.8.	Procedures for dealing the cards from a manual dealing shoe.
663a.9.	Procedures for dealing the cards from the hand.
663a.10.	Procedures for dealing the cards from an automated dealing shoe.
663a.11.	Procedures for completion of each round of play.
663a.12.	Payout odds.
663a.13.	Irregularities.

§ 663a.1. Definitions.

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

High hand—The three-card hand that is formed from the five cards dealt so as to have a point value higher than the two-card low hand.

Low hand—The two-card hand that is formed from the five cards dealt so as to have a point value lower than the three-card high hand.

Setting the hands—The process of forming a high hand and low hand from the five cards dealt.

§ 663a.2. Five Card Hi-Lo table; physical characteristics.

(a) Five Card Hi-Lo shall be played at a table having betting positions for no more than six players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for a Five Card Hi-Lo table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

- (1) The name or logo of the certificate holder.
- (2) A separate betting area designated for the placement of the Ante Wager for each player.
- (3) A separate betting area designated for the placement of the Play Wager for each player.

(4) Two separate areas designated for the placement of the high and low hands of each player.

(5) If the certificate holder offers the optional Tie Wager authorized under § 663a.7(e)(1) (relating to wagers), a separate area designated for the placement of the Tie Wager for each player.

(6) If the certificate holder offers the optional Poker Bonus Wager authorized under § 663a.7(e)(2), a separate area designated for the placement of the Poker Bonus Wager for each player.

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

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

(d) Each Five Card Hi-Lo table must have a discard rack securely attached to the top of the dealer's side of the table.

§ 663a.3. Cards; number of decks.

(a) Except as provided in subsection (b), Five Card Hi-Lo shall be played with one deck of cards that are identical in appearance and one cover card.

(b) If an automated card shuffling device is utilized, Five Card Hi-Lo may be played with two decks of cards in accordance with the following requirements:

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

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

(3) Both decks of cards shall be continuously alternated in and out of play, with each deck being used for every other round of play.

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

(c) The decks of cards used in Five Card Hi-Lo shall be changed at least every:

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

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

§ 663a.4. Opening of the table for gaming.

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

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

(c) After the first player is afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, the cards shall be shuffled in accordance with § 663a.5 (relating to shuffle and cut of the cards).

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

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

§ 663a.5. Shuffle and cut of the cards.

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

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

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

(1) If the cards were shuffled using an automated card shuffling device, deal the cards in accordance with § 663a.8, § 663a.9 or § 663a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe).

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

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

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

(f) If there is no gaming activity at a Five Card Hi-Lo table which is open for gaming, the cards shall be removed from the dealing shoe and discard rack and spread out on the table face down unless a player requests that the cards be spread face up on the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards, the procedures

in § 663a.4(c) (relating to opening of the table for gaming) and this section shall be completed.

(g) A certificate holder may utilize a dealing shoe or other device that automatically reshuffles and counts the cards, provided that the device is submitted to the Bureau of Gaming Laboratory Operations and approved in accordance with § 461a.4 (relating to submission for testing and approval), prior to its use in the licensed facility. If a certificate holder is utilizing the approved device, subsections (b)—(f) do not apply.

§ 663a.6. Five Card Hi-Lo rankings.

(a) Each card dealt must have a point value. The point value of all nonface cards is their denomination. Jacks, queens and kings have a point value of 10. Aces have a point value of 11 if played in the high hand and a point value of 1 if played in the low hand.

(b) If the certificate holder offers the Poker Bonus Wager, authorized under § 663a.7(e) (relating to wagers), the winning five-card Poker hands must be:

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

(2) A straight flush, which is a hand, other than a royal flush, consisting of five cards of the same suit in consecutive ranking. An ace may be used to complete a straight flush formed with a 2, 3, 4 and 5 but may not be combined with any other sequence of cards (for example: queen, king, ace, 2 and 3).

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

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

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

(6) A straight, which is a hand consisting of five cards of consecutive rank, regardless of suit. An ace may be used to complete a straight formed with a king, queen, jack and 10 or a 2, 3, 4 and 5 but may not be combined with any other sequence of cards (for example: queen, king, ace, 2 and 3).

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

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

(9) One pair of 6s, 7s or better, depending on the payable selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions), which is a hand consisting of two cards of the same rank.

§ 663a.7. Wagers.

(a) Wagers at Five Card Hi-Lo shall be made by placing value chips, plaques or other Board-approved wagering instruments, as defined in § 603a.10 (relating to permissible wagering; exchange and redemption of gaming chips and plaques), on the appropriate areas of the Five Card Hi-Lo layout. Verbal wagers accompanied by cash may not be accepted.

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

(c) All wagers at Five Card Hi-Lo shall be placed prior to the dealer announcing “no more bets” in accordance with the dealing procedures in § 663a.8, § 663a.9 or § 663a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). A wager may not be made, increased or withdrawn after the dealer has announced “no more bets.”

(d) To participate in a round of play and compete against the dealer’s high and low hands, a player shall place an Ante Wager.

(e) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player who placed an Ante Wager, in accordance with subsection (d), the option of placing the following additional wagers:

(1) A Tie Wager that the total point value of either the high hand or the low hand of the player, or both, will tie the high or low hand of the dealer.

(2) A Poker Bonus Wager that the five cards dealt to the player will form a five-card Poker hand with a rank of a pair of 6s or better or a pair of 7s or better, as described in § 663a.6(b) (relating to Five Card Hi-Lo rankings), depending on the pay table selected by the certificate holder.

(f) A certificate holder may, if specified in its Rules Submission under § 601a.2, permit a player to wager on two adjacent betting areas at a Five Card Hi-Lo table. If a certificate holder permits a player to wager on adjacent betting areas, the cards dealt to each betting area shall be played separately. If the two wagers are not equal, the player shall rank and set the hand with the larger wager before ranking and setting the other hand. If the amounts wagered are equal, each hand shall be played separately in a counterclockwise rotation with the first hand being ranked and set before the player proceeds to rank and set the second hand. Once a hand has been ranked, set and placed face down on the layout, the hands may not be changed.

§ 663a.8. Procedures for dealing the cards from a manual dealing shoe.

(a) If a manual dealing shoe is used, the dealing shoe must be located on the table in a location approved by the Bureau of Casino Compliance in accordance with § 601a.10(g) (relating to approval of table game layouts, signage and equipment). Once the procedures required under § 663a.5 (relating to shuffle and cut of the cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe either by the dealer or by an automated card shuffling device.

(b) Prior to dealing any cards, the dealer shall announce “no more bets.”

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

(d) The dealer shall, starting with the player farthest to the dealer’s left and continuing around the table in a clockwise manner, deal one card at a time to each player who placed an Ante Wager in accordance with § 663a.7(d) (relating to wagers) and to the dealer until each player and the dealer have five cards.

(e) After five cards have been dealt to each player and the dealer, the dealer shall remove the stub from the

manual dealing shoe and, except as provided in subsection (f), place the stub in the discard rack without exposing the cards.

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

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

(h) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player or the dealer has more or less than 5 cards) but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 663a.9. Procedures for dealing the cards from the hand.

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

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

(2) After the procedures required under § 663a.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the stacked deck of cards in either hand. After the dealer has chosen the hand in which to hold the cards, the dealer shall continue to use that hand whenever holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(3) Prior to dealing any cards, the dealer shall announce “no more bets.”

(b) The dealer shall deal each card by holding the deck of cards in the chosen hand and use the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout. The dealer shall, starting with the player farthest to the dealer’s left and continuing around the table in a clockwise manner, deal one card at a time to each player who placed an Ante Wager in accordance with § 663a.7(d) (relating to wagers) and to the dealer until each player and the dealer have five cards.

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

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

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

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player or the dealer has more or less than 5 cards), but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 663a.10. Procedures for dealing the cards from an automated dealing shoe.

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

(1) After the procedures required under § 663a.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce "no more bets."

(b) The dealer shall deliver the first stack of cards dispensed by the automated dealing shoe face down to the player farthest to the dealer's left who has placed an Ante Wager in accordance with § 663a.7(d) (relating to wagers). As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down to each of the other players who has placed an Ante Wager. The dealer shall then deliver a stack of five cards face down to the area designated for the placement of the dealer's cards.

(c) After each stack of five cards has been dispensed and delivered in accordance with subsection (b), the dealer shall remove the stub from the automated dealing shoe and, except as provided in subsection (d), place the cards in the discard rack without exposing the cards.

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

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

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt (a player or the dealer has more or less than 5 cards), but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 663a.11. Procedures for completion of each round of play.

(a) After the dealing procedures required under § 663a.8, § 663a.9 or § 663a.10 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards subject to the following limitations:

(1) Each player who wagers at a Five Card Hi-Lo table shall be responsible for setting his own hands and a person other than the dealer and the player to whom the cards were dealt may not touch the cards of that player.

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

(3) Once each player has set a high and low hand and placed the two hands face down on the appropriate area of the layout, the player may not touch the cards again.

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

(1) Has placed an Ante Wager and a Tie Wager but does not make a Play Wager, the player shall forfeit both wagers.

(2) Has placed an Ante Wager and a Poker Bonus Wager but does not make a Play Wager, the player shall forfeit the Ante Wager but does not forfeit the Poker Bonus Wager.

(c) After each player who has placed an Ante Wager has either placed a Play Wager on the designated area of the layout or forfeited his wagers and hand, the dealer shall collect all forfeited wagers and associated cards and place the cards in the discard rack. If a player has placed a Poker Bonus Wager but did not place a Play Wager, the dealer shall leave the player's cards and the Poker Bonus Wager on the table until the wager is resolved in accordance with subsection (j).

(d) Each player who placed a Play Wager shall then set his hands by arranging the cards into a high hand and a low hand. When setting the two hands, the player shall add the point value of the cards placing the three higher value cards in the high hand and the two lower value cards in the low hand, provided that a player may place up to one ace in his low hand. For example, if a player is dealt an ace, jack, 10, 9 and 2, the high hand may contain the jack, 10 and 9 for a total point value of 29 and the two-card low hand would contain the ace and 2 for a total point value of 3.

(e) After all players have set their hands and placed the cards on the table, the five cards of the dealer shall be turned over and the dealer shall set his hands by arranging the cards into a high and low hand, provided that aces shall be placed in the dealer's high hand unless the dealer was dealt four aces. The dealer shall then place the two hands face up on the appropriate area of the layout.

(f) After the dealer has set a high hand and a low hand, the dealer shall reveal both hands of each player, beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction. The dealer shall compare the total point value of the high and low hand of each player to the high and low hand of the dealer and shall announce if the Ante and Play Wagers of that player win, lose or are a tie.

(g) Ante and Play Wagers must:

(1) Win if the high hand of the player is higher in point value than the high hand of the dealer and the low hand of the player is lower in point value than the low hand of the dealer. The dealer shall pay the winning Ante and

Play Wagers in accordance with the payout odds in § 663a.12(a) (relating to payout odds).

(2) Lose and will immediately be collected if the high hand of the player ties or is lower in point value than the high hand of the dealer and the low hand of the player ties or is higher in point value than the low hand of the dealer.

(3) Tie and will be returned to the player if:

(i) The high hand of the player is higher in point value than the high hand of the dealer, but the low hand of the player is identical in point value or higher in point value than the low hand of the dealer.

(ii) The high hand of the player is identical in total point value to the high hand of the dealer or lower in total point value than the high hand of the dealer, but the low hand of the player is lower in total point value than the low hand of the dealer.

(h) A player may also qualify for an additional Ante Bonus Payout, regardless of the outcome of the player's Ante and Play Wagers in subsection (g), if a player has three or more aces in the player's hand. Ante Bonus Payouts shall be paid in accordance with § 663a.12(b).

(i) Except as provided in subsection (j), after settling the player's Ante and Play Wagers, the dealer shall place the cards of the player in the discard rack.

(j) After settling the player's Ante and Play Wagers, the dealer shall settle the player's optional wagers as follows:

(1) If a player placed a Tie Wager in accordance with § 663a.7(e)(1) (relating to wagers), the dealer shall:

(i) Pay winning Tie Wagers in accordance with § 663a.12(c) if the high hand or low hand, or both, of the player is identical in point value with the high hand, low hand, or both, of the dealer.

(ii) Collect all losing Tie Wagers if neither the high hand nor the low hand of the player is identical in point value with the high hand or low hand of the dealer.

(2) If a player placed a Poker Bonus Wager in accordance with § 663a.7(e)(2), the dealer shall rearrange the five cards of the player to form the highest ranking Poker hand in accordance with § 663a.6(b) (relating to Five Card Hi-Lo rankings). After rearranging the player's five cards, the dealer shall settle the player's Poker Bonus Wager as follows:

(i) If a player has a pair of 6s or better or a pair of 7s or better, depending on the payable selected by the certificate holder, the dealer shall pay the winning Poker Bonus Wager in accordance with § 663a.12(d).

(ii) If a player does not have a pair of 6s or better or a pair of 7s or better, depending on the payable selected by the certificate holder, the dealer shall collect the Poker Bonus Wager.

(k) If a player has placed more than one optional wager, the dealer shall settle all of the player's optional wagers before placing the player's cards in the discard rack.

(l) All cards removed from the table shall be placed in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

§ 663a.12. Payout odds.

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

(b) The certificate holder shall pay an Ante B onus Payout based on the amount of the player's Ante Wager at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions):

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>
Four aces and one 2	1,000 for 1	500 for 1
Four aces	100 for 1	50 for 1
Three aces	10 for 1	5 for 1

<i>Hand</i>	<i>Paytable C</i>	<i>Paytable D</i>
Four aces and one 2	200 for 1	100 for 1
Four aces	50 for 1	50 for 1
Three aces	5 for 1	5 for 1

(c) The certificate holder shall pay out winning Tie Wagers at the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
Low hands tie	4 to 1
High hands tie	4 to 1
Both high and low hands tie	20 to 1

(d) The certificate holder shall pay out winning Poker Bonus Wagers at the odds in one of the following paytables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>
Royal flush	250 to 1	500 to 1
Straight flush	50 to 1	100 to 1
Four-of-a-kind	25 to 1	40 to 1
Full house	15 to 1	15 to 1
Flush	10 to 1	8 to 1
Straight	8 to 1	6 to 1
Three-of-a-kind	5 to 1	4 to 1
Two pair	3 to 1	3 to 1
Pair of 7s or better	1 to 1	
Pair of 6s or better		1 to 1

§ 663a.13. Irregularities.

(a) A card that is found face up in the shoe or the deck while the cards are being dealt may not be used in that round of play and shall be placed in the discard rack. If more than one card is found face up in the shoe or the deck during the dealing of the cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

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

(c) If any player or the dealer is dealt an incorrect number of cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

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

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

(f) If an automated card shuffling device or automated dealing shoe malfunctions and cannot be used, the automated card shuffling device or automated dealing shoe

shall be covered or have a sign indicating that the automated card shuffling device or automated dealing shoe is out of order placed on the device before any other method of shuffling or dealing may be utilized at that table.

CHAPTER 665a. DOUBLE ATTACK BLACKJACK

- Sec.
- 665a.1. Definitions.
- 665a.2. Double Attack Blackjack table; card reader device; physical characteristics; inspections.
- 665a.3. Cards; number of decks; value of cards.
- 665a.4. Opening of the table for gaming.
- 665a.5. Shuffle and cut of the cards.
- 665a.6. Wagers.
- 665a.7. Procedure for dealing the cards; completion of each round of play.
- 665a.8. Insurance Wager.
- 665a.9. Surrender.
- 665a.10. Double Down Wager.
- 665a.11. Splitting pairs.
- 665a.12. Payout odds.
- 665a.13. Irregularities.

§ 665a.1. Definitions.

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

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

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

Hard total—The total point count of a hand which does not contain aces or which contains aces that are each counted as 1 in value.

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

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

§ 665a.2. Double Attack Blackjack table; card reader device; physical characteristics; inspections.

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

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

- (1) The name or logo of the certificate holder.
- (2) A separate betting area designated for the placement of the Bet Wager and the Double Attack Wager for each player.
- (3) The following inscriptions:
 - (i) Blackjack pays even money.
 - (ii) Insurance pays 5 to 2.
 - (iii) Dealer shall draw to 16 and stand on all 17s or other similar language approved by the Executive Director in accordance with § 601a.10(a).
- (4) If the certificate holder offers the optional Bust It Wager authorized under § 665a.6(e) (relating to wagers), a separate area designated for the placement of the Bust It Wager for each player.

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

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

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

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

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

§ 665a.3. Cards; number of decks; value of cards.

(a) Except as provided in subsection (b), Double Attack Blackjack shall be played with an eight-deck batch of cards that are identical in appearance and at least one cover card. The decks shall consist of 48 cards, with the 10 of each suit removed from each deck during the inspection required under § 665a.4 (relating to opening of the table for gaming) or as provided in § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use).

(b) If an automated card shuffling device is utilized, other than a continuous shuffler, Double Attack Blackjack shall be played with two batches of cards in accordance with the following requirements:

- (1) The cards shall be separated into two batches with eight decks included in each batch.
- (2) The cards in each batch must be of the same design but the backs of the cards in one batch must be of a different color than the cards in the other batch.
- (3) One batch of cards shall be shuffled and stored in the automated card shuffling device while the other batch is being used to play the game.
- (4) Both batches of cards shall be continuously alternated in and out of play, with each batch being used for every other dealing shoe.
- (5) The cards from only one batch shall be placed in the discard rack at any given time.

(c) The decks of cards opened for use at a Double Attack Blackjack table shall be changed at least once every 24 hours.

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

(1) Any card from 2 to 9 shall have its face value.

(2) Any jack, queen or king shall have a value of 10.

(3) An ace shall have a value of 11 unless that value would give a player or the dealer a score in excess of 21, in which case the ace shall have a value of 1.

§ 665a.4. Opening of the table for gaming.

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

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

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

(d) After the first player arriving at the table has been afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, the cards shall be shuffled in accordance with § 665a.5 (relating to shuffle and cut of the cards).

(e) If an automated shuffling device is utilized, other than a continuous shuffler, all the decks in one batch of cards shall be spread for inspection, mixed, stacked and shuffled in accordance with subsections (a)—(c) separate from the decks in the other batch of cards.

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

§ 665a.5. Shuffle and cut of the cards.

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

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

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

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

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

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

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

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

(e) After the cards have been cut and before the cards have been placed in the dealing shoe, a floorperson or above may require the cards to be recut if the floorperson determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game. If a recut is required, the cards shall be recut either by the player who last cut the cards or by the next person entitled to cut the cards, as determined under subsection (c). The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(f) A reshuffle of the cards in the shoe shall take place after the cover card is reached in the shoe, as provided in § 665a.7(d) (relating to procedure for dealing the cards; completion of each round of play), except that a floorperson may determine that the cards should be reshuffled after any round of play.

(g) If there is no gaming activity at a Double Attack Blackjack table which is open for gaming, the cards shall be removed from the dealing shoe and the discard rack and spread out on the table face down unless a player requests that the cards be spread face up on the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards, the procedures in § 665a.4(d) (relating to opening of the table for gaming) and this section shall be completed.

(h) A certificate holder may utilize a dealing shoe or other device that automatically reshuffles and counts the cards provided that the device is submitted to the Bureau of Gaming Laboratory Operations and approved in accordance with § 461a.4 (relating to submission for testing and approval) prior to its use in the licensed facility. If a certificate holder is utilizing the approved device, subsections (b)—(g) do not apply.

§ 665a.6. Wagers.

(a) Wagers at Double Attack Blackjack shall be made by placing value chips, plaques or other Board-approved table game wagering instruments on the appropriate areas of the Double Attack Blackjack layout. Verbal wagers accompanied by cash may be accepted provided that they are confirmed by the dealer and the cash is expeditiously converted into value chips or plaques.

(b) After the cards have been shuffled as required under § 665a.5 (relating to shuffle and cut of the cards), a certificate holder may prohibit any patron, whether seated at the gaming table or not, who does not make a

wager on a given round of play from placing a wager on the next round of play and any subsequent round of play at that gaming table until either:

- (1) The certificate holder chooses to permit the player to begin wagering again.
- (2) A reshuffle of the cards has occurred.
- (c) A player may not handle, remove or alter any wagers that have been made until a decision has been rendered and implemented with respect to that wager.
- (d) To participate in a round of play, a player shall place a Bet Wager.
- (e) A player who has placed a Bet Wager may then place a Double Attack Wager as provided in § 665a.7(e) (relating to procedure for dealing the cards; completion of each round of play), in an amount equal to or less than the player's Bet Wager.
- (f) If specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), a certificate holder may offer to each player who placed a Bet Wager in accordance with subsection (d) the option of placing an additional Bust It Wager, in an amount equal to or less than the player's Bet Wager.

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

§ 665a.7. Procedure for dealing the cards; completion of each round of play.

- (a) All cards shall be dealt from a dealing shoe which must be located on the table in a location approved by the Bureau of Casino Compliance in accordance with § 601a.10(g) (relating to approval of table game layouts, signage and equipment). Once the procedures under § 665a.5 (relating to shuffle and cut of the cards) have been completed, the dealer or automated card shuffling device shall place the stacked cards in the dealing shoe.
- (b) Each card shall be removed from the dealing shoe with the hand of the dealer that is closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand. The dealer may deal cards to the two betting positions closest to the dealing shoe with the same hand.
- (c) After each full batch of cards is placed in the shoe, the dealer shall remove the first card and place it in the discard rack. Each new dealer who comes to the table shall also remove one card and place it in the discard rack before dealing any cards to the players.
- (d) If the cover card appears as the first card in the dealing shoe at the beginning of a round of play or appears during play, the cover card shall be removed and placed to the side and the hand will be completed. The dealer shall then collect and reshuffle the cards in accordance with § 665a.5.
- (e) At the commencement of each round of play and after all players have been afforded the opportunity to make a Bet and Bust It Wager, one card shall be dealt face up to the dealer. After examining the dealer's up card, a player who placed a Bet Wager may place an optional Double Attack Wager in accordance with § 665a.6(e) (relating to wagers).
- (f) After all players have been afforded an opportunity to place a Double Attack Wager, starting with the player

farthest to the dealer's left and continuing around the table in a clockwise manner, the dealer shall deal the cards as follows:

- (1) One card face up to each box on the layout in which a Bet Wager is contained.
- (2) A second card face up to each box on the layout in which a Bet Wager is contained.
- (3) A second card face down to the dealer.
- (g) Immediately after the second card is dealt to each player and the dealer, if the dealer's first card is an ace, the dealer shall offer the Insurance Wager in accordance with § 665a.8 (relating to Insurance Wager). If the dealer's first card is an ace, king, queen or jack, the dealer shall then determine whether the hole card will give the dealer a Blackjack. The dealer shall insert the hole card into the card reader device by moving the card face down on the layout without exposing it to anyone at the table, including the dealer. If the dealer has a Blackjack, additional cards may not be dealt and each player's Bet, Double Attack, Bust It and Insurance Wagers, if applicable, shall be settled in accordance with this section and § 665a.8.
- (h) After the procedures in subsection (g) 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, the dealer shall announce and pay the Bet and Double Attack Wagers in accordance with subsection (o) and remove the player's cards. If a player also placed a Bust It Wager, the wager shall remain on the layout until subsection (m) is completed.
 - (2) Does not have Blackjack, the player shall indicate whether he wishes to surrender, as permitted under § 665a.9 (relating to surrender), double down as permitted under § 665a.10 (relating to Double Down Wager), split pairs as permitted under § 665a.11 (relating to splitting pairs), stand or draw additional cards.
 - (i) As each player indicates his decision, the dealer shall deal face upwards whatever additional cards are necessary to effectuate the player's decision.
 - (j) A player may elect to draw additional cards whenever his point count total is less than 21, except that:
 - (1) A player having Blackjack or a hard or soft total of 21 may not draw additional cards.
 - (2) A player electing to make a Double Down Wager may draw only one additional card.
 - (k) Prior to the dealer exposing his hole card, if player has less than 21 after drawing additional cards, the player may surrender in accordance with § 665a.9.
 - (l) After the decisions of each player have been implemented and all additional cards have been dealt, the dealer shall turn the hole card face up.
 - (m) If the first two cards of the dealer's hand:
 - (1) Equal a total point count of 17 or higher, the dealer shall collect all losing Bust It Wagers before settling the player's Bet or Double Attack Wagers in accordance with subsection (o).
 - (2) Equal a total point count of less than 17, the dealer shall draw an additional card. If the dealer's three card hand has a total point count:
 - (i) In excess of 21, the dealer shall pay the winning Bust It Wager in accordance with § 665a.12(c) (relating to payout odds). The payout shall be based on the value of

the third card drawn, except that if all three of the dealer's cards are an 8 of the same color or suit, a player shall receive an increased payout based on the three 8s instead of the payout based on the value of the third card drawn.

(ii) Of 21 or less, the dealer shall collect all losing Bust It Wagers.

(n) After settling the player's Bust It Wager, if applicable, if the dealer's first three cards equal a total point count of less than 17, the dealer shall draw additional cards until he has a hard or soft total of 17, 18, 19, 20 or 21.

(o) After all additional cards have been dealt to the players and the dealer, the dealer shall, starting with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, settle the remaining wagers by collecting all losing wagers and paying all winning wagers as follows:

(1) A Bet Wager shall:

(i) Win and be paid in accordance with § 665a.12(a) if:

(A) The total point count of the player's hand is 21 or less and the total point count of the dealer's hand is in excess of 21.

(B) The total point count of the player's hand exceeds the total point count of the dealer's hand without exceeding 21.

(C) The player has a Blackjack and the dealer's hand has a total point count of 21 in more than two cards.

(ii) Lose and be collected if:

(A) The dealer has a Blackjack and the player does not have a Blackjack.

(B) The total point count of the dealer's hand is 21 or less and the total point count of the player's hand is in excess of 21.

(C) The total point count of the dealer's hand exceeds the total point count of the player's hand without exceeding 21.

(iii) Tie and be returned to the player if the total point count of the player's hand is the same as the dealer's or if both the player and dealer have Blackjack.

(2) A Double Attack Wager shall win, lose or tie in accordance with subsection (o)(1) except that the Double Attack Wager shall be returned to the player if the dealer has a Blackjack and the player does not have a Blackjack.

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

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

(r) Players and spectators may not handle, remove or alter any cards used to play Double Attack Blackjack.

§ 665a.8. Insurance Wager.

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

(b) An Insurance Wager may be made by placing a value chip on the insurance line of the layout in an amount not more than 1/2 of the player's Bet Wager. A player may wager an amount in excess of 1/2 of the initial Bet Wager to the next unit that can be wagered in chips, when, because of the limitation of the value of chip denominations, half the initial wager cannot be bet. Insurance Wagers shall be placed prior to the dealer inserting his hole card into the card reader device.

(c) Winning Insurance Wagers shall be paid in accordance with the payout odds in § 665a.12(b) (relating to payout odds).

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

§ 665a.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. A player may also elect to surrender after additional cards are dealt to the player, after a hand is split as permitted under § 665a.11 (relating to splitting pairs) and after doubling down as permitted under § 665a.10 (relating to Double Down Wager). A player may not elect to surrender after deciding to stand.

(b) If the player elects to surrender and the first card dealt to the dealer:

(1) Is not an ace, king, queen or jack, the dealer shall immediately collect the cards of the player and 1/2 of the Bet Wager and Double Attack Wager, if applicable, and return the other 1/2 to the player.

(2) Is an ace, king, queen or jack, the dealer shall determine whether the hole card will give the dealer a Blackjack. The dealer shall insert the hole card into the card reader device in accordance with § 665a.7(g) (relating to procedure for dealing the cards; completion of each round of play). If the dealer:

(i) Has a Blackjack, the dealer shall collect the entire Bet Wager and the Bust It Wager, if applicable, and return the Double Attack Wager, if applicable, to the player.

(ii) Does not have a Blackjack, the dealer shall immediately collect the cards of the player and 1/2 of the Bet Wager and Double Attack Wager, if applicable, and return the other 1/2 to the player.

(c) If the player has made a Bust It Wager and then elects to surrender, the Bust It Wager must remain on the layout until settled in accordance with § 665a.7(m).

(d) If the player has made an Insurance Wager and then elects to surrender, each wager will be settled separately in accordance with subsection (b) and § 665a.8 (relating to Insurance Wager).

§ 665a.10. Double Down Wager.

(a) Except when a player has a Blackjack, a player may elect to make a Double Down Wager, which may not exceed the amount of his original Bet and Double Attack Wagers, on two or more cards dealt to that player, including any hands resulting from a split pair, provided that only one additional card shall be dealt to the hand on which the player has elected to double down.

(b) If a dealer obtains Blackjack after a player makes a Double Down Wager, the dealer shall collect only the

amount of the original Bet Wager of the player and shall return the Double Down and Double Attack Wagers.

(c) Upon a player's election to make a Double Down Wager, the dealer shall deal the one additional card face up and place it sideways on the layout.

§ 665a.11. Splitting pairs.

(a) If the initial two cards dealt to a player are identical in value, the player may elect to split the hand into two separate hands provided that he makes a wager on the second hand formed in an amount equal to his original Bet and Double Attack Wagers. For example, if a player has two 7s or a king and a queen, the player may elect to split the hand.

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

(c) After a second card is dealt to each split pair hand, the player shall indicate his decision to stand, draw or double down with respect that hand. A player may split pairs again if the second card dealt to an incomplete hand is identical in value to the split pair. A player may split pairs a maximum of three times for a total of four hands.

(d) If the dealer obtains Blackjack after a player splits pairs, the dealer shall collect only the amount of the original Bet Wager of the player and return the Double Attack Wager and the additional amount wagered in splitting pairs.

(e) If a player elects to split a pair of aces, each ace shall receive only one card. Aces may not be split more than once and may not be resplit.

§ 665a.12. Payout odds.

(a) The certificate holder shall pay out each winning Bet and Double Attack Wager at odds of 1 to 1.

(b) The certificate holder shall pay out winning Insurance Wagers at odds of 5 to 2.

(c) The certificate holder shall pay out winning Bust It Wagers at the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
8, 8, 8 of the same suit	200 to 1
8, 8, 8 of the same color	50 to 1
Third card drawn:	
Is a 6	15 to 1
Is a 7	10 to 1
Is an 8	8 to 1
Is a 9	6 to 1
Is a king, queen or jack	3 to 1

§ 665a.13. Irregularities.

(a) A card found face up in the shoe may not be used in that round of play and shall be placed in the discard rack.

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

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

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

(e) If there are insufficient cards remaining in the shoe to complete a round of play, all of the cards in the discard rack shall be shuffled and cut according to the procedures in § 665a.5 (relating to shuffle and cut of the cards). The first card shall be drawn face down and placed in the discard rack and the dealer shall complete the round of play.

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

(g) If after receiving the first two cards, the dealer fails to deal an additional card to a player who has requested a card, then, at the player's option, the dealer shall either deal the additional card after all other players have received their additional cards but prior to the dealer revealing his hole card or call the player's hand dead and return the player's Bet and Double Attack Blackjack Wagers.

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

(1) If the particular card reader device in use provides any player with the opportunity to determine the value of the hole card, call all hands dead, collect the cards and return each player's wager.

(2) If the particular card reader device in use does not provide any player with the opportunity to determine the value of the hole card, continue play.

(i) If a card reader device malfunctions, the dealer may not continue dealing the game of Double Attack Blackjack at that table until the card reader device is repaired or replaced.

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

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

[Pa.B. Doc. No. 14-238. Filed for public inspection January 31, 2014, 9:00 a.m.]

PROPOSED RULEMAKING

ENVIRONMENTAL QUALITY BOARD

STATE BOARD OF NURSING

[25 PA. CODE CH. 78]

[49 PA. CODE CH. 21]

Environmental Protection Performance Standards at Oil and Gas Well Sites Rulemaking; Public Comment Period Extension

Continuing Education; Reporting of Crimes and Discipline

The public comment period on the proposed environmental protection performance standards at oil and gas well sites rulemaking for 25 Pa. Code Chapter 78 (relating to oil and gas wells) is extended to March 14, 2014. In addition to the comment period extension, the Environmental Quality Board (Board) will be holding two additional public hearings on the proposed regulation to gather public comments.

The State Board of Nursing (Board) proposes to amend §§ 21.29, 21.131—21.134, 21.156, 21.332 and 21.723 and to add §§ 21.29a, 21.156b and 21.723a (relating to reporting of crimes and disciplinary action) to read as set forth in Annex A.

Effective Date

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

Statutory Authority

The first additional hearing will be held on February 10, 2014, at the Troy High School, 150 High Street, Troy, PA 16947. The second additional hearing will be held on February 12, 2014, at the Warren County Courthouse, 204 4th Avenue, Warren, PA 16365.

The proposed amendments regarding registered nurses and licensed dietitian-nutritionists are proposed under the authority of sections 2.1(k) and 12.1(a) of The Professional Nursing Law (RN Act) (63 P.S. §§ 212.1(k) and 222(a)) which provide the general authority to the Board to establish rules and regulations for the practice of professional nursing, the practice of dietetics-nutrition and administration of the RN Act and requirements of continuing nursing education for registered nurses. The proposed amendments regarding practical nurses are proposed under the authority of section 17.6 of the Practical Nurse Law (PN Law) (63 P.S. § 667.6) which authorizes the Board to establish rules and regulations for the practice of practical nursing and the administration of the PN Law.

The proposed rulemaking was published at 43 Pa.B. 7377 (December 14, 2013) and is available online at www.dep.state.pa.us by clicking on "Proposed Oil and Gas Regulations."

Background and Purpose

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to the Board. Comments, suggestions or objections must be received by the Board by March 14, 2014. Comments submitted by facsimile will not be accepted. In addition to the submission of comments, interested persons may also submit a one-page summary of their comments to the Board. The summary of comments must also be received by March 14, 2014, and will be distributed to the Board and available publicly prior to the meeting when the final rulemaking will be considered by the Board.

This proposed rulemaking aims to accomplish two goals: (1) amend current continuing education regulations for registered nurses; and (2) require licensees to report criminal and disciplinary actions sooner than currently required. The Board published continuing education regulations implementing section 12.1 of the RN Act at 38 Pa.B. 3796 (July 12, 2008). To ease implementation, the Board provided registered nurses with a grace period of 6 months to cure deficiencies. Now that licensees have had an opportunity to obtain the continuing education and seek renewal, the Board believes that this grace period is no longer warranted and wishes to implement a procedure for continuing education compliance identical to that applied by the other licensing boards within the Bureau of Professional and Occupational Affairs. Additionally, the Board wishes the flexibility to require licensees to complete continuing education on a specific topic as the necessity arises. This is particularly important when there are advances or changes in practice that affect the entire profession or significant modifications to the Board's regulations.

Comments including the submission of a one-page summary of comments may be submitted to the Board online, by e-mail, by mail or express mail as follows. If an acknowledgement of comments submitted online or by e-mail is not received by the sender within 2 working days, the comments should be retransmitted to the Board to ensure receipt.

Regarding the reporting of criminal and disciplinary actions, § 21.29(c)(4) (relating to expiration and renewal of license) requires registered nurses to report these actions on their biennial renewal. Similarly, § 21.723 (relating to license renewal) requires licensed dietitian-nutritionists to report criminal and disciplinary actions at biennial renewal. Conversely, § 21.156 (relating to renewal of license), which applies to practical nurses, does not mention the requirement to report criminal and

Comments may be submitted to the Board by accessing the Board's online Regulatory Comment System at <http://www.ahs.dep.pa.gov/RegComments>. Comments may be submitted to the Board by e-mail to RegComments@pa.gov. Written comments should be mailed to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477. Express mail should be sent to the Environmental Quality Board, Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301.

E. CHRISTOPHER ABRUZZO,
Chairperson

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disciplinary actions at all. In many circumstances, especially in cases when these licensees enter into an Accelerated Rehabilitation Disposition (ARD) Program, licensees avoid notifying the Board of the criminal action because the matter has been expunged by the time of renewal. The Board is authorized to discipline licensees who receive ARD, disposition instead of trial or probation without verdict in the disposition of felony charges. In addition, licensees who receive ARD or other pretrial disposition of DUIs and other drug offenses may suffer from mental or physical illnesses or conditions or physiological or psychological dependence on alcohol, hallucinogenic or narcotic drugs, or other drugs which test to impair judgment or coordination, authorizing the Board to require mental and physical examinations under section 14(a)(2) and (2.1) of the RN Act (63 P. S. § 224(a)(2) and (2.1)) or section 16(a)(6) of the PN Law (63 P. S. § 666(a)(6)). It is therefore imperative that the Board receive these reports in a timely manner.

Similarly, in spite of the statutory requirements in section 11.1 of the RN Act (63 P. S. § 221.1) and section 13.2 of the PN Law (63 P. S. § 663.2), at times the Board does not learn that disciplinary actions, including the immediate and temporary suspension of a license, were taken against a licensee in another state until the licensee reports it upon biennial renewal. To ensure that the Board receives information about these criminal and disciplinary actions in a timelier manner, the Board proposes to update the regulations to clarify the requirements and to expedite the reporting of crimes and disciplinary actions.

Description of Proposed Amendments

Reporting convictions and disciplinary sanctions

Current § 21.29(c)(4) requires registered nurses to disclose discipline imposed by a state licensing board and criminal charges pending or criminal conviction, plea of guilty or nolo contendere, or admission into a probation without verdict, disposition instead of trial or ARD during the previous biennial period on their biennial renewal applications. Similarly, current § 21.723(b)(4) requires licensed dietitian-nutritionists to disclose criminal and disciplinary actions at the time of biennial renewal. In this proposed rulemaking, the Board would modify this requirement to note that reporting is not required if previously made under proposed § 21.29a or § 21.723a.

The relevant renewal provision for practical nurses is § 21.156, however unlike current §§ 21.29(c)(4) and 21.723(b)(4), in spite of the fact that section 13.2 of the PN Law requires reporting of disciplinary actions within 90 days of final disposition or on the biennial renewal application, current § 21.156 does not mention the reporting of crimes or disciplinary actions at biennial renewal for practical nurses. Therefore, the Board proposes amending this section to update it to conform to current administrative procedures for renewal and to add an identical subsection to clarify the requirements for reporting criminal and disciplinary actions by practical nurses.

Proposed §§ 21.29a, 21.156b and 21.273a would require licensees to report crimes and disciplinary actions to the Board. Subsection (a) in these three sections would require licensees to report convictions, pleas, probations without verdict, disposition instead of trial and ARD to the Board within 30 days of disposition or upon biennial renewal, whichever is sooner. Subsection (b) in these three proposed sections would require licensees to report disciplinary actions taken by the licensing authorities of

other states, territories or countries to the Board within 90 days of receiving notice of the final order imposing disciplinary action or upon biennial renewal, whichever is sooner.

Continuing education

Section 21.131(a) (relating to continuing education) sets forth the requirement that registered nurses complete 30 hours of continuing education each biennial renewal period. The proposed amendment in subsection (a) would notify registered nurses that the Board will not renew licenses and registered nurses may not practice until and unless the continuing education requirement is satisfied. Subsection (b) contains the exception to 30-hour completion requirement for registered nurses in the first renewal period following licensure if the applicant completed an approved nursing program within 2 years of the date of application for licensure by examination. The Board's intent in promulgating this regulation was to create an exception for registered nurses in their first renewal cycle. To eliminate current confusion over this exception, subsection (b) is proposed to be amended to clarify that the continuing education need not be completed in the first renewal cycle following initial licensure.

Technical amendments are proposed to subsections (c), (d) and (e) and renumbered subsections (g) and (h) which would amend "registered nurse" to "licensee" and "registered" for "professional" nurse. Similar amendments are proposed to §§ 21.133(f) and 21.134(b)(1) and (f) (relating to continuing education content; and continuing education sources).

Proposed subsection (f) addresses carry over. Under this proposed subsection, registered nurses may not carry over excess continuing education hours from one renewal period to another. The Board certainly encourages registered nurses to take excess continuing education hours for their own professional development, but believes that 30 hours is the minimum amount of continuing education that should be completed each biennium.

Subsection (g) addresses waivers. Under the current provision, registered nurses are required to submit their requests for waivers no later than 90 days prior to their expiration date. The Board proposes to amend this provision to permit registered nurses to submit the waiver request within the 90-day period if there is an emergency or hardship which occurs during that period. A similar change is being proposed to § 21.332(2) (relating to requirement of continuing education) which contains an identical requirement for certified registered nurse practitioners. Subsection (h) regarding disciplinary action for continuing education violations would be amended but retains the requirement that deficient continuing education be made up within 6 months of receiving notice of a deficiency, notwithstanding disciplinary action taken, and adds a provision in paragraph (4) making the failure to comply with the Board's audit request an offense subject to discipline under section 14(a)(4)(i) of the RN Act.

Currently, § 21.132(b) (relating to continuing education hours) refers to "units." The Board proposed to amend "course" to "unit" throughout to accurately reflect current educational references.

The Board also proposes to add a subsection to § 21.133 authorizing it to require completion of a designated course by registered nurses in a biennial period. Prior to requiring a course, the Board will provide adequate notice to licensees. The Board notes that a similar provision is in the regulations of the State Real Estate Commission in § 35.384(b) (relating to qualifying

courses). The Board believes that this provision will enable it to rapidly relay information to registered nurses about substantial modifications to the laws and regulations, as well as advances or changes in practice that affect the nursing profession.

Current § 21.133(d), proposed subsection (e), addresses continuing education credit for research. The Board proposes amending this provision to clarify that credit for research will be granted in the year completed.

The Board proposes an amendment to § 21.134. Currently, the Board only credits activities sponsored by a Board-approved professional nursing program. In the proposed amendment to subsection (a)(1), the Board expands sponsors to include Board-approved practical nursing programs.

Fiscal Impact and Paperwork Requirements

The Board and registered nurses should have a reduced fiscal and paperwork impact by the amendment regarding continuing education because the regulation originally permitted registered nurses to renew prior to completing the continuing education requirement. Under that provision, the review process would necessarily occur twice—once when licensees renew with deficient credits and again when licensees submit documentation evidencing completion to the Board for review. Under this proposed rulemaking, registered nurses may only renew after completing their continuing education. However, should an audit reveal deficiencies, the regulation retains the requirement that deficiencies be made up within 6 months.

There is not additional fiscal or paperwork impact associated with the audit requirement or mandatory designated continuing education course as audits are currently occurring and the designated course can be completed as part of the 30 hours of continuing education that registered nurses shall complete each biennium.

The requirement that registered nurses, practical nurses and licensed dietitian-nutritionists report criminal actions and disciplinary sanctions to the Board within 30 and 90 days, respectively, should have a slight fiscal and paperwork impact on the Board and licensees. Currently, licensees report this information on their biennial renewal application. Under this proposed rulemaking, these reports shall be made sooner, triggering additional paperwork responsibilities for licensees. The Board anticipates that it will see an increase in reports as licensees comply with the regulatory requirement thereby incurring additional enforcement costs.

Sunset Date

The Board reviews the effectiveness of its regulations on an ongoing basis. Therefore, a sunset date has not been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on January 17, 2014, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. A copy of this material is available to the public upon request.

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

Public Comment

Interested persons are invited to submit written comments, recommendations or objections regarding the proposed rulemaking to Judith Pachter Schulder, Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649, jschulder@pa.gov within 30 days of publication of this proposed rulemaking. Reference No. 16A-5126 (Continuing Education; Reporting of Crimes and Discipline) when submitting comments.

ANN M. COUGHLIN, MSN, RN,
Chairperson

Fiscal Note: 16A-5126. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 21. STATE BOARD OF NURSING

Subchapter A. REGISTERED NURSES

LICENSES

§ 21.29. Expiration and renewal of license.

* * * * *

(c) The applicant for license renewal may complete and submit an application online or may mail a completed application form to the Board's administrative office. When applying for licensure renewal, a [**professional**] **registered** nurse shall:

* * * * *

(4) Disclose any discipline imposed by a state licensing board on any nursing or allied health profession license or certificate in the previous biennial period and any criminal charges pending or criminal conviction, plea of guilty or nolo contendere, or admission into a probation without verdict or accelerated rehabilitative disposition during the previous biennial period **unless prior notification has been made under § 21.29a (relating to reporting of crimes and disciplinary action).**

* * * * *

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

§ 21.29a. Reporting of crimes and disciplinary action.

(a) A registered nurse shall notify the Board of a criminal conviction, plea of guilty or nolo contendere, or an admission into a probation without verdict or accelerated rehabilitative disposition program within 30 days of the disposition or on the biennial renewal application under § 21.29(c)(4) (relating to expiration and renewal of license), whichever is sooner.

(b) A registered nurse shall notify the Board of disciplinary action in the nature of a final order taken against the registered nurse by the licensing authority of another state, territory or country within 90 days of receiving notice of the disciplinary action or on the biennial renewal application under § 21.29(c)(4), whichever is sooner.

CONTINUING EDUCATION

§ 21.131. Continuing education.

(a) *Requirement of continuing education.* [**Beginning with the license period commencing on July 12, 2010, an applicant for renewal of a professional nursing license**] A registered nurse seeking licensure renewal shall complete 30 hours of continuing education approved by the Board during the biennial renewal period immediately preceding the application for renewal in accordance with section [12] 12.1 of the act (63 P. S. § 222) and this subchapter. **The Board will not renew a license of a registered nurse who fails to verify compliance with the continuing education requirement. A registered nurse whose license is not renewed by the expiration of the biennial renewal period may not engage in the practice of professional nursing until the continuing education requirements are satisfied and the license has been renewed, reinstated or reactivated.**

(b) *Exception.* An applicant applying for initial licensure [**by examination**] in this Commonwealth will not be required to meet the continuing education requirement on the first renewal immediately following licensure [**if the applicant completed an approved nursing education program within 2 years of the date of application for initial licensure by examination**].

(c) *Board audits; proof of completion.* The Board may perform audits on [**professional**] registered nurses to determine compliance with the continuing education requirements. A [**professional**] registered nurse shall retain documentation of the registered nurse's completion of continuing education for at least 5 years. A [**professional**] registered nurse shall comply with a request for submission of documents verifying the registered nurse's completion of continuing education. The following documents shall be retained and submitted upon request:

- (1) For attendance at continuing education programs or courses, the **registered** nurse shall retain the certificate of attendance provided by the program or course provider.
- (2) For academic courses taken from an accredited college or university, the **registered** nurse shall retain the [**official**] transcript issued by the educational institution.
- (3) For publication of a textbook or article, the **registered** nurse shall retain a copy of the published item, including the date of publication.
- (4) For a research project, the **registered** nurse shall retain a copy of the research abstract, letter from the institutional review board granting approval for the research project and list of primary and co-investigators.

* * * * *

(d) *Reinstatement of lapsed license or reactivation of inactive license.* A [**licensee**] registered nurse seeking

to reinstate a lapsed license or reactivate an inactive license shall **file an application for reinstatement or reactivation and** submit documentation to demonstrate that the [**licensee**] registered nurse completed 30 hours of continuing education within the biennial renewal period immediately preceding application [**for reinstatement**]. [**A refresher or reactivation course at an accredited school of nursing will be credited toward the 30-hour continuing education requirement as set forth in § 21.132 (relating to continuing education hours).**]

(e) *Reinstatement of suspended license.* A [**licensee**] registered nurse seeking to reinstate a suspended license shall submit documentation to demonstrate that the [**licensee**] registered nurse completed 30 hours of continuing education within the biennial period immediately preceding application for reinstatement.

(f) *Carry over.* Continuing education hours may not be carried over from one biennial renewal period to the next.

[(f)] (g) *Waiver.* A [**licensee**] registered nurse may request a waiver of the continuing education requirement because of serious illness, military service or other demonstrated hardship. The [**licensee**] registered nurse shall submit the request and any supporting documentation to the Board in writing at least 90 days prior to the [**licensee's**] registered nurse's license expiration date **unless an emergency or hardship occurs within the 90-day period.** The Board will grant, deny or grant in part the request for waiver.

[(g)] (h) *Disciplinary action authorized.*

(1) Failure to complete a minimum of 30 hours of continuing education in a biennial period **in accordance with subsection (a)** will subject the [**professional**] registered nurse to discipline under section 13(b) of the act (63 P. S. § 223(b)) in accordance with the schedule of civil penalties in § 43b.18 (relating to schedule of civil penalties—nurses). A second or subsequent violation will subject the [**professional**] registered nurse to discipline under section 14(a)(3) of the act (63 P. S. § 224(a)(3)).

(2) A [**professional**] registered nurse who has not completed a minimum of 30 hours of continuing education [**shall report the number of continuing education hours completed on the biennial renewal application and**] shall make up the deficiency within 6 months of [**the expiration date of the nurse's license**] receiving notice of the deficiency. [**The licensee shall provide documentation demonstrating the completion of the entire 30-hour requirement to the Board immediately upon completion, but no later than 6 months after the end of the biennial renewal period.**]

(3) Notwithstanding any civil penalty assessed under paragraph (1), failure to provide the Board with documentation demonstrating the completion of 30 hours of approved continuing education within 6 months after [**the end of the biennial period in which the professional nurse was deficient**] receiving notice of a deficiency will subject the [**licensee**] registered nurse to discipline under section 14(a)(3) of the act.

(4) Failure to comply with an audit request for continuing education documentation may subject a registered nurse to additional discipline under section 14(a)(4)(i) of the act.

§ 21.132. Continuing education hours.

* * * * *

(b) For purposes of determining acceptable hours of continuing education for academic coursework, the following apply:

(1) One academic trimester [unit] course is equivalent to 12 continuing education hours.

(2) One academic quarter [unit] course is equivalent to 10 continuing education hours.

(3) One academic semester [unit] course is equivalent to 15 continuing education hours.

§ 21.133. Continuing education content.

* * * * *

(b) The Board may, for any given biennial license period and with adequate notice to registered nurses, require that up to 4 hours of continuing education be completed in designated topics.

[(b)] (c) Courses in areas related to the practice of professional nursing such as the following are acceptable:

* * * * *

[(c)] (d) Courses in areas impacting the practice of professional nursing [practice], such as nursing administration, management, education and diagnostic and procedural coding are acceptable.

[(d)] (e) Group or individual research, as the principal or co-principal investigator, if approved by the institutional review board of the sponsoring institution, is acceptable and will be credited in the year completed as 15 hours of continuing education.

[(e)] (f) Nonprofessional course content not directly related to patient care, such as courses in self-improvement, changes in attitude, financial gain, courses designed for lay people, basic life support or cardiopulmonary [resuscitation] resuscitation, mandatory annual education on facility specific policies unrelated to the practice of professional nursing [practice] (such as facility leave policies) and employment orientation programs are not acceptable for meeting requirements for license renewal.

§ 21.134. Continuing education sources.

(a) The following continuing education activities that meet the requirements of § 21.133 (relating to continuing education content) for [professional] registered nurses are approved:

(1) Activities sponsored by a Board-approved practical or professional nursing [or CRNP education] program or a Nationally accredited graduate nursing program.

* * * * *

(b) The Board may approve other sources of continuing education on a case-by-case basis after the provider or [professional] registered nurse seeking approval submits the following:

* * * * *

Subchapter B. PRACTICAL NURSES
LICENSURE

§ 21.156. Renewal of license.

* * * * *

(b) [Application for renewal] Notice of the renewal period of a license will be forwarded biennially to each active [registrant] licensee prior to the expiration date of the current renewal biennium.

(c) [Application forms shall be completed and returned, accompanied by the required renewal fee. Upon approval of an application, the applicant will receive a license for the current renewal period. The display portion of the renewal license shall be retained by the current employer of the registrant. The pocket card portion shall be retained by the registrant.] The applicant for license renewal may complete and submit an application in a form acceptable to the Board. When applying for licensure renewal, an LPN shall:

(1) Complete and submit the renewal application, including disclosing a license to practice nursing or an allied health profession in another state, territory, possession or country.

(2) Pay the biennial renewal of license fee in § 21.147(b) (relating to fees).

(3) Disclose discipline imposed by a state licensing board in the previous biennial period and criminal charges pending or criminal conviction, plea of guilty or nolo contendere, or admission into a probation without verdict or accelerated rehabilitative disposition program during the previous biennial period, unless prior notification has been made under § 21.156b (relating to reporting of crimes and disciplinary action).

(d) When communicating with the Board, [registrants] LPNs shall identify themselves by their full name, [including maiden name,] current address and [their Commonwealth certification number, which shall be typed or printed] license number.

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

§ 21.156b. Reporting of crimes and disciplinary action.

(a) An LPN shall notify the Board of a criminal conviction, plea of guilty or nolo contendere, or admission into a probation without verdict or accelerated rehabilitative disposition program within 30 days of the disposition or on the biennial renewal application under § 21.156 (relating to renewal of license), whichever is sooner.

(b) An LPN shall notify the Board of disciplinary action in the nature of a final order taken against the LPN by the licensing authority of another state, territory or country within 90 days of receiving notice of the disciplinary action or on the biennial renewal application under § 21.156, whichever is sooner.

Subchapter C. CERTIFIED REGISTERED NURSE PRACTITIONERS

MAINTENANCE OF CERTIFICATION

§ 21.332. Requirement of continuing education.

* * * * *

(b) Continuing education requirements shall be completed each biennial renewal cycle.

* * * * *

(2) The Board may waive the requirements of continuing education in cases of illness or undue hardship. It is the duty of each CRNP who seeks a waiver to notify the Board in writing and request the waiver at least 90 days prior to the end of the renewal period **unless an emergency or hardship occurs within the 90-day period**. The Board will grant, deny or grant in part the request for waiver.

* * * * *

**Subchapter G. DIETITIAN-NUTRITIONISTS
LICENSURE REQUIREMENTS**

§ 21.723. License renewal.

* * * * *

(b) When applying for renewal of licensure, an LDN shall:

* * * * *

(4) Disclose any discipline imposed by a state licensing board in the previous biennial period or any criminal charges pending or criminal conviction, plea of guilty or nolo contendere, or admission into a probation without verdict or accelerated rehabilitative disposition program during the previous biennial period **unless prior notification has been made under § 21.723a (relating to reporting of crimes and disciplinary action)**.

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

§ 21.723a. Reporting of crimes and disciplinary action.

(a) An LDN shall notify the Board of a criminal conviction, plea of guilty or nolo contendere, or admission into a probation without verdict or accelerated rehabilitative disposition program within 30 days of the disposition or on the biennial renewal application under § 21.723 (relating to license renewal), whichever is sooner.

(b) An LDN shall notify the Board of disciplinary action in the nature of a final order taken against the LDN's license by the licensing authority of another state, territory or country within 90 days of receiving notice of the disciplinary action or on the biennial renewal application under § 21.723, whichever is sooner.

[Pa.B. Doc. No. 14-240. Filed for public inspection January 31, 2014, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of 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 January 21, 2014.

Under section 503.E of the Department of Banking and Securities Code (71 P. S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file their comments in writing with the Department of Banking and Securities, Corporate Applications Division, 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, contact the Corporate Applications Division at (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

BANKING INSTITUTIONS

Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
1-15-2014	F&M Trust Company of Chambersburg Chambersburg Franklin County	14 North Hanover Street Carlisle Cumberland County	Closed

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

The Department's web site at www.dobs.state.pa.us includes public notices for more recently filed applications.

GLENN E. MOYER,
Secretary

[Pa.B. Doc. No. 14-241. Filed for public inspection January 31, 2014, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Application by Trinity Evangelical Divinity School to Operate a Location in Pennsylvania

Notice of Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application for approval of a Certificate of Authority for Trinity Evangelical Divinity School to open a location in Wexford, PA.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon the application without a hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in

accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protests) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with the Division of Higher and Career Education, 333 Market Street, Harrisburg, PA 17126-0333 on or before the due date prescribed by this notice. Persons wishing to review the application should phone (717) 783-8228 or write to the previous address to schedule a time for an in-office review. Duplicate copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate should contact the Division of Higher and Career Education at (717) 783-8228 to discuss accommodations.

CAROLYN C. DUMARESQ, Ed.D.,
Acting Secretary

[Pa.B. Doc. No. 14-242. Filed for public inspection January 31, 2014, 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 & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0063231 (Sewage)	Lehigh Township Municipal Authority—Pennsville WWTP 1069 Municipal Road Walnutport, PA 18088	Northampton County Lehigh Township	Indian Creek (2-C)	Y

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0063100 (Sewage)	Harford Township WWTP Burns Road Harford, PA 18823	Susquehanna County Harford Township	Nine Partners Creek (04F)	Y
PA0065234 (Sewage)	Karol K. Schmick SRSTP 10371 Old Route 22 Kutztown, PA 19530-8531	Lehigh County Weisenberg Township	UNT to Mill Creek (03B)	Y
PA0062766 (Sewage)	Henry A. Stout SRSTP 6427 Saddle Road New Tripoli, PA 18066-2127	Lehigh County Heidelberg Township	UNT to Jordan Creek (02C)	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 & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0023540 (Sew)	Berks-Montgomery Municipal Authority 136 Municipal Drive PO Box 370 Gilbertsville, PA 19525-0370	Berks County Douglass Township	Ironstone Creek / 3-D	Y

Northcentral Regional Office: Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.3664.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0101427	Brian J Buchsen SF System 383 Irish Road Coudersport, PA 16915	Potter County Sweden Township	UNT to Trout Run (16-C)	Y
PA0032816 (Sewage)	PA DOT I 80 Rest Area 33 STP Lock Haven, PA 17745	Clinton County Greene Township	Fishing Creek (9-C)	Y
PA0111635 (IW)	Spring Township Municipal Authority Water System Brick Plant Road Beavertown, PA 17813	Snyder County Beaver Township	Kern Run (6-A)	Y
PA0110485 (Sewage)	United Water PA Inc. Wastewater Treatment Plant 4211 E Park Circle Harrisburg, PA 17111	Columbia County South Centre Township	Susquehanna River (5-D)	Y
PA0032824 (Sewage)	PA DOT Safety Rest Area Site 38 I-80 Westbound Mifflin Twp, PA 17814	Columbia County Mifflin Township	Unnamed Tributary to Nescopeck Creek (5-D)	N

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N?</i>
PA0004766 (IW)	Ellwood National Forge 1 Front Street, Irvine, PA 16329-1801	Warren County Brokenstraw Township	Brokenstraw Creek (16-B)	Y
PA0103250 (IW)	Urlick Foundry Company 1501 Cherry Street, Erie, PA 16502	Erie County Erie City	Unnamed Tributary to the Presque Isle Bay (15-A)	Y

II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Non-Waived Permit Applications

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.

PA0065307 A-1, Industrial Waste, SIC Code 4953, **Commonwealth Environmental Systems, L.P.**, P. O. Box 322, Hegins, PA 17938. Facility Name: Commonwealth Environmental Systems Landfill. This existing facility is located in Foster Township, **Schuylkill County**.

Description of Existing Activity: The application is for an amendment to an NPDES permit for an existing discharge of treated industrial waste.

The receiving stream, Middle Creek, is located in State Water Plan watershed 7-D and is classified for Cold Water Fishes, Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The current permit was issued on November 21, 2011 and became effective on December 1, 2011. The effluent limitations are based upon a design discharge rate of 0.090 MGD. The purpose of the amendment is to modify the effluent limitations for BOD₅ at Outfall 001, based upon information which was not available at the time of permit issuance, as follows:

<i>BOD₅</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>
Current Permit	7.5	15	XXX	10	20	25
Proposed Amendment	15	30	XXX	20	40	50

The proposed permit amendment has been drafted using an updated permit template for Parts A and B and an updated template for the Chesapeake Bay Nutrient Requirements in Part C. There are no other substantive changes to the permit.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is in effect.

PA0041742, Sewage, SIC Code 4952, **Nazareth Borough Municipal Authority**, PO Box A, Nazareth, PA 18064. Facility Name: Nazareth Borough Municipal Authority WWTP. This existing facility is located in Lower Nazareth Township, **Northampton County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated sewage. The draft permit was published in *PA Bulletin* Vol. 43, No. 9 on March 2, 2013. Revisions have been made to the effluent limits for Outfall 001, to add limits for Total Dissolved Solids, Nitrate-Nitrite as N, Total Nitrogen, and Total Phosphorus.

The receiving stream, Shoeneck Creek, is located in State Water Plan watershed 1-F and is classified for Warm Water Fishes, Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.6 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report 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
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD ₅						
May 1 - Oct 31	200	307	XXX	15	23	30
Nov 1 - Apr 30	334	534	XXX	25	40	50
BOD ₅						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	400	600	XXX	30	45	60
Total Dissolved Solids	Report Avg Qrtly	XXX	XXX	Report Avg Qrtly	XXX	1,000 Maximum
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
Nitrate-Nitrite as N	34.7	XXX	XXX	Report	XXX	XXX
Total Nitrogen	72.1	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	20	XXX	XXX	1.5	XXX	3.0
Nov 1 - Apr 30	60	XXX	XXX	4.5	XXX	9.0
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	41.4	XXX	XXX	Report	XXX	XXX
Total Copper	Report	XXX	XXX	Report	XXX	XXX
Total Zinc						
(Interim)	Report	XXX	XXX	Report	XXX	XXX
(Final)	Report	XXX	XXX	0.21	XXX	0.42

In addition, the permit contains the following major special conditions:

- Whole Effluent Toxicity (WET)

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is not in effect.

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

PA0082601, Sewage, SIC Code 6515, **Landmark Signature Homes LLC**, 138 Arbutus Park Road, Bloomsburg, PA 17815. Facility Name: Hartslog Court MHP. This proposed facility is located in Porter Township, **Huntingdon County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated Sewage.

The receiving stream(s), Unnamed Tributary to Crooked Creek, is located in State Water Plan watershed 11-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 0.045 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily 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
Total Residual Chlorine	XXX	XXX	XXX	0.20	XXX	0.6
CBOD ₅	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
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	3.5	XXX	7.0
Nov 1 - Apr 30	XXX	XXX	XXX	10.5	XXX	21

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.

PA0085375, Industrial Waste, SIC Code 4941, **Newport Borough Water Authority**, 497 North Front Street, Newport, PA 17074-1533. Facility Name: Well No. 1 Filtration Plant. This existing facility is located in Oliver Township, **Perry County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated industrial waste.

The receiving stream(s), Little Buffalo Creek, is located in State Water Plan watershed 12-B and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.015 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
Total Suspended Solids	XXX	XXX	XXX	30	60	75
Total Iron	XXX	XXX	XXX	2.0	4.0	5.0
Total Manganese	XXX	XXX	XXX	1.0	2.0	2.5

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.

PA0022250, Sewage, SIC Code 4952, **Biglerville Borough Authority**, 33 Musselman Avenue, Biglerville, PA 17307-9233. Facility Name: Biglerville STP. This existing facility is located in Biglerville Borough, **Adams 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), Unnamed Tributary to Conewago Creek, is located in State Water Plan watershed 7-F 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 0.37 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
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	5.0	XXX	XXX	XXX
Total Residual Chlorine (Interim)	XXX	XXX	XXX	0.17	XXX	0.56
(Final)	XXX	XXX	XXX	0.018	XXX	0.059
CBOD ₅						
May 1 - Oct 31	46	67	XXX	15	22	30
Nov 1 - Apr 30	77	123	XXX	25	40	50
BOD ₅						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	92	138	XXX	30	45	60
Total Suspended Solids Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
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
Ammonia-Nitrogen						
May 1 - Oct 31	4.0	XXX	XXX	1.3	XXX	2.6
Nov 1 - Apr 30	12	XXX	XXX	3.9	XXX	7.8
Total Phosphorus	6.0	XXX	XXX	2.0	XXX	4.0
Total Copper						
(Interim)	XXX	XXX	XXX	Report	XXX	XXX
(Final)	XXX	XXX	XXX	0.014	XXX	XXX
Hardness, Total (as CaCO ₃)	XXX	XXX	XXX	Report	XXX	XXX

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

<i>Parameters</i>	<i>Mass (lbs)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report	XXX	Report	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX

In addition, the permit contains the following major special conditions:

- WQBELs below Detection Limits
- TRC Schedule and Site-Specific Studies

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.

PA0088111, Industrial Waste, SIC Code 9224, **Fire Chiefs and Fire Fighters Association of York County**, 330 Emig Road, York, PA 17406-9733. Facility Name: York County Fire School. This existing facility is located in Manchester Township, **York County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated industrial waste.

The receiving stream, Unnamed Tributary to Codorus Creek, is located in State Water Plan watershed 7-H 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 an average flow of 0.010 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Oil and Grease	XXX	XXX	XXX	15	30	30
Benzene (µg/L)	XXX	XXX	XXX	Report	Report	XXX
Toluene (µg/L)	XXX	XXX	XXX	Report	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.

PA0087581, Sewage, SIC Code 4952, **Centre Township Municipal Authority Berks County**, 449 Bucks Hill Road, Mohrsville, PA 19541. Facility Name: Jordan Crossings STP. This existing facility is located in Centre Township, **Berks 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), Unnamed Tributary to Irish Creek, is located in State Water Plan watershed 3-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 0.016 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Instant. Maximum	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
Total Residual Chlorine	XXX	XXX	XXX	0.29	XXX	0.97
CBOD ₅	3.3	XXX	XXX	25	XXX	50
BOD ₅						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	4	XXX	XXX	30	XXX	60
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 800	XXX	10,000
Ammonia-Nitrogen				Geo Mean		
May 1 - Oct 31	0.6	XXX	XXX	4.5	XXX	9
Nov 1 - Apr 30	1.8	XXX	XXX	13.5	XXX	27
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Annl Avg	XXX	XXX	Annl Avg	XXX	XXX
	Report			Report		
	Annl Avg			Annl Avg		

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.

PA0087921, Sewage, SIC Code 4952, **Berwick Township**, 85 Municipal Road, Hanover, PA 17331-8992. Facility Name: Berwick Township STP. This existing facility is located in Berwick Township, **Adams 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), Unnamed Tributary to Pine Run, is located in State Water Plan watershed 7-F 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 0.300 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD ₅	25.0	37.5	XXX	10	15	20
		Wkly Avg				

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
BOD ₅						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	25.0	37.5	XXX	10	15	20
		Wkly Avg				
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
UV Intensity (µw/cm ²)	XXX	XXX	Report	Report	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	3.8	XXX	XXX	1.5	XXX	3.0
Nov 1 - Apr 30	11.3	XXX	XXX	4.5	XXX	9.0
Total Phosphorus	5.0	XXX	XXX	2.0	XXX	4.0

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

<i>Parameters</i>	<i>Mass (lbs)</i>			<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>	<i>Minimum</i>	<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report	XXX	Report	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX

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.

PA0080039, Sewage, SIC Code 4952, **Carroll Valley Sewer & Water Authority**, 5685 Fairfield Road, Fairfield, PA 17320. Facility Name: Carroll Valley STP. This existing facility is located in Carroll Valley Borough, **Adams 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, Toms Creek, is located in State Water Plan watershed 13-D and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.140 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Total Annual</i>	<i>Minimum</i>	<i>Monthly Average</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
		Daily Max				
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 ₅	29	46	XXX	25	40	50
		Wkly Avg				
BOD ₅						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
		Daily Max				
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
		Daily Max				
Total Suspended Solids	35	52	XXX	30	45	60
		Wkly Avg				
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
Nitrate-Nitrite as N (lbs/year)	XXX	Report	XXX	Report	XXX	XXX
				Annl Avg		

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Total Annual		Average Monthly	Weekly Average	
Total Nitrogen (lbs/year)	XXX	Report	XXX	Report Annl Avg	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	9.9	XXX	XXX	8.5	XXX	17
Nov 1 - Apr 30	Report	XXX	XXX	Report	XXX	Report
Total Kjeldahl Nitrogen (lbs/year)	XXX	Report	XXX	Report Annl Avg	XXX	XXX
Total Phosphorus (lbs/year)	XXX	Report	XXX	Report Annl Avg	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.

Northcentral Regional Office: Regional Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448, Telephone: 570.327.0530.

PA0232483, SIC Code 4952, **Christoff Mitchell Petro Inc.**, 2719 Walton Street, Philipsburg, PA 16866. Facility Name: Christoff Mitchell Petro SFTF. This proposed facility is located in Decatur Township, **Clearfield County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated sewage.

The receiving stream(s), UNT to Shimel Run and Moshannon Creek, is located in State Water Plan watershed 8-D and is classified for Cold Water Fishes and Trout Stocking Fishes, aquatic life, water supply and recreation. The nearest downstream public water supply intake for PA American Water—White Deer is located on the West Branch of the Susquehanna River and is 127.3 miles below the point of Discharge. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 MGD.

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Maximum Daily		Average Monthly	Maximum Daily	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (Standard Units)	XXX	XXX	6.0	XXX	XXX	9.0
BOD ₅	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX
UV Transmittance (µw/cm ²)	XXX	XXX	XXX	Report	XXX	Report

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

The EPA Waiver is in effect.

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

PA0210196, Industrial Waste, SIC Code 4953, **Seneca Landfill Inc.**, PO Box 1080, Mars, PA 16046-1080. Facility Name: Seneca Landfill. This existing facility is located in Jackson Township, **Butler County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated municipal landfill leachate and a proposed conversion to a centralized waste treatment facility (metals and organics waste streams).

The receiving stream, Connoquenessing Creek, is located in State Water Plan watershed 20-C and is classified for warm water fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.11 MGD (treated landfill leachate and non-hazardous liquid waste)—Interim Limits.

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	Report	XXX	XXX
BOD	Report	Report	XXX	37	140	175
Total Suspended Solids	Report	Report	XXX	27	88	110
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Ammonia-Nitrogen	Report	XXX	XXX	4.9	10	12.5

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
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 Aluminum	XXX	Report	XXX	XXX	0.55	0.69
Total Cadmium						
(Interim)	Report	Report	XXX	0.0962	0.474	0.474
(Final)	0.015	0.03	XXX	0.016	0.032	0.04
Total Iron	XXX	Report	XXX	XXX	7.0	8.8
Total Manganese	XXX	Report	XXX	XXX	2.0	2.5
Total Copper						
(Interim)	Report	Report	XXX	0.76	0.87	1.9
(Final)	0.13	0.28	XXX	0.14	0.3	0.35
Total Lead						
(Interim)	Report	Report	XXX	0.28	1.32	1.32
(Final)	0.18	0.37	XXX	0.2	0.4	0.5
Total Zinc	XXX	Report	XXX	0.11	0.2	0.25
Phenol	XXX	Report	XXX	0.015	0.026	0.032
p-Cresol	XXX	Report	XXX	0.014	0.025	0.031
Total Dissolved Solids	XXX	Report	XXX	XXX	Report	XXX
Total Nitrogen	XXX	Report	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 0.11 MGD (centralized waste treatment (metals & organics waste streams))—Final Limits.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	Report	XXX	XXX
BOD ₅	Report	Report	XXX	53	163	163
Total Suspended Solids	Report	Report	XXX	50.2	205	205
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Ammonia-Nitrogen	Report	XXX	XXX	35	XXX	88
Total Antimony	XXX	Report	XXX	0.206	0.249	0.515
Total Arsenic	XXX	Report	XXX	0.104	0.162	0.26
Total Cadmium						
(Interim)	Report	Report	XXX	0.0962	0.474	0.474
(Final)	0.015	0.03	XXX	0.016	0.032	0.04
Total Chromium	XXX	Report	XXX	3.07	15.5	15.5
Total Cobalt	XXX	Report	XXX	0.124	0.192	0.31
Total Copper						
(Interim)	Report	Report	XXX	0.76	0.87	1.9
(Final)	0.13	0.28	XXX	0.14	0.3	0.35
Total Lead						
(Interim)	Report	Report	XXX	0.28	1.32	1.32
(Final)	0.18	0.37	XXX	0.2	0.4	0.5
Total Mercury	XXX	Report	XXX	0.000739	0.00234	0.00234
Total Nickel	XXX	Report	XXX	1.45	3.95	3.95
Total Silver	XXX	Report	XXX	0.0351	0.12	0.12
Total Tin	XXX	Report	XXX	0.12	0.41	0.41
Total Titanium	XXX	Report	XXX	0.0618	0.095	0.15
Total Vanadium	XXX	Report	XXX	0.0662	0.22	0.22
Total Zinc	XXX	Report	XXX	0.42	0.5	1.05
o-Cresol	XXX	Report	XXX	0.561	1.92	1.92
2,4,6-Trichlorophenol	XXX	Report	XXX	0.106	0.155	0.265
Phenol	XXX	Report	XXX	1.08	3.65	3.65
Acetone	XXX	Report	XXX	7.97	30.2	30.2
Acetophenone	XXX	Report	XXX	0.0562	0.114	0.14
2-Butanone	XXX	Report	XXX	1.85	4.81	4.81
p-Cresol	XXX	Report	XXX	0.205	0.7	0.7
Pyridine	XXX	Report	XXX	0.182	0.37	0.455
Total Dissolved Solids	XXX	Report	XXX	XXX	Report	XXX
Total Nitrogen	XXX	Report	XXX	XXX	Report	XXX

The proposed effluent limits for Outfalls 003, 005-007 are based on a design flow of N/A MGD.

The permittee is authorized to discharge non-polluting stormwater from its site, alone or in combination with other wastewaters.

In addition, the permit contains the following major special conditions:

- Stormwater Best Management Practices
- Chemical Additives
- 3 year schedule for meeting final water quality based limits for Cadmium, Copper & Lead.
- Requirements for becoming a Centralized Waste Treatment facility

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA Waiver is in effect.

III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.

WQM Permit No. 1314401, Sewage, **Borough of Bowmanstown**, 490 Ore Street, Bowmanstown, PA 18030.

This proposed facility is located in Bowmanstown Borough, **Carbon County**.

Description of Proposed Action/Activity: Installation of an influent screen at the existing wastewater treatment facility.

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

WQM Permit No. 6714401, Sewerage, **Springettsbury Township**, 1501 Mt. Zion Road, York, PA 17402.

This proposed facility is located in Springettsbury Township, **York County**.

Description of Proposed Action/Activity: Relocation project of existing sanitary sewer piping and manholes to accommodate interchange improvements to the I-83 / Exit 18 Interchange.

WQM Permit No. 2889426, Sewerage, **Snow Time Inc. dba Whitetail Mountain Operating Corp.**, 13805 Blairs Valley Road, Mercersburg, PA 17236.

This proposed facility is located in Montgomery Township, **Franklin County**.

Description of Proposed Action/Activity: Amendment to expand spray irrigation into the non-snow-making period.

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

WQM Permit No. WQG01251401, Sewage, **Michael A. Cahill**, 1415 Luehm Avenue, North Versailles, PA 15137.

This proposed facility is located in Elk Creek Township, **Erie County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant to replace a malfunctioning on-lot system.

WQM Permit No. WQG01201401, Sewage, **Darlene Olivier**, 384 Stanford Road, Prospect, PA 16052.

This proposed facility is located in Muddycreek Township, **Butler County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant to replace a malfunctioning on-lot system.

WQM Permit No. 6299401, Sewage, Amendment No. 1, **Miracle Mountain Ranch Missions, Inc.**, 101 Rodeo Drive, Spring Creek, PA 16436.

This proposed facility is located in Spring Creek Township, **Warren County**.

Description of Proposed Action/Activity: Amendment to describe the actual treatment facilities constructed.

IV. NPDES Applications for Stormwater Discharges from MS4

V. Applications for NPDES Waiver Stormwater Discharges from MS4

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4707

BIOSOLIDS INDIVIDUAL PERMITS TYPE 4A (PABIG and PABIS)

The following parties have applied for either an Individual Site Permit (PABIS) or an Individual Generator Permit (PABIG) for beneficial use of sewage sludge (biosolids) by land application. Unless otherwise indicated on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (DEP) proposes to issue a permit to land apply biosolids subject to certain requirements set forth in the permit.

Persons wishing to comment on the proposed permit are invited to submit a statement to the responsible DEP Regional Office, noted below, within 30 days from the date of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determination regarding this application. Responses should include the name, address, and telephone number of the writer and a concise statement of a comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

Following the 30-day comment period, the Water Management Regional Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, comments received, and other information are on file and may be inspected and arrangements made for copying at the responsible DEP Regional Office indicated above 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 Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Department of Environmental Protection, Water Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, 717-705-4707

PABIS 3501. Municipal Authority of the Borough of Bedford, 244 West Penn Street, Bedford, PA 15522, **Bedford County**, Bedford Borough has applied to beneficially use their biosolids on the Natali Brothers Farm in Colerain Township, Bedford County.

Special Condition: The permittee must notify the Regional DEP Staff 48 hours prior to each anticipated land application event at this site.

VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 15613033	Sunny Ridge Farms, LLC 1515 Generals Way West Chester, PA 19380	Chester	East Goshen Township	West Branch Ridley Creek HQ—TSF
PAI01 2313008	Chadds Ford Investors, L.P. 875 Berkshire Boulevard Suite 102 Wyomissing, PA 19610	Delaware	Chadds Ford Township and Concord Township	Unnamed Tributary to Webb Creek TSF
PAI01 2313007	City of Philadelphia Division of Aviation Terminal D-E Philadelphia Int'l Airport Philadelphia, PA 19153	Delaware	Tinicum Township and City of Philadelphia	Mingo Creek to Schuylkill WWF—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 & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030713002	Thomas A. Prestash PennDOT Engineering District 9-0 1620 North Juniata Street Hollidaysburg, PA 16648	Blair	Antis Township	Sandy Run (HQ-CWF), EV Wetlands (EV), Little Juniata River (TSF)
PAI030613014	Geigertown Area Joint Authority 1445 East Main Street Douglassville, PA 19518	Berks	Robeson Township, Union Township	Hay Creek and Tributaries to Hay Creek (CWF-MF), Sixpenny Creek (HQ-CWF-MF)
PAI032114001	Toigo Organic Farms LLC 750 South Mountain Estates Road Shippensburg, PA 17257	Cumberland	Middlesex Township	Letort Spring Run (HQ-CWF)

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 & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041413009	Loesch Construction 2221 Upper Brush Valley Rd Centre Hall PA 16828	Centre	Spring Township	Logan Branch HQ-CWF

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481
Butler County Conservation District, 122 McCune Drive, Butler PA 16001-6501*

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI061012003(1)	Penn United Technologies Inc 799 North Pike Road Cabot PA 16023	Butler	Jefferson Township	Unt Sarver Run HQ-TSF

Mercer County Conservation District, 24 Avalon Court, Suite 300, Mercer PA 16137

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI064313002	Trinity Industries Inc 2525 Stemmons Freeway Dallas TX 75207	Mercer	Hempfield Township	Mathay Run WWF

VII. List of NOIs for NPDES and/or Other General Permit Types

PAG-12 CAFOs

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. 4214501 , Public Water Supply	
Applicant	FHO Corporation (Glendorn Lodge)
Township or Borough	Bradford Township

County	McKean
Responsible Official	Joshua Jorgensen
Type of Facility	Public Water Supply
Consulting Engineer	Steven R. Halmi, P.E. Deiss & Halmi Engineering, Inc. 105 Meadville Street Edinboro, PA 16412
Application Received Date	January 8, 2014
Description of Action	Replace UV disinfection with sodium hypochlorite disinfection.
Permit No. 6616598 , Public Water Supply	
Applicant	EWD Enterprises, Inc.
Township or Borough	Oil City
County	Venango
Responsible Official	Elton W. DeLong, Jr.
Type of Facility	Public Water Supply
Consulting Engineer	Olgierd K. Wodzianski, P.E. Wodzianski Engineering, Inc. 1322 Elk Street Franklin, PA 16323
Application Received Date	January 9, 2014
Description of Action	Load Oil City potable water and deliver by tank truck.

MINOR AMENDMENT

Applications Received Under the Pennsylvania Safe Drinking Water Act

Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790

Application No. 581450 , Minor Amendment.	
Applicant	PA American Water Company
[Township or Borough]	Montrose Borough Susquehanna County
Responsible Official	Mr. David Kaufman Vice President of Engineering 800 West Hersheypark Drive Hershey, PA 17033

Type of Facility Public Water Supply
 Consulting Engineer Mr. Bruce Brubaker, PE.
 852 Wesley Drive
 Mechanicsburg, PA 17055
 Application Received Date January 8, 2014
 Description of Action This project provides for the
 blasting and painting of the
 interior of the Montrose 0.38 MG
 storage tank. Minor
 rehabilitation of the tank is also
 proposed.

Application No. 5214501MA

Applicant **Pocono Mountain Lake
 Estates**
 [Township or Borough] Lehman Township
Pike County
 Responsible Official Anthony Pirozzi, Assn. President
 2095 Milford Road
 Bushkill, PA 18324
 Type of Facility Community Water System
 Consulting Engineer Michael E. Gable, PE
 Boucher & James, Inc.
 2738 Rim Rock Road
 Stroudsburg, PA 18360
 570-629-0300
 Application Received Date January 7, 2014
 Description of Action Application for installation of a
 sodium hydroxide chemical feed
 system for pH adjustment at
 Well No. 3.

Application No. 5214502

Applicant **Pennsylvania-American
 Water Co.**
 [Township or Borough] Lehman Township
Pike County
 Responsible Official David R. Kaufman, VP
 Engineering
 Pennsylvania-American Water
 Co.
 800 West Hersheypark Drive
 Hershey, PA 17033
 Type of Facility Community Water System
 Consulting Engineer Daniel G. Rickard, PE
 Pennsylvania-American Water
 Co.
 100 North Pennsylvania Avenue
 Wilkes-Barre, PA 18701
 570-830-6531
 Application Received Date January 9, 2014
 Description of Action Application for installation of an
 AquaMag chemical feed system
 for manganese sequestration at
 Pine Ridge water system Well
 No. 3.

Application No. 4513504

Applicant **Pennsylvania-American
 Water Co.**
 [Township or Borough] Middle Smithfield Township
Monroe County

Responsible Official David R. Kaufman, VP
 Engineering
 Pennsylvania-American Water
 Co.
 800 West Hersheypark Drive
 Hershey, PA 17033

Type of Facility Community Water System
 Consulting Engineer Peter J. Keenan, PE
 American Water Service
 Company
 1025 Laurel Oak Road
 Voorhees, NJ 18043
 856-727-6112

Application Received Date November 21, 2013

Description of Action Application for construction of a
 new water filtration facility at
 the Fernwood Resort
 development for manganese
 treatment of source water from
 Well No. 9, along with increasing
 the permitted discharge rate
 from Well No. 9. The project also
 provides for installation of a
 large diameter contact pipe at
 the site.

**LAND RECYCLING AND
 ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995
 PREAMBLE 1**

**Acknowledgment of Notices of Intent to Remediate
 Submitted under the Land Recycling and Envi-
 ronmental Remediation Standards Act (35 P. S.
 §§ 6026.101—6026.907)**

Sections 302—305 of the Land Recycling and Environ-
 mental Remediation Standards Act (act) (35 P. S.
 §§ 6026.302—6026.305) require the Department to pub-
 lish in the *Pennsylvania Bulletin* an acknowledgment
 noting receipt of Notices of Intent to Remediate. An
 acknowledgment of the receipt of a Notice of Intent to
 Remediate is used to identify a site where a person
 proposes to, or has been required to, respond to a release
 of a regulated substance at a site. A person intending to
 use the background standard, Statewide health standard,
 the site-specific standard or intend to remediate a site as
 a special industrial area shall file a Notice of Intent to
 Remediate with the Department. A Notice of Intent to
 Remediate filed with the Department provides a brief
 description of the location of the site, a list of known or
 suspected contaminants at the site, the proposed remedia-
 tion measures for the site and a description of the
 intended future use of the site. A person who demon-
 strates 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 con-
 tamination identified in reports submitted to and ap-
 proved by the Department. Furthermore, the person shall
 not be subject to citizen suits or other contribution
 actions brought by responsible persons not participating
 in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act,
 there is a 30-day public and municipal comment period
 for sites proposed for remediation using a site-specific
 standard, in whole or in part, and for sites remediated as

a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the following site, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified as follows. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office listed before the notice. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

Northeast Region: Eric Supey, Environmental Cleanup and Brownfields Program Manager; 2 Public Square, Wilkes-Barre, PA 18701-1915.

Pike County Business Park #512 Property (aka-Valient Enterprises Property), Well Road, Blooming Grove Township, **Pike County**, Martin Gilgallon, PA Tectonics, has submitted a Notice of Intent to Remediate on behalf of his client, Ms. Tammy Savarese, Pike County Industrial Development Authority, 209 E Harford St, Milford, PA 18337, concerning the remediation of soil found during the closure of a 1000 and a 2000 gallon underground storage tanks containing #2 fuel oil (heating oil). The applicant proposes to remediate the site to meet the Non-Residential Statewide Health Standards for soil. The intended future use of the site is for non-residential purposes. A Summary of the Notice of Intent to Remediate was published in *The Pocono Record* on December 2, 2013.

City Auto Mart, State & Highland Avenue, Clark Summit Borough, **Lackawanna County**, Susan Yarger, TTL Associates, Inc., 1915 North 12th Street, Toledo, Ohio 43608, has submitted a Notice of Intent to Remediate on behalf of her client, Denis Lello, City Auto Mart, concerning the remediation of three underground storage tanks previously containing gasoline were abandoned in place. The applicant proposes to remediate the site to meet the Site Specific Standard for soil and groundwater. The intended future use of the site is commercial for use of a pharmacy. A summary of the Notice of Intent to Remediate was published in *The Scranton Times*, on November 25, 2013.

MUNICIPAL WASTE GENERAL PERMITS

Application(s) Received Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and the Beneficial Use of Municipal Waste.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17106-9170.

General Permit Application No. WMGM022A&B. Kinsley Construction, Inc., Penroc Quarry, West Manchester Township, and Sandbank Hill, Springettsbury Township, **York County**, PA. This application is for the renewal of a general permit for the processing and beneficial use of reclaimed concrete, asphalt in various engineering applications, and timber, leaf, and yard waste for livestock bedding. The application was deemed administratively complete on January 16, 2014. Persons interested in reviewing the application may contact Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170, 717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

DETERMINATION FOR APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

Application for Determination of Applicability for General Permit Received Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and/or the Beneficial Use of Municipal Waste.

Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401

General Permit Application No. WMGM044SE001. NDV Scrap Metal, Inc., 3630 North 2nd Street, Philadelphia PA 19140-4605. This application for determination of applicability (DOA) is for the processing and beneficial use of municipal waste under General Permit No. (WMGM044SE001) at NDV Scrap Metal, Inc., facility located in the City of Philadelphia, Philadelphia County. The application for determination of applicability was accepted as administratively complete by the Southeast Regional Office on November 27, 2013.

REGISTRATION FOR GENERAL PERMIT—RESIDUAL WASTE

Application Received for Registration under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17106-9170.

General Permit Application No. WMGR097R025, Range Resources—Appalachia, LLC., 100 Throckmorton Street Fort Worth, TX 76102. Registration to operate under General Permit Number WMGR097R025 for research and development activities to support the beneficial use or processing prior to beneficial use. The project involves the beneficial use of vertical drill cutting from natural gas wells as an aggregate in a stabilized soil pavement for construction of Marcellus Shale and Utica well pads and access roads. The registration was received by Central Office on January 10, 2014.

Written comments concerning the research and development application should be directed to Scott E. Walters, Chief, Permits Section, Division of Municipal and Re-

sidual 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 ra-epbenuseall@pa.gov. When submitting comment via e-mail, place "Comments on General Permit Number WMGR097R025" 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.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application Received Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401

Permit Application No. 101662. Conshohocken Recycling & Rail Transfer, LLC, 1060 Conshohocken Road, Conshohocken PA 19428-1002. This major permit modification application proposes the following three modifications: 1) Allow for additional transfer of other municipal wastes that were not included in its original permit, 2) Reduce the size of the transfer facility property to approximately 7.5 acres, and 3) Increase the height of the waste pile inside the transfer facility building from 8 feet to 12 feet. The Conshohocken Recycling and Rail Transfer facility is a construction and demolition (C&D) waste transfer facility, located in Plymouth Township, **Montgomery County**. The application was received by the Southeast Regional Office on November 25, 2013.

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: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507

39-309-081: Lafarge North America, Inc. (5160 Main Street, Whitehall, PA 18052) for conversion of their No. 2 raw mill baghouse from reverse air to pulse jet at their Whitehall Plant in Whitehall Township, **Lehigh County**.

The current emission limits for this source will not change as a result of this modification. 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. 39-00011. 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.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920

46-0029F: Glasgow, Inc. (Route 309 & Hartman Road, Montgomeryville, PA 18936) for replacement of the current rotary drum on the Hot Mix Asphalt (HMA) plant with a new rotary drum at their existing facility in Montgomery Township, **Montgomery County**. The current drum is 39' 4" long and 84" in diameter. The new rotary drum is 28' long and 88" in diameter. The capacity/throughput for the HMA will not change; it will remain at 200 tons/hr as established in the current operating

permit. There is no expected increase in emissions as a result of this modification. The following parameters will remain the same: percent of fines added in the aggregate mixture, gas velocity in the dryer drum, rate of rotation of the dryer, and feed rate of aggregate to the dryer. The company will be required to source test for particulate matter emissions. The Plan Approval also contains work practice standards, monitoring and recordkeeping requirements, and operating restrictions designed to keep the sources and facility operating within all applicable air quality requirements.

46-0047A: Mueller Streamline Co. (287 Wissahickon Avenue, North Wales, PA 19454) to meet the requirements of Section 112(j) "MACT Hammer" (Part 2) at the existing facility in Upper Gwynedd Township, **Montgomery County**. Mueller Streamline Company is a major source of Hazardous Air Pollutant (HAP) emissions and Carbon Monoxide (CO) emissions, currently operating under Title V Operating Permit No. 46-00047. The following natural gas fired sources (all less than 5.0 MMBtu/hr) are subject to the requirements of 40 CFR Part 63 Subpart DDDDD—National Emission Standards for Hazardous Air Pollutants for Major Sources for Industrial, Commercial, and Institutional Boilers and Process Heaters: Two (2) furnaces (Source ID 702 and 703), one (1) boiler (Source ID 106), and one (1) process dryer (Source ID 107A). The plan approval includes work practice standards for a one-time energy assessment and a once every five (5) years tune-up of affected sources. The plan approval will also include monitoring, testing, 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 Daniel Husted, New Source Review Chief—Telephone: 717-705-4863

06-05002I: Lehigh Cement Company, LLC (Evansville Cement Plant and Quarry), (537 Evansville Road, Fleetwood, Pennsylvania 19522-8541) for the replacement of two (2) fabric filters at their facility in Maiden Creek Township, **Berks 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 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. 06-05002I is for the replacement of the two (2) existing Fuller fabric filter dust collectors (Control Ids C25 & C26), currently capturing and controlling emissions generated by Clinker Coolers No. 1 & 2 (Source Ids 125 & 126), with two (2) approximately 115,730 acfm Dustex fabric filter dust collectors (or equivalent) and associated exhaust stacks. The project is not expected to increase actual emissions since the throughput capacities of the clinker coolers are not changing. The facility will be required to comply with the amended requirements of 40 CFR 63, Subpart LLL by September 9, 2015.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests, or for requests for a public hearing. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received.

Thomas Hanlon, Facilities Permitting Chief, may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments, protests, or requests for a public hearing.

Plan approvals issued to sources identified in 25 Pa. Code § 127.44(b)(1)–(4) or plan approvals issued to sources with limitations on the potential to emit may become part of the SIP, and will be submitted to EPA for review and approval.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226

65-01030A: American GTL Energy Holdings, LP (1119 Old Route 119 South, Mt. Pleasant, PA 15666) for a natural gas to liquids production plant at the New Stanton Gas-To-Liquids Facility in Hempfield Township, **Westmoreland County**. This is an initial major facility Plan Approval application submittal.

OPERATING PERMITS

Intent to Issue Title V Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-949-705-4863

21-05038: Holy Spirit Hospital (503 North 21st Street, Camp Hill, PA 17011) for their hospital and medical services institution in East Pennsboro Township, **Cumberland 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 renewal of an Air Quality Operating Permit for the abovementioned facility.

The subject facility had the following actual air emissions in 2012: 7.2 tons NO_x; 5.9 tons CO; 1.2 ton PM₁₀; 0.8 ton PM_{2.5}; 0.4 ton VOC; 0.1 ton SO_x; 0.1 ton hexane; 0.1 ton aggregate HAPs; 9,818.0 tons CO₂; 0.132 ton CH₄; 0.013 ton N₂O; and 9,824.8 tons CO₂e. The Operating Permit will include emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations. Source ID 101 is subject to the requirements of 40 CFR Part 60, Subpart

Ce—Emission Guidelines and Compliance Times for Hospital Medical Infectious Waste Incinerators. Source ID 033 is subject to the requirements of 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units. Source IDs 103, 104 and 105 are subject to the requirements of 40 CFR Part 63, Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. Source IDs 106, 107 and 108 are subject to the requirements of 40 CFR Part 60, Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed operating permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the operating 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.

William R. Weaver, Air Quality Program Manager, may be contacted at 717-705-4702, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174

56-00232: Shade Landfill, Inc. (Cherrington Corporate Center, 625 Cherrington Parkway, Moon Township, PA 15108-4314) for the solid waste landfill at Shade Landfill in Shade Township, **Somerset County**. This is a Title V Operating Permit renewal application submittal.

65-00125: In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department of Environmental Protection (DEP) is providing notice that it intends to issue a renewal Title V Operating Permit (TVOP-65-00125) to **Allegheny Ludlum LLC** for the operation of the Latrobe Facility, located in Derry Township, **Westmoreland County**. The name and address of the applicant is Allegheny Ludlum LLC., 100 River Road, Brackenridge, PA 15014

The main sources at this facility consist of an Electric Arc Furnace (EAF) which is coupled to an Argon Oxygen Decarburization (AOD) unit, both equipped with bag houses, for the production of a wide variety of specialty alloy families. The plant also contains Electroslag Remelt (ESR) furnaces, which provide the Latrobe facility the ability to efficiently support the needs of ATT's flat rolled and high performance metals products.

This facility has the potential to emit the following type and quantity of air contaminants (on an annual basis): 99.6 tons of carbon monoxide, 32.1 tons of nitrogen oxides, 65.4 tons of particulate matter, 14.0 tons of sulfur

oxides, 48.2 tons of volatile organic compounds, 2.4 tons of total hazardous air pollutants. No emission or equipment changes are being proposed by this action. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the TVOP have been derived from the applicable requirements of 40 CFR Parts 60& 63 and 25 Pa. Code Chapters 121—145.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public inspection during normal business hours at DEP, 400 Waterfront Drive, Pittsburgh, PA 15222. Appointments for scheduling a file review may be made by calling 412-442-4286. Any person wishing to provide DEP with additional information that they believe should be considered prior to the issuance of this permit may submit the information to DEP at the address shown above. 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 TVOP-04-00235) and concise statements regarding the relevancy of the information in the proposed permit or objections to issuance of the permit.

A public hearing may be held, if DEP, 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 DEP determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Barbara Hatch, Air Quality Environmental Engineer Manager, DEP, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222, (412) 442-5226.

Intent to Issue Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920

46-00050: Rohm & Haas Co. (727 Norristown Road, P. O. Box 904, Spring House, PA 19477-0904) for renewal of a State Only Operating Permit in Lower Gwynedd Township, **Montgomery County**. The facility operates five (5) natural-gas and no. 2 fuel oil fired boilers, one (1) dry cleaning unit, and two (2) metal parts washers. No new sources have been added and there have been no changes to any of the existing sources. The site shall continue to maintain a synthetic minor status for NO_x emissions. The permit shall include monitoring, record keeping, and reporting requirements designed to address all applicable air quality requirements.

09-00142: ML 35 LLC (35 Runway Road, Levittown, PA 19057) for a data center facility that operates various electricity generating engines located at 35 Runway Road, Levittown, Bristol Township, **Bucks County**. This action is a renewal of the facility's Synthetic Minor State Only Operating Permit originally issued on March 20, 2008. The renewal does not allow any new changes other than updating of source inventory and changes of minor significance. The permit includes monitoring, recordkeeping and reporting requirements designed to keep the plant operating within all applicable air quality requirements.

46-00171: John Evans' Sons, Inc., (1 Spring Avenue, Lansdale, PA 19446) for the renewal of a Non-Title V

Facility, State-Only, Natural Minor Permit in Lansdale Borough, **Montgomery County**. John Evans' Sons, Inc. operates a boiler, a parts washer, and a number of spring forming machines. The facility has a potential to emit 3 tons of hazardous air pollutants per year, and less than 2.7 tons of n-propyl bromide. Monitoring, record keeping and reporting requirements have been added to the permit to address applicable limitations.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790

Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507

45-00027: Pleasant Valley School District—Polk Township Elementary School, (Route 209, Brodheadsville, PA 18322) for operation of elementary and secondary schools in Folks Township, **Monroe County**. The primary sources consist of one (1) coal fired boiler and one (1) #2 oil fired boiler. A regenerative centrifugal cyclone is used for a control device for the sources. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), particulate matter (PM₁₀), and volatile organic compounds (VOC) emissions. This is a renewal State-Only Synthetic 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.

45-00011: Pleasant Valley School District—Pleasant Valley High and Middle Schools, (Route 209, Brodheadsville, PA 18322) for operation of elementary and secondary schools in Chestnuthill Township, **Monroe County**. The primary sources consist of two (2) coal fired boilers and one (1) #2 oil fired boiler. Regenerative centrifugal cyclones are used for control devices for the sources. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), particulate matter (PM₁₀), and volatile organic compounds (VOC) emissions. This is a renewal State-Only Synthetic 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.

48-00095: ECOPAX, LLC (3600 Glover Road, Easton, PA 18040) for operation of a food grade polystyrene foam manufacturing facility located in Forks Township, **Northampton County**. This is an initial 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 Daniel Husted, New Source Review Chief—Telephone: 717-705-4863

21-05027: Gulf Oil Limited Partnership (100 Crossing Blvd., Framingham, MA 01702-5401) for a petroleum product loading terminal in Hampden Township, **Cumberland County**. This is a renewal of their State-Only Operating Permit issued in November 2008.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to renew an Air Quality Operating Permit for the abovementioned facility.

Gulf Oil, Mechanicsburg Terminal is a synthetic minor facility subject to the operating permit requirements of 25 Pa. Code Chapter 127, Subchapter F (relating to operating permit requirements). The facility is a petroleum product bulk storage and truck loading terminal. The primary emissions from the facility are the volatile organic compounds. The actual VOC emission in 2012 AIMS was 15.69 tons. The gasoline loading rack and storage tanks are subject to 40 CFR 63, Subpart BBBBBB—National Emission Standards for Hazardous Air Pollutants for Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities. Source IDs 107 and 110, Tank Nos 107 and 109 are subject to 40 CFR 60, Subpart Kb—Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984.

Copies of the renewal application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed 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.

21-03021: Amsted Rail Co. (3420 Simpson Ferry Road, Camp Hill, PA 17011) for a paint spray booth located in Lower Allen Township, **Cumberland County**. This is a renewal of their State-Only Operating Permit issued in December 2008.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to renew an Air Quality Operating Permit for the abovementioned facility.

Amsted Rail is a natural minor facility subject to the operating permit requirements of 25 Pa. Code, Chapter 127, Subchapter F (relating to operating permit requirements). The facility manufactures railway specialty products. The primary emissions from the facility are the volatile organic compounds. The potential VOC emissions are approximately 20 tpy.

Copies of the renewal application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed 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.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

08-00013: Cooley Tioga Point Cremation and Burial Options, Inc. (802 North Main Street, Athens, PA 18810-1826) for renewal of the State Only (Natural Minor) Operating Permit for the Tioga Point Crematory in Athens Borough, **Bradford County**. The subject facility has the following potential emissions: 0.03 TPY of CO; 0.8 TPY of NO_x; 0.004 TPY of SO_x; 0.36 TPY of PM/PM₁₀; 0.04 TPY of VOC; 0.04 TPY of HAPs and 936 TPY of CO_{2e}. The facility's sources include one (1) natural gas-fired All Crematory model 2500 Elite human remains crematory incinerator equipped with an integral secondary combustion chamber.

The emission restriction, testing, monitoring, record-keeping, reporting and work practice conditions of the NMOP have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145.

The renewal State Only (Natural Minor) operating permit contains applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State air quality regulations.

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 the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the following: Name, address and telephone number of the person submitting the comments; Identification of the proposed permit (specify Permit No. 08-00013); 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 Envi-

ronmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3648.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6131

20-00302: ITU, Inc.—Titusville Plant (818 West Spring Street, P. O. Box 326 Titusville, PA 16354) for a Synthetic Minor Permit to operate an industrial laundries located in City of Titusville, **Crawford County**. The emitting sources included are, 1) Solvent recovery dryers (two), 2) Washers (five), 3) Dryers (four), 4) Miscellaneous combustion sources, and, 5) Wastewater treatment. The facility has lint filters on the dryers to control particulate emissions. The facility have taken a restriction on solvent recovered print towel throughput of 1,150,000 lbs/yr, a limit of 50,000 lbs/yr of non-solvent recovered print towels, and, a limit of total other towel throughput of 3,300,000 lbs/yr to qualify as a Synthetic Minor facility. The potential emissions from the facility after taking the limitations are: VOC: 43.118 Tons per year (TPY), PM: 60.24 TPY, PM₋₁₀: 60.24 TPY, PM_{-2.5}: 0.482 TPY, SO₂: 0.038 TPY, NO_x: 6.338 TPY, CO: 5.324 TPY, Total HAPs: 8.343 TPY. The operating permit incorporates the requirements of plan approval 20-302A, requirements of the odor plan developed by the facility, and all State and Federal applicable requirements.

PLAN APPROVALS

Receipt of Plan Approval Applications and Intent to Issue Plan Approvals, and Intent to Issue Amended Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B And Subchapter F. These actions may include the administrative amendments of an associated operating permit.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790

Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507

Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to **Florey Knob Energy LLC** (301 Oxford Valley Road, Suite 1603A, Yardley, PA 19067) for their facility to be located in Washington Twp., **Wyoming County**. This Plan Approval No. 66-00011A will be incorporated into a Natural Minor Permit through an administrative amendment at a later date.

Plan Approval No. 66-00011A is for the construction of 22MW electric generating plant. The plant will include five (5) Jenbacher natural gas fired engines with oxidation catalysts and SCR technology. The VOC emissions from the facility will not equal or exceed 50 TPY, based on a 12-month rolling sum. The NO_x emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. Total PM, SO_x, and CO emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. The HAPs from the facility must never equal or exceed 10 TPY of any single HAP and must never equal or exceed 25 TPY of all aggregated HAPs, based on a 12-month rolling sum. The Plan approval and Operating Permit will include testing, monitoring, record keeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

The facility is subject to NSPS Subpart JJJJ, MACT Subpart ZZZZ and 25 Pa. Code § 127.12(a)(5) Best Available Technology (BAT) requirements. The visible emission opacity shall not be equal to or greater than 20% at any time. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions.

Emissions from the engines will meet BAT, MACT ZZZZ & NSPS Subpart JJJJ requirements. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 66-00011A 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 18701-1915, Phone 570-826-2511 within 30 days after publication date.

48-00095: ECOPAX, LLC (3600 Glover Road, Easton, PA 18040) for operation of a food grade polystyrene foam manufacturing facility located in Forks Township, **Northampton County**. This is an initial 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.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department. A copy of the application is available for inspection at the district

mining office indicated before each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application and request for Section 401 water quality certification application may be submitted by any person or any officer or head of any Federal, state or local government agency or authority to the Department at the address of the district mining office indicated before each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Written comments or objections regarding a mining permit application should contain the name, address and telephone number of persons submitting comments or objections, application number and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

A request for an informal conference or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 or § 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

When an NPDES number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

Coal Applications Received

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100

17743702 and NPDES No. PA0215490. Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201). To revise the permit for the Lady Jane Plant in Huston Township, **Clearfield County** and related NPDES permit to install two sludge disposal boreholes and related pipeline. Surface Acres Proposed 6.9. No additional discharges. The application was considered administratively complete on January 15, 2014. Application received November 6, 2013.

6071301 and NPDES No. PA0235814 and GP12-56071301. RoxCOAL, Inc., (PO Box 149, Friedens, PA 15541). To renew the permit for the Horning Deep Mine in Stonycreek Township, **Somerset County** and related NPDES permit. Includes renewal of Air Quality GPA/GP12 Authorization. No additional discharges. The application was considered administratively complete on January 16, 2014. Application received November 7, 2013.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900

Permit No. 32813031 and NPDES No. PA0125547. Indiana Investments, 4460 McCreight Road, Shelocta, PA 15774, permit renewal for reclamation only of a bituminous surface and auger mine in Center Township, **Indiana County** affecting 97.0 acres. Receiving streams: unnamed tributary to/and Tearing Run classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: December 18, 2013.

Permit No. 11960202 and NPDES No. PA0234311. Ebensburg Power Co., 2840 New Germany Road, P. O.

Box 845, Ebensburg, PA 15931, permit renewal for reclamation only of a bituminous surface coal refuse reprocessing mine in Cambria Township, **Cambria County** affecting 29.8 acres. Receiving stream: South Branch Blacklick Creek classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: December 18, 2013.

Permit No. 11880201 and NPDES No. PA0598208. Ebensburg Power Co., 2840 New Germany Road, P. O. Box 845, Ebensburg, PA 15931, permit renewal for reclamation only of a bituminous surface coal refuse reprocessing mine in Cambria Township, **Cambria County** affecting 56.5 acres. Receiving streams: unnamed tributary to/and South Branch Blacklick Creek classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: December 18, 2013.

Permit No. 11130201, NPDES No. PA0269280 and General Permit GP12-11130201. Ebensburg Power Company, 2840 New Germany Road, P. O. Box 845, Ebensburg, PA 15931, revision of revision of an existing bituminous coal refuse site to obtain coverage for coal refuse reprocessing under air quality general permit GP-12 in Richland Township, **Cambria County**, affecting 63.158 acres. Receiving stream: Paint Creek classified for the following use: trout stocked fishery. There are no potable water supply intakes within 10 miles downstream. Application received: January 14, 2014.

Greensburg District Mining Office: Armbrust Professional Center; 8205 Route 819, Greensburg, PA 15601, 724-925-5500

63090104 and NPDES Permit No. PA0251836. S & K Energy, Inc. (5945 Pudding Stone Lane, Bethel Park, PA 15102). Revision application for boundary change and add a landowner to an existing bituminous surface mine, located in Smith Township, **Washington County**, affecting 219.3 acres. Receiving stream: unnamed tributary to Raccoon Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: January 8, 2014.

03060103 and NPDES Permit No. PA0250911. Bedrock Mines LP (111 Freeport Road, Pittsburgh, PA 15215). Renewal application for reclamation only to an existing bituminous surface mine, located in Burrell Township, **Armstrong County**, affecting 75.3 acres. Receiving streams: unnamed tributaries to Crooked Creek, classified for the following use: WWF. There is no potable

water supply intake within 10 miles downstream from the point of discharge. Renewal application received: January 9, 2014.

26080103 and NPDES Permit No. PA0251402. Amerikohl Mining, Inc. (1384 State Route 711, Stahlstown, PA 15687). Renewal application for reclamation only to an existing bituminous surface mine, located in Wharton Township, **Fayette County**, affecting 94.1 acres. Receiving streams: McIntyre Run and unnamed tributaries to McIntyre Run and Mill Run, classified for the following use: HQ-CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: January 10, 2014.

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191

33723006 and NPDES Permit No. PA0603406. Consol Mining Company, LLC (CNX Center, 1000 Energy Drive, Canonsburg, PA 15317) Transfer of an existing bituminous surface and auger mine and associated NPDES permit from Keystone Coal Mining Corporation in Winslow Township, **Jefferson County**, affecting 450.2 acres. Receiving streams: Unnamed tributary to Soldier Run and Soldier Run, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: January 6, 2014.

33110101. MSM Coal Company, Inc. (P. O. Box 243, DuBois, PA 15801) Revision to add 2.0 acres to an existing bituminous surface mine in Beaver Township, **Jefferson County**, affecting a total of 32.0 acres. Receiving streams: Unnamed tributary No. 1 to Reitz Run, classified for the following uses: CWF. The first downstream potable surface water supply intake from the point of discharge is Redbank Valley Municipal Authority. Application received: January 15, 2014.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118

Permit No. 49970203R3. Mid-Valley Coal Sales, Inc., (212 West Cherry Street, Mt. Carmel, PA 17851), renewal of an existing anthracite coal refuse reprocessing and disposal operation in Coal Township, **Northumberland County** affecting 533.0 acres, receiving stream: Shamokin Creek, classified for the following use: cold water fishes. Application received: December 23, 2013.

Noncoal Applications Received

Effluent Limits—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

Table 2

Parameter	30-day Average	Daily Maximum	Instantaneous Maximum
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191

37080305 and NPDES Permit No. PA0258636. Terra Resources, LLC (267 Gilmore Road, Enon Valley, PA 16120) Renewal of an existing large industrial minerals permit and NPDES permit in Slippery Rock Township, **Lawrence County**. Receiving streams: Unnamed tributary to Slippery Rock Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: January 8, 2014.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200

08110301 and NPDES No. PA0257532. Bishop Brothers Construction Company, Inc. (P. O. Box 289, Ulster, PA 18850). Transfer of an existing large industrial minerals mine from Always Ready Excavating located in Wyalusing Township, **Bradford County** affecting 16.9 acres. Receiving streams: Unnamed Tributary to Wyalusing Creek to Wyalusing Creek classified for the following use(s): Warm Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: January 9, 2014.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118

Permit No. 40890302T. Barletta Materials & Construction, Inc., (P. O. Box 550, Tamaqua, PA 18252), transfer from JA & WA Hess, Inc. and correction of existing quarry operation (merge part of Permit No. 5776SM8 into 40890302) in Nescopeck Township, **Luzerne County** affecting 10.8 acres, receiving stream: unnamed tributary to Susquehanna River, classified for the following uses: warm water and migratory fishes. Application received: December 12, 2013.

Permit No. 13930301C5 and NPDES Permit No. PA0595829. Haines & Kibblehouse, Inc., (P. O. Box 196, Skippack, PA 19474), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Penn Forest Township, **Carbon County** affecting 14.9 acres, receiving stream: Stony Creek, classified for the following use: EV. Application received: December 23, 2013.

Permit No. 6275SM2C12 and NPDES Permit No. PA0594539. Hanson Aggregates PA, LLC, (7660 Imperial Way, Allentown, PA 18195), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Limestone and Liberty Townships, **Montour County** affecting 285.5 acres, receiving stream: unnamed tributary to Chillisquaque Creek, classified for the following uses: warm water and migratory fishes. Application received: January 13, 2014.

MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

The Department of Environmental Protection (Department) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

Effluent Limits for Coal Mining Activities

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

<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

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100

NPDES No. PA0235407 (Mining Permit No. 03991301), Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201). A revision to the NPDES and mining activity permit for the Logansport Mine in Bethel Township, **Armstrong County** to revise the water handling plan to reroute NPDES outfalls to the Allegheny River. Surface Acres Affected 120.9. Receiving stream: Allegheny River, classified for the following use: WWF. The application was considered administratively complete on October 3, 2013. Application received September 18, 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.

Outfall 006 discharges to: Allegheny River

The proposed effluent limits for *Outfall 006* (Lat: 40° 44' 15.2" Long: 79° 35' 09.7") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)		4.1	
Iron	(mg/l)	3.0	6.0	7.0
Manganese	(mg/l)	2.0	4.0	5.0
Aluminum	(mg/l)	1.3	2.0	3.3
Total Suspended Solids	(mg/l)	35	70	90
Total Dissolved Solids	(mg/l)	Report		Report
Chlorides	(mg/l)	Report		Report
Sulfates	(mg/l)	Report		Report
Bromide	(mg/l)	Report		Report

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900

NPDES No. PA0269217 (Mining permit no. 32130101), K.M.P. Associates, Inc., 3756 Route 981 Saltsburg, PA 15681-1475, new NPDES permit for surface coal mining in Conemaugh and Young Townships, **Indiana County**, affecting 27.0 acres. Receiving streams: unnamed tributaries to/and Big Run, classified for the following use: cold water fisheries. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: October 22, 2013.

The outfalls listed below discharge to unnamed tributaries to/and Big Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001	Y
002	Y
003	Y
004	Y
005	Y

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Outfalls: 001, 003, 004, and 005</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times
Alkalinity must exceed acidity at all times

<i>Outfall: 002</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)	50.0	50.0	50.0

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times
Alkalinity must exceed acidity at all times

Noncoal NPDES Draft Permits

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191

NPDES No. PA0212032 (Permit No. 37860305). Three Rivers Aggregates, LLC (1807 Shenango Road, New Galilee, PA 16141) Renewal of an NPDES permit for a large industrial minerals surface mine in Plain Grove Township, **Lawrence County**, affecting 103.0 acres. Receiving streams: Taylor Run, classified for the following uses: CWF. TMDL: None. Application received: December 23, 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 noncoal mining activities.

The outfall(s) listed below discharge to Taylor Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
SP4	N
SP5	N

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200

NPDES No 53120301GP-104 (Mining Permit No. 53120301). Glenn O. Hawbaker, Inc., 1952 Waddle Road, Suite 203, State College, PA 16803, new General NPDES Permit For Stormwater Discharges Associated With mining Activities (BMR GP-104) For Noncoal Surface Mine in Roulette Township, **Potter County** affecting 59.3 acres. Receiving stream(s): Unnamed Tributaries to Trout Brook and Allegheny River classified for the following use(s): CWF. Permit issued: January 10, 2014.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118

NPDES Permit No. PA0225401 on Permit Nos. 64142801 and 64141001. Litts & Sons Stone Co., Inc., (19 Primrose Drive, Springbrook Township, PA 18444), new NPDES Permit for a Small Noncoal Surface Mining Permit and General Permit for Short-Term Construction (GP103) quarry operation in Sterling Township, **Wayne**

County, affecting 13.5 acres. Receiving stream: Butter-nut Creek to West Branch Wallenpaupack Creek/Lackawanna River Watershed, classified for the following use: Designated Use HQ-cold water fishes, Existing Use: EV. Application received: December 12, 2013.

Non-discharge BMP's shall be in effect.

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

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636

E08-484. Athens Borough, 2 South River Street, Athens PA, 18810-1702. Susquehanna River bank stabilization in Athens Borough, **Bradford County**, ACOE Baltimore District. (Sayre, PA Quadrangle Latitude: 41° 57' 27"; Longitude: -76° 30' 58").

To stabilize the western bank of the Susquehanna River (WWF) with R-7 Rip Rap from the Borough building in the north to the Front Street Bridge on the south. Total project will permanently impact 2,800 feet along the River.

E18-488. Pennsylvania Department of Transportation, Engineering District 2-0, 1924 Daisy Street Extension, Clearfield, PA 16830. SR 2016 Section A01 Bridge Replacement and Stream bank Stabilization in Mill Hall Borough, **Clinton County**, ACOE Baltimore District (Mill Hall, PA Quadrangle; Latitude: 41°06'06"; Longitude -77°29'04").

PA DOT Engineering District 2-0 proposes to replace a two span steel I-beam bridge with a two span prestressed concrete spread box beam bridge. The existing bridge has a span of 101.0 Ft., a skew of 90 degrees, an underclearance of 9.99 Ft., a low chord of 578.99 Ft. and a hydraulic opening of 116.47 Ft². The proposed bridge has a span of 135.5 Ft., a skew of 90 degrees, an underclearance of 10.35 Ft., a low chord of 579.35 Ft. and a hydraulic opening of 1,476.72 Ft². The proposed structure will be located 36 Ft. downstream of the existing structure. In addition PA DOT proposed to stabilize approximately 270 Ft. of stream bank with R-8 Rip-Rap. The project will temporarily impact 0.01 acre of wetlands and does not require mitigation. Fishing Creek is classified as a Cold Water Fishery by Title 25, Chapter 93 Water Quality Standards. The project will not require mitigation.

E41-651. Pennsylvania Department of Transportation, Engineering District 3-0, PO Box 218 Montoursville, PA 17754-0218. S.R. 0287, Section 137, Unnamed Tributary to the Second Fork of Larrys Creek Bridge Replacement, Cogan House Township, **Lycoming County**, Baltimore ACOE (English Center, PA Quadrangle N: 41°23' 29"; W: -77° 15' 14").

PA DOT Engineering District 3-0 proposes to replace a single span concrete slab bridge with a 58X91 inch Concrete Elliptical Pipe. The existing bridge has a span of 8.33 Ft., a skew of 90 degrees, an underclearance of 3.5 Ft., a low chord of 1,265.710 Ft. and a hydraulic opening of 25.2 Ft². The proposed elliptical pipe has a span of 7.58 Ft., a skew of 80 degrees, an underclearance of 3.83 Ft., a low chord of 1,264.78 Ft. and a hydraulic opening of 29.4 Ft². The project will temporarily impact 0.01 acre and permanently impact 0.08 acre of jurisdictional wetlands

and will be debited from the Vargo wetland bank. In addition, approximately 78 Ft. of the unnamed tributary will be impacted by a minor realignment. The unnamed tributary to the Second Fork of Larrys Creek is classified as a High Quality Cold Water Fishery by Title 25, Chapter 93 Water Quality Standards.

E41-653. DCNR—Pleasant Stream Road, Racheal Carson State Office Building, 6th Floor, PO Box 8552, Harrisburg, PA 17105-8552. Pleasant Stream Road Reconstruction Project in Cascade and McIntyre Townships, **Lycoming County**, ACOE Baltimore District (Bodines, PA Quadrangle Lat: 41° 29' 41.9"; Long: -76° 55' 30.2").

To restore, construct and maintain Pleasant Stream Road in Cascade and McIntyre Township—Lycoming County, which is located over Pleasant Stream. The previous roadway and structures were destroyed during Tropical Storm Lee in September 2011. The road has been closed as a result of the damage. The scope of the repairs is to reconstruct the road with generally the same geometry horizontal and vertical cross sections. The project will also consist of stream bank stabilization and the removal of a gravel bar.

A total of approximately 2,120 linear feet of new roadway embankment will be resurfaced with Driving Surface Aggregate (DSA). Approximately 970 lineal feet of roadway embankment will be reconstructed. Approximately 620 lineal feet or riprap slope protection will be installed in three separate areas and 540 feet of gravel bar will be shaved down in two separate areas. The project will also consist of the construction of 14 multi-log vane deflectors and three root wad deflectors.

The total estimated stream impacts for the project are approximately 32,200 ft² of permanent impacts. The proposed crossings will not permanently impact wetlands, cultural or archaeological resources, national/state/local parks, forests recreational areas, landmarks wildlife refuge or historical sites. Pleasant Stream is classified with a designated use of High Quality-Cold Water Fishery (HQ-CWF) and with an existing use of Exceptional Value (EV).

E57-129. Fox Township, 44 Middle Road, Shunk PA, 17768-0011. Road and bridge repairs in Fox Township, **Sullivan County**, ACOE Baltimore District. (Hills Grove, PA Quadrangle, Latitude: 41° 29' 13", Longitude: -76° 42' 27"). To repair 4-roadway washouts with rock protection and replace two washed out bridges along Hoagland Branch. Bridges will be pre-stressed concrete spread box beam on spread footings at same location as existing. Total impacts include 1,120 feet of permanent impacts and 1,249 feet of temporary construction impacts.

Northwest Region: Oil and Gas Program Manager, 230 Chestnut Street, Meadville, PA 16335 814-332-6860

E10-08-003, XTO Energy, Inc., 502 Keystone Drive, Warrendale, PA 15086, Welter to Cypher Temporary Water Pipeline in Clearfield, Donegal, Oakland and Summit Townships, **Butler County**, ACOE Pittsburgh District. (East Butler Quadrangle N: 40° 52' 57.35"; W: -79° 44' 59.84").

The applicant proposes to install approximately 3.2 miles of 12" diameter temporary water pipeline with associated temporary access roads, in Clearfield, Donegal, Oakland and Summit Townships, Butler County. The project will result in 92 linear feet of temporary stream impacts and .061 acre of temporary wetland impacts.

The water obstructions and encroachments for the purposes of installing the temporary water pipeline and associated access roads are described below:

<i>Impact No.</i>	<i>Description of Impact</i>	<i>Latitude / Longitude</i>
1	A temporary road crossing of, and a 12" diameter temporary water pipeline to be placed as an aerial crossing over, a UNT to Bonnie Brook (WWF) and its associated floodway, having 8 linear feet of temporary stream impact.	41°53'33.98"N -79°47'4.90"W
2	A temporary road crossing of, and a 12" diameter temporary water pipeline to be placed as an aerial crossing over, a palustrine emergent (PEM) wetland, having .011 acre of temporary wetland impact.	40°53'30.25"N -79°47'6.62"W
3	A temporary road crossing of, and a 12" diameter temporary water pipeline to be placed as an aerial crossing over, a UNT to Bonnie Brook (WWF) and its associated floodway consisting of palustrine emergent (PEM) and palustrine shrub-scrub (PSS); having 23 linear feet of temporary stream impact and .0054 acre of temporary wetlands impacts.	40°52'58.78"N -79°46'51.31"W
4	A temporary road crossing of, and a 12" diameter temporary water pipeline to be placed as an aerial crossing over, a UNT to Bonnie Brook (WWF) and its associated floodway, having 13 linear feet of temporary stream impact.	41°52' 59.78"N -79°46'31.20"W
5	A temporary road crossing of, and a 12" diameter temporary water pipeline to be placed as an aerial crossing over, a UNT to Little Buffalo Run (HQ-TSF) and its associated floodway, having 10 linear feet of temporary stream impact.	40°53'0.20"N -79°46'9.52"W
6	A temporary road crossing of, and a 12" diameter temporary water pipeline to be placed as an aerial crossing over, a UNT to Little Buffalo Run (HQ-TSF) and its associated floodway consisting of palustrine emergent (PEM); having 16 linear feet of temporary stream impact and .033 acre of temporary wetlands impacts.	40°52'55.23"N -79°45'47.66"W
7	A temporary road crossing of, and a 12" diameter temporary water pipeline to be placed as an aerial crossing over, a palustrine emergent (PEM) wetland, having .008 acre of temporary wetland impact.	40°52'56.04"N -79°45'15.48"W
8	A temporary road crossing of, and a 12" diameter temporary water pipeline to be placed as an aerial crossing over, a palustrine emergent (PEM) wetland, having .004 acre of temporary wetland impact.	40°52'56.10"N -79°45'12.73"W
9	A temporary road crossing of, and a 12" diameter temporary water pipeline to be placed as an aerial crossing over, a UNT to Little Buffalo Run (HQ-TSF) and its associated floodway consisting of palustrine emergent (PEM); having 22 linear feet of temporary stream impact and .0009 acre of temporary wetlands impacts.	40°52'56.17"N -79°45'10.29"W

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

D64-047. Douglas Dorsett, 75 Livingston Street, Brooklyn, NY 11201. To modify, operate, and maintain Mill Pond Dam across an unnamed tributary to Middle Creek (HQ-CWF, MF), for the purpose of complying with the Commonwealth's regulations. (Lake Ariel, PA Quadrangle Latitude: 41.485°; Longitude: -75.3978°) in South Canaan Township, **Wayne County**.

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Wastes; Discharges to Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains

notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

I. NPDES Renewal Permit Actions

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0051764 (Sew)	Galen Hall Corporation 815 Lancaster Avenue Reading, PA 19607-1636	Berks County South Heidelberg Township	UNT to Little Cocalico Creek / 7-J	Y
PA0261092 (SRSTP—Sew)	Carla & Graham Snyder 1144 Piketown Road Harrisburg, PA 17112	Dauphin County West Hanover Township	UNT to Beaver Creek / 7-D	Y
PA0027405 (Sew)	Ephrata Borough Authority 124 South State Street Ephrata, PA 17522-2411	Lancaster County Ephrata Borough	Cocalico Creek / 7-J	Y
PA0087181 (Sew)	Ephrata Borough Authority 124 South State Street Ephrata, PA 17522-2411	Lancaster County Ephrata Township	Cocalico Creek / 7-J	Y
PA0030643 (Sew)	Borough of Shippensburg 111 North Fayette Street PO Box 129 Shippensburg, PA 17257-0129	Cumberland County Shippensburg Borough	Middle Spring Creek / 7-B	Y
PA0081825 (Sew)	UMH PA Rolling Hills Estates LLC 3499 Route 9 North, Suite 3C Freehold, NJ 07728	Cumberland County Lower Frankford Township	Conodoguinet Creek / 7-B	Y

Northcentral Region: Clean Water Program Manager, 208 West Third Street, Williamsport, PA 17701

<i>Facility Location Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Harris Township Centre County	PAG045268 T-1	Alexander K. Klippell PO Box 618 Boalsburg, PA 16827-0618	UNT to Spring Creek—9-C	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.0530

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0102652 (Sewage)	Countryside MHP 8158 Bargain Road McKean, PA 16426-1322	Erie County McKean Township	Unnamed Tributary to Elk Creek (15-A)	Y
PA0030341 (Sewage)	Plain Grove Apartments 1352 Golf Course Road, Volant, PA 16156	Lawrence County Plain Grove Township	Unnamed Tributary to Taylor Run (20-C)	Y
PA0100960 (Sewage)	Bloomfield Township STP 22978 Shreve Ridge Road Union City, PA 16438-3550	Crawford County Bloomfield Township	Oil Creek (16-E)	Y

II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

NPDES Permit No. PA0262153, Sewage, **Point View Cottage Association Permit #1**, 138 Point View Drive, Williamsburg, PA 16693.

This proposed facility is located in Catharine Township, **Blair County**.

Description of Proposed Action/Activity: Permit approval for authorization to discharge to Township Run in Watershed 11-A.

NPDES Permit No. PA0262111, Sewage, **Reliance Bank**, 1119 12th Street, Altoona, PA 16601.

This proposed facility is located in Freedom Township, **Blair County**.

Description of Proposed Action/Activity: Authorization to discharge to a UNT to South Dry Run in Watershed 11-A.

Northcentral Regional Office: Regional Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.0530.

NPDES Permit No. PA0232416, Sewage, SIC Code 4952, **Carol Phillips**, 22861 Route 287, Morris, PA 16938.

This proposed facility is located in Pine Township, **Lycoming County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated sewage.

NPDES Permit No. PA0228656, Industrial Waste, SIC Code 4941, **Irvona Municipal Authority**, P.O. Box 247, Irvona, PA 16656.

This proposed facility is located in Irvona Borough, **Clearfield County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated water treatment filter backwash.

III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

WQM Permit No. 0713403, Sewerage, **Point View Cottage Association Permit #1**, 138 Point View Drive, Williamsburg, PA 16693.

This proposed facility is located in Catharine Township, **Blair County**.

Description of Proposed Action/Activity: Permit approval for the construction / operation of a small flow treatment facility consisting of: Five (5) 1,000-gallon two-compartment deptic tanks with a biotube effluent filter; Orenco AdvanTex AX-20 filter with AX-UV disinfection; an outfall structure and other associated appurtenances.

WQM Permit No. 0713402, Sewerage, **Reliance Bank**, 1119 12th Street, Altoona, PA 16601.

This proposed facility is located in Freedom Township, **Blair County**.

Description of Proposed Action/Activity: Permit approval for the construction / operation of sewage facilities consisting of a two compartment 1000-gallon Septic tank with effluent filter, and Orenco AdvanTex AX20—RTUV treatment system.

WQM Permit No. 2186430 Transfer 1, Sewerage, **UMH PA Rolling Hills Estates, LLC**, 3499 Route 9 North, Suite 3C, Freehold, NJ 07728.

This proposed facility is located in Lower Frankford Township, **Cumberland County**.

Description of Proposed Action/Activity: Permit transfer approving the operation / transfer of sewage facilities consisting of Three-cell aeration lagoon; Lagoon effluent tank; Two (2) clarifiers; Chlorine Contact tank; Flocc tank (chemical addition); AquaMiniDisk cloth media filter; Dechlorinator; Two (2) sludge holding tanks; Outfall structure and other associated appurtenances.

Northcentral Regional Office: Regional Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.0530.

WQM Permit No. 02171301, SIC Code 4952, **Curwensville Borough**, 900 Susquehanna Avenue, Curwensville, PA 16833.

This proposed facility is located in Curwensville Borough, **Clearfield County**.

Description of Proposed Action/Activity: Construction of the Arnoldtown sewer extension and pump station. The extension will connect 5 homes in the Arnoldtown area which currently have failing on lot systems. The pump station will pump the wastewater under the West Branch Susquehanna River to the Curwensville Municipal Authority Sewage Treatment Plant.

WQM Permit No. 4113402, Sewage, SIC Code 4952, **Carol Phillips**, 22861 Route 287, Morris, PA 16938.

This proposed facility is located in Pine Township, **Lycoming County**.

Description of Proposed Action/Activity: Issuance of a WQM Permit for a new discharge of treated sewage.

WQM Permit No. 1713403, Sewage, SIC Code 4952, **Christoff Mitchell Petro Inc.**, 2719 Walton Street, Philipsburg, PA 16866.

This proposed facility is located in Decatur Township, **Clearfield County**.

Description of Proposed Action/Activity: SFTF to replace the malfunctioning septic system currently serving the property. SFTF proposed to serve a sales office to include septic tank, followed by Orenco RTUV unit prior to discharge.

WQM Permit No. 4713401, Sewerage, SIC Code 4952, **Valley Township Municipal Authority**, P.O. Box 307, Danville, PA 17821-0307.

This proposed facility is located in Valley Township, **Montour County**.

Description of Proposed Action/Activity: A pumps station with two (2) 50 hp suction lift pumps and the associated controls, floats, flow meter, communitor, and alarms. Approximately 8,650 LF of 6" PVC force main to a manhole in Danville Municipal Authorities collection system.

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

WQM Permit No. WQG01611301, Sewage, **Mark A. Landsberger**, 8900 Huron Trail, Negley, OH 44441-9738.

This proposed facility is located in President Township, **Venango County**.

Description of Proposed Action/Activity: A Single Residence Sewage Treatment Plant.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

Northeast Regional Office: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone: 570.826.2511.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI132228	Lower Nazareth Township Northampton County, 306 Butztown Road, Bethlehem, PA 18017	Northampton	Lower Nazareth Township	East Branch Monocacy Creek, Monocacy Creek and Unnamed Tributary to Shoeneck Creek / HQ-CWF and MF
PAI132216	Easton City Northampton County, 1 S 3rd Street, Easton, PA 18042	Northampton	Easton City	Bushkill Creek, Delaware River and Lehigh River / HQ-CWF, MF, WWF and MF
PAI132229	Wind Gap Borough Northampton County, 29 Mechanic Street, Wind Gap, PA 18091-1320	Northampton	Wind Gap Borough	Unnamed Tributary to Little Bushkill Creek / 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 & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI01 5113011	Frankford Valley Foundation for Literacy II 13000 Lincoln Drive West Suite 302 Marlton, NJ 08053	Philadelphia	City of Philadelphia	Delaware River WWF

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI023913006	Posh Properties 2216 Willow Park Road Bethlehem, PA 18017	Lehigh	Salisbury Township	Little Lehigh Creek (HQ-CWF, MF)

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024812019	Country Meadows Associates 830 Cherry Street Hershey, PA 17033	Northampton	Forks Township	Bushkill Creek (HQ-CWF, MF)
PAI026413004	Richard Prezelski 952 Wilkes-Barre Township Boulevard Wilkes-Barre, PA 18702-6162	Wayne	Cherry Ridge and South Canaan Townships	Pond Brook (HQ-CWF, MF) Mile Brook (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

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
City of Allentown Lehigh County	PAG02003912015(1)	J.B. Reilly Two City Center, OP, LP and City Center Investment Corp. 702 Hamilton St., 3rd Floor Allentown, PA 18101	Jordan Creek (TSF, MF)	Lehigh County Conservation District 610-391-9583
Palmer Township Northampton County	PAG02004809007R	Abraham Atiyeh Palmer, L.P. 1177 Sixth Street Whitehall, PA 18052	Lehigh River (WWF, MF)	Northampton County Conservation District 610-746-1971
Washington Township Northampton County	PAG02004813015	Michael Hillis 132 Palomino Circle Bangor, PA 18013	Main Stem Martins Creek (TSF, MF)	Northampton County Conservation District 610-746-1971

*Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Receiving
Water / Use**Contact Office &
Phone No.*City of Bethlehem
Northampton
County

PAG02004813013

John Tallarico
Bethlehem Earth, LP
491 Old York Road
Suite 200
Jenkintown, PA 19046Saucon Creek
(CWF, MF)Northampton County
Conservation District
610-746-1971Clean Earth, Inc.
Attn: Aerial Rance
334 South Warminster
Rd.
Hatboro, PA 19040Pen Argyl Borough
Northampton
County

PAG02004813001(1)

John Goffredo
Nu Cor Management, Inc.
122 North Broadway
Wind Gap, PA 18091Waltz Creek
(CWF, MF)Northampton County
Conservation District
610-746-1971West Brunswick
Township
Schuylkill County

PAG02005413013

HRI Incorporated
1750 W. College Avenue
Suite 2
State College, PA 16801Pine Creek
(CWF, MF)Schuylkill County
Conservation District
570-622-3742*Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Crawford, Section Chief,
717.705.4802**Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Receiving
Water / Use**Contact Office &
Phone No.*Tyrone Township,
Adams CountyPAG02000108014R
(Issued)Ira Reed
Hillandale Gettysburg, LP
3910 Oxford Road
Gettysburg, PA 17325Tributary to
Conewago Creek
(WWF)Adams Co.
Conservation District
670 Old Harrisburg Rd,
Suite 201
Gettysburg, PA 17325
717.334.0636Muhlenberg
Township,
Berks CountyPAG02000613055
(Issued)Kathryn Kunkel
Metropolitan Edison
Company
PO Box 16001
Reading, PA 19403Laurel Run (WWF),
Schuylkill River
(WWF, MF)Berks County
Conservation Dist.
1238 County Welfare Rd,
Ste 200
Leesport, PA 19533-9710
610.372.4657, Ext. 142Union Township,
Berks CountyPAG02000613046
(Issued)Louis Mascaro
Ethan Michael, Inc.
2650 Audubon Road
Audubon, PA 19403UNT to Schuylkill
River & Sixpenny
Creek (WWF)Berks County
Conservation Dist.
1238 County Welfare Rd,
Ste 200
Leesport, PA 19533-9710
610.372.4657, Ext. 142Washington
Township,
Berks CountyPAG02000609060R
(Issued)Mark D. Stinley
391 Weinsteiger Road
Bechtelsville, PA 19505Middle Creek.,
Swamp Creek,
Perkiomen Creek
(TSF, MF)Berks County
Conservation Dist.
1238 County Welfare Rd,
Ste 200
Leesport, PA 19533-9710
610.372.4657, Ext. 142Richmond
Township,
Berks CountyPAG02000613013
(Issued)Fred Grande
Grande Land, LP
2213 Quarry Road
West Lawn, PA 19609Willow Creek
(CWF, MF)Berks County
Conservation Dist.
1238 County Welfare Rd,
Ste 200
Leesport, PA 19533-9710
610.372.4657, Ext. 142

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
City of Altoona, Blair County	PAG02000712002R (Issued)	Jaggard Street Realty, LLC 305 Cayuga Avenue Altoona, PA 16602	Brush Run (WWF)	Blair Co Conservation District 1407 Blair St Hollidaysburg, PA 16648 814.696.0877
Halifax Township, Dauphin County	PAG02002213048 (Issued)	Sheetz, Inc 5700 6th Avenue Altoona, PA 16602	Susquehanna River (WWF)	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
West Hanover Township, Dauphin County	PAG02002212043 (Issued)	Margy Ehmann 661 Knight Road Harrisburg, PA 17111	Beaver Creek (WWF)	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
Washington Township, Franklin County	PAG02002813046 (Issued)	Antietam Humane Society Andrea Haugh 8513 Lyons Road Waynesboro, PA 17268	East Branch of the Antietam Creek (CWF)	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717.264.5499
Greene Township, Franklin County	PAG020028040501R (Issued)	Platea USA John VanHorn LIDA 5540 Coffey Avenue Chambersburg, PA 17201	Back Creek (CWF)	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717.264.5499
Montgomery Township, Franklin County	PAG02002812017R (Issued)	Mercer Vu Farms Richard Hissong 12275 Mount Pleasant Road Mercersburg, PA 17236	UNT to Johnston Run (WWF)	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717.264.5499

Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Benner & Spring Twps Centre County	PAG02001405014R	Amberleigh LP 701 Creekside Ln Lititz PA 17543	UNT to Spring Creek CWF	Centre County Conservation District 414 Holmes Avenue, Suite 4 Bellefonte, PA 16823 (814) 355-6817
College Township Centre County	PAG02001410002R	NPK Southridge Assoc LP 210 W Hamilton Ave State College PA 16801	Slab Cabin Run CWF	Centre County Conservation District 414 Holmes Avenue, Suite 4 Bellefonte, PA 16823 (814) 355-6817
City of Shamokin Coal Township Northumberland County	PAG02004912001R	Shamokin/Coal Twp Joint Sewer Authority 114 Bridge St Shamokin PA 17872	Carbon & Furnace Runs CWF, MF Shamokin Creek WWF, MF	Northumberland County Conservation District 441 Plum Creek Rd Sunbury, PA 17801 Phone: (570) 286-7114 ext. 4

Northwest Regional Office—Waterways and Wetlands, 230 Chestnut Street, Meadville PA 16335

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Clarion Borough and Clarion Township Clarion County	PAG02001613009	PADOT, District 10 2550 Oakland Avenue PO Box 429 Indiana PA 15701-0429	Trout Run CWF	Clarion County Conservation District 814-297-7813
Fell Township Lackawanna County	PAG02-1135-14-001	PA DEP Bureau of Abandoned Mine Reclamation 2 Public Square Fifth Floor Wilkes-Barre, PA 18701-0790	Lackawanna River (HQ-CWF)	PA DEP Bureau of Abandoned Mine Reclamation 2 Public Square Fifth Floor Wilkes-Barre, PA 18701-0790 (570) 826-2371

General Permit Type—PAG-3

Southcentral Region: Clean Water Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4707.

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Lancaster County Mount Joy Township	PAR123532	Wenger's Feed Mill Inc. 101 West Harrisburg Avenue PO Box 26 Rheems, PA 17570-0026 Wenger's Feed Mill Inc.,— Rheems Mill 111 West Harrisburg Avenue Rheems, PA 17570	UNT to Donegal Creek / CWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

Northcentral Regional Office: Regional Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.0530.

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Bradford Township Clearfield County	PAR214836	Centre Concrete Co. 2280 East College Avenue State College, PA 16801	UNT to Abes Run—8-C	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.0530

General Permit Type—PAG-4

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
President Township Venango County	PAG041133	Mark A. Landsberger, 8900 Huron Trail, Negley, OH 44441-9738	Allegheny River 16-E	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

General Permit Type—PAG-10

Southcentral Region: Clean Water Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4707.

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Cumberland County Monroe Township	PAG103562	Columbia Gas Transmission LLC 1700 MacCorkle Avenue SE PO Box 1273 Charleston WV 25314	UNT to Hogestown Run	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Adams County Abbottstown Borough Hamilton Township Reading Township	PAG103561	Columbia Gas Transmission LLC 1700 MacCorkle Avenue SE PO Box 1273 Charleston WV 25314	Pine Run / Markel Run / Conewago Creek	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
		Columbia Gas Transmission LLC Line 1655 North Replacement Project Intersection of Route 30 & Woods Road Abbottstown, PA 17301		

General Permit Type—PAG-13

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>	<i>DEP Protocol (Y/N)</i>
PAG138332	Fairview Township 7471 McCray Road, Fairview, PA 16415-2401	Erie	Fairview Township	Bear Run, Trout Run, Walnut Creek and an unnamed tributary to Lake Erie 15	Y

STATE CONSERVATION COMMISSION

NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge actions, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

**NUTRIENT MANAGEMENT PLAN
PUBLIC NOTICE SPREADSHEET—ACTIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Wen-Crest Farms 549 Schaeffer Road Lebanon, PA 17042	Lebanon	920	890.03	Broilers, beef, sheep & equine	NA	Approved
Furnace Hill Holsteins 480 Schaeffer road Lebanon, PA 17042	Lebanon	150	383.38	Dairy	NA	Approved
Aspen Perry Farm 2127 Oak Hall Road Newport, PA 17074	Perry	85.9	1865	Swine	HQ-CWF	Approved
Willard Hackman 1035 Dean Hill Rd Wellsboro, PA 16901	Tioga	366	617.14	617.14	CWF	Approved
Drew Remley 1170 Salt Spring Road Roaring Branch, PA 17765	Tioga	255.8	1319.26	Beef/ hog	HQ Salt Spring Run	Approved
Todd Hiller 84 Hiller Lane Allenwood PA 17810	Union	676.8	601.6	Swine Beef	White Deer Hole Creek—HQ	Approved

PUBLIC WATER SUPPLY PERMITS

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

Northeast Region: Water Supply Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915

Permit No. PERMIT BY RULE, Public Water Supply.

Applicant	Nestle Waters North America, Inc. 305 Nestle Way Breinigsville, Pa
[Township or Borough]	Upper Macungie Twp, Lehigh Co.
Responsible Official	Eric Andreus, Natural Resource Manager
Type of Facility	Bottled Water
Consulting Engineer	Edward Davis, PE Forino Company, LP 555 Mountain Home Rd Sinking Spring, Pa
Application Received Date	January 10, 2013
Description of Action	As of January 10, 2013, the applicant has qualified and is operating under permit by rule, Chapter 109.1005. It applies to the installation and operation of one additional ultraviolet disinfection unit and the relocation and operation of two ultraviolet disinfection units. Nestle is in compliance with 109.1005(c)(1) through (5) and has provided acceptable documentation. Materials and chemicals meet chapter 109.606, and or the FDA standards. The ultraviolet units are of a model that has undergone an EPA validation procedure and NSF (national sanitation foundation) audit. The units have been validated to meet the log 4 inactivation of viruses.

Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

Permit No. 1413504-MA—Construction Public Water Supply.

Applicant	Bellefonte Borough
Township/Borough	Benner Township
County	Centre
Responsible Official	Ralph W. Stewart Borough Manager Bellefonte Borough 236 West Lamb Street Bellefonte, PA 16823
Type of Facility	Public Water Supply
Consulting Engineer	John P. Mazich, P.E. Uni-Tec Consulting Engineers, Inc. 2007 Cato Avenue State College, PA 16801
Permit Issued	January 16, 2014
Description of Action	Construction of the bulk water loading station known as Penn Eagle Bulk Water Filling Station.

Permit No. 4113502-MA—Operation Public Water Supply.

Applicant	Hughesville Borough Water Authority
Township/Borough	Wolf Township
County	Lycoming
Responsible Official	Mr. Clifford Hoffman Public Works Supervisor Hughesville Borough Water Authority 147 South Fifth Street Hughesville, PA 17737
Type of Facility	Public Water Supply
Consulting Engineer	David M. Wieller, P.E. Borton Lawson Engineering 3897 Adler Place Bethlehem, PA 18017
Permit Issued	1/21/14
Description of Action	Authorizes the use of sodium hypochlorite in place of gas chlorine to disinfect water from Well 101 and from Well 102.

WATER ALLOCATIONS

Actions taken on applications received under the Act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.

Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

WA 19-144C, Water Allocations. United Water Pennsylvania—Bloomsburg, 90 Irondale Road, Bloomsburg, PA 17815, Town of Bloomsburg, **Columbia County**. This Water Allocation Permit issued December 17, 2013 has been rescinded in order to consider additional information as it relates to determining an appropriate passby

flow requirement at the intake on Fishing Creek. Existing water allocation permit WA 144-B will remain in effect until its expiration on November 10, 2014.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Freeland Borough	Foster Township P.O. Box C Freeland, PA 18224 P.O. Box 465 Freeland, PA 18224	Luzerne

Plan Description: The Plan's selected construction alternative is Alternative No. 4—Construct Parallel Ten-Inch Force Mains. This alternative proposes the construction of two, ten-inch, PVC force mains (each approximately 4,400 feet in length) between the existing Wyoming Street Pump Station Site and the point at which wastewater flow transitions from pressurized to gravity flow on Highland Street as shown on the graphic found in Appendix H of the Plan. The alternative further proposes the replacement of approximately 2,600 feet of an existing twelve-inch, gravity wastewater conveyance line, located between the pressure-to-gravity transition point on Highland Street and the Freeland Municipal Authority's (Authority) Wastewater Treatment Facility as shown on the graphic found in Appendix H of the Plan. The twelve-inch gravity line will be replaced with a fifteen-inch, PVC gravity wastewater conveyance line, in an alignment shown on the graphic found in Appendix H of the Plan. All of the previously listed construction activities are designed to facilitate the abandonment of the Authority's existing eight-inch, cast-iron force main that conveys wastewater between the Wyoming Street Pump Station Site and the Authority's wastewater treatment facility.

This planning approval also recognizes the following facilities that were previously constructed by the Authority and/or Foster Township (Township) without first receiving explicit sewage planning approval from the Department:

- Replacement of the Authority's only permitted Combined Sewer Overflow (CSO) Point's control and overflow structures at a location adjacent to the existing control and overflow structures, in lieu of locating the control and overflow structures adjacent to the Wyoming Street Pump Station Site.

- Construction of 400,000 gallons of equalization capacity, in lieu of 250,000 gallons of equalization capacity, at the Authority's wastewater treatment facility.

- Decrease, from three to two, in the number of primary clarifier trains at the Authority's wastewater treatment facility.

- The construction of one pump station, in lieu of two pump stations (as proposed in the Borough's and Township's previously approved Official Sewage Facilities Plans) at the Wyoming Street Pump Station Site.

The Plan also calls for the preparation of a Special Study (defined in Section 71.1 of the Department's regulations), as a revision to the Official Sewage Facilities Plans of Freeland Borough (Borough) and Foster Township. The

Special Study will be completed to thoroughly investigate the technical adequacy of the existing Wyoming Street Pump Station (previously constructed and now owned by Foster Township and operated by the Authority) to meet both the Borough's and the Township's long-term wastewater disposal needs. The investigation will include a period of wastewater flow monitoring, as described in the Plan, in both the Authority's and Foster Township's collection/conveyance systems. The flow monitoring data will be utilized to evaluate the following:

1. The ability of the Wyoming Street Pump Station (owned by the Township) and its associated force main(s) (owned by the Authority) to adequately convey both dry and wet-weather (including snowmelt) wastewater flows to the Authority's wastewater treatment facility under peak instantaneous flow conditions.

2. The ability of the Wyoming Street Pump Station to meet the redundancy and all other requirements found in the Department's Domestic Wastewater Facilities Manual in Major Section 30—Wastewater Pumping Stations.

3. The wastewater flow value, in gallons per day, of an Equivalent Dwelling Unit in both the Authority's and the Township's wastewater collection system service area. The base wastewater, sanitary component and the infiltration/inflow (I/I) component shall be determined for both wastewater collection systems' service areas. These figures will then be utilized to determine the peak hourly flow that can pass through the Authority's wastewater treatment facility, during wet-weather and snowmelt periods, with the treated discharge of the facility meeting all treated effluent discharge parameters found in the Authority's National Pollutant Discharge Elimination System (NPDES) Permit.

4. Based on the flow data gathered, as described in Item 3 above, and an evaluation of the Authority's wastewater collection, and Borough-owned stormwater collection systems in Sub-Areas 3 and 4 that are tributary to the existing CSO point, whether the existing CSO point still qualifies as a bona fide combined sewer overflow point under both the Department's and the United States Environmental Protection Agency's rules, regulations and technical guidance documents. If the Special Study concludes that the Authority's existing CSO point no longer qualifies as a bona fide combined sewer overflow point, the Special Study will provide alternatives for the adequate collection and conveyance of all dry and wet-weather flows (including snowmelt) to the Authority's wastewater treatment facility for treatment.

5. Based on the flow data gathered, as described in Item 3 above, and if it is determined that the Authority's existing CSO point is justified to remain in service, an analysis, using peak instantaneous flow data, which clearly determines whether the Authority's existing CSO point is able to capture, 85%, by volume, of the combined wastewater flows that pass through the point's control structure. This analysis will also evaluate alternatives to facilitate the capture of 85%, by volume, of the combined wastewater flows if it is determined that the Authority's wastewater conveyance system (including the Wyoming Street Pumping Station) cannot capture 85%, by volume, of the Authority's combined wastewater flows.

6. The need for additional rehabilitation and/or replacement of portions of the Authority's wastewater collection system to reduce infiltration and inflow to acceptable, non-excessive levels, as specified in Paragraph four found on Pages three and four of the Amendment to Consent Order and Adjudication dated January 13, 2000.

While this sewage planning approval correspondence now recognizes the existence of the Township-owned Wyoming Street Pump Station in the configuration described in the Plan, the Department, for sewage planning purposes, does not recognize a rated capacity for the pump station at this time. Numerous factors discussed in the Plan, with respect to incomplete or non-existent wastewater flow data, justify this position. Until adequate wastewater flow data and subsequent analyses (to be completed as part of the Special Study) fully substantiate the actual capacity of the Wyoming Street Pumping Station and its associated wastewater conveyance and treatment systems, new or additional wastewater flow that is to be conveyed through the Wyoming Street Pump Station will be controlled via sewer connection allocations administered by the Authority and granted by the Department under the terms of the January 13, 2000 Amendment to Consent Order and Adjudication between the Borough, Authority and the Department. The capacity of the Wyoming Street Pump Station shall be indeterminate until the Special Study proposed in the Plan is completed, approved by the Department and its recommended alternative(s) fully implemented.

Implementation of the selected wastewater disposal alternative and operation of the proposed facilities will be performed by the Freeland Municipal Authority in conjunction with the tributary municipalities of Foster and Butler Townships.

Financing of the proposed wastewater conveyance system improvements is to be provided by the United States Department of Agriculture's Rural Development Program.

Any additional wastewater-related improvements, additions, deletions or changes outside of those explicitly described in the Plan and its correspondence, must be in compliance with the Department's regulations and be submitted to and approved by the Department in writing. This approval correspondence covers only the wastewater planning aspects of the selected wastewater disposal alternative as it relates to Freeland Borough's and Foster Township's Official Sewage Facilities Plan. This review has also not identified any significant environmental impacts resulting from this proposal.

HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

Notice of Prompt Interim Response

Palmerton Leaking Sulfuric Acid Tank Site, Palmerton Borough, Carbon County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P.S. §§ 6020.101—6020.1305) has initiated a prompt interim response at the Palmerton Leaking Sulfuric Acid Tank Site located at 900 Delaware Avenue, Palmerton Borough, Carbon County. This response has been started pursuant to Sections 501(a) and 505(b) of the HSCA (35 P.S. §§ 6020.501(a) and 6020.505(b)).

The Palmerton Leaking Sulfuric Acid Tank Site involves an abandoned 5,000 gallon capacity above-ground carbon steel storage tank that contains concentrated liquid sulfuric acid and sludge. On the afternoon of October 30, 2013 a PADEP representative discovered that the tank was leaking acid into the diked concrete secondary containment area. The acid was dripping from the bottom of the tank at a plug into the containment area which at the time contained about six inches of a brown

liquid with white foam and an acidic odor. The pH was measured with pH paper and color pH indicator strips and found to be zero.

The Acid tank is located within the former New Jersey Zinc East Plant property at 900 Delaware Avenue, Palmerton Borough, Carbon County. The acid tank was registered as an above-ground hazardous substance storage tank with the Department by the Zinc Corp. of America, a subsidiary of Horsehead Industries, Inc., under Facility ID of 13-11273 and Tank ID of 617718 and Tank sequence number ZCA023A. The sulfuric acid, reportedly a 96% concentration, was used for the neutralization/pH reduction of the wastewater/groundwater treatment plant discharge most recently operated by Horsehead Industries, Inc. Horsehead Industries, Inc. declared Chapter 11 bankruptcy in August 2002 and subsequently shutdown the treatment plant. Horsehead Corp. acquired portions of the property in December 2003 from the bankruptcy court not including the property on which the acid tank is located.

The Carbon County tax assessment parcel is reportedly 42A-47-B3 and Horsehead Liquidating Corp. is reportedly the property owner of record after the bankruptcy of Horsehead Industries, Inc. Access to the Site is through the entrance and the security guard shack of Horsehead Corp., who owns the property directly adjacent to the acid tank. The tank and containment area are within twenty feet of the outfall pit and weir that flows directly to the Aquashicola Creek. The Creek is about 300 feet from the tank. The closest residence is about 500 feet from the tank across the Creek along Little Gap Road.

The primary threats associated with the leaking sulfuric acid are the human health threat via direct contact with the acid and acidic solutions which could cause burns and tissue damage and the threat to the plants and animals in the Aquashicola Creek if the acid is released to the surface water and lowers the pH causing injury or mortality. Addition of water to the acid or many other chemicals could potentially cause an exothermic reaction that could release fumes and present a threat to nearby workers.

The Department decided that prompt action was needed to address the leaking concentrated sulfuric acid and the only practical alternative that would address the problem includes the transfer of the leaking acid and the acid/water solution from the diked secondary containment area into plastic tanks and containers. The response includes the cleaning and neutralization of the tank and containment area and the transportation and disposal of the waste liquids and sludges to hazardous waste management facilities.

The cleanup and neutralization of the tank and containment area was completed on December 23, 2013. The wastes generated from this cleanup include: the acid sludge and contaminated debris stored in 55-gallon drums (12) and the acid solution stored in 275 gallon totes (8) within secondary containment berms on the property. Off-site shipment of the wastes to a Hazardous Waste Treatment and Disposal Facility is planned for January 2014.

This notice is being provided pursuant to Section 506(b) of HSCA. The administrative record which contains the information that forms the basis and documents the selection of the response action is available for public review and comment. The administrative record is located at the Palmerton Public Library located at 402 Delaware Avenue in Palmerton and available for review during library hours.

The administrative record will be open for comment from February 1, 2014 until May 1, 2014. Persons may submit written comments into the record during this time only, by sending them to James Kunkle, PADEP Supervisor, at 4530 Bath Pike, Bethlehem, PA 18017 or by email to jkunkle@pa.gov.

In addition, persons may present oral comments, for inclusion in the administrative record, at a public hearing. The Department has scheduled the hearing on Thursday March 13, 2014 at 10AM at the Palmerton Borough Hall located at 443 Delaware Avenue.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service, or other accommodation to participate in the proceedings, should call James Kunkle at 610-861-2080 or through the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate their needs.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Northeast Region: Eric Supey, Environmental Cleanup and Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Pike County Business Park #512 Property (aka-Valient Enterprises Property), Well Road, Blooming Grove Township, **Pike County**, Martin Gilgallon, PA Tectonics, has submitted a Final Report on behalf of his client, Ms. Tammy Savarese, Pike County Industrial Development Authority, 209 E Harford St, Milford, PA 18337, concerning the remediation of soil found during the closure of a 1000 and a 2000 gallon underground storage tanks containing #2 fuel oil (heating oil). The applicant proposes to remediate the site to meet the Non-Residential Statewide Health Standards for soil. The intended future use of the site is for non-residential purposes. A Summary of the Final Report was published in The Pocono Record on December 12, 2013.

Northcentral Region: Environmental Cleanup & Brownfields Program Manager, 208 West Third Street, Williamsport, PA 17701

Dean May Property, 2002 Buckhill Road, Wolf Township, **Lycoming County**. Liberty Environmental, Inc., 50 North Fifth Street, 5th Floor, Reading, Pa 19601, on behalf of Ms. Reba Fry of Fry's Gas and Oil Company, 955 Rt. 405, Hughesville, Pa 17737 submitted a Final Report concerning remediation of site soil and groundwater contaminated with #2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Munro Farm Site, Lower Creek Road, Castanea Township, **Clinton County**. Mr. Mark Lahr/Sr. Project Engineer, KEY Environmental, Inc., 200 Third Avenue, Carnegie, PA 15106, on behalf of Mr. Jesse Overgord/Senior Project Manager, American Color & Chemical, LLC. Mt. Vernon Street, PO Box 88, Lock Haven, PA 17745, submitted a Final Report concerning remediation of site soils contaminated with Benzene, Chlorobenzene, Methylene chloride, Nitrobenzene, 4-Chloroaniline, 1,2-Dichlorobenzene, 1,4-Dichlorobenzene, 2-Nitroaniline and 4-Nitroaniline. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Penn DOT Right of Way—US Route 15 North, Richmond Township, **Tioga County**. Mr. Steven R. Vedder/Project Manager, Environmental Products & Services of Vermont, Inc., 5100 Paxton Street, Harrisburg, Pa 17111, on behalf of Scott Bartholomew, Snowflake Transportation, LLC, 5520 Route 63, PO Box 190, Mt. Morris, NY 14510, submitted a Final Report concerning the remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Naphthalene, MTBE, Cumene, 1,2,4-Trimethyl benzene, 1,3,5-Trimethyl benzene, Benzo(a)-anthracene, Benzo(a)pyrene, Benzo(b) fluoranthene, Benzo (g.h.i.)perylene, Chrysene, Indeno (1,2,3-cd)pyrene, Pyrene, Lead. The report is intended to document remediation of the site to meet the Statewide Health Standard.

BRT, Inc. Tanker Accident—I-80 Westbound, Mile Marker 236.5 Interstate I-80 Westbound Mile Marker 236.5, Scott Township, **Columbia County**. Mr. Steven R. Vedder/Project Manager, on behalf of Ms. Tara Carty, BRT, Inc., 813 North Octorara Trail, Parkersburg, PA 19365, submitted a Final Report concerning remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Cumene, MTBE, Naphthalene, 1,2,4-Trimethyl Benzene, 1,3,5-Trimethyl Benzene, Xylenes. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Childs Property, 1086 White Deer Pike, White Deer Township, **Union County**. Mr. Martin Gilgallon, P.G., Pennsylvania Tectonics, Inc., 723 Main Street, Archbald, PA 18403. Mr. Martin Gilgallon, P.G., Pennsylvania Tectonics, Inc., 723 Main Street, Archbald, PA 18403 on behalf of Mr. Wayne C. Moore, Nationwide Mutual Insurance Company, as successor by merger to Harleysville Mutual Insurance Company, PO Box 227, Harleysville, Pa 19438, submitted a Final Report concerning remediation of site soils contaminated with Benzene, Ethylbenzene, Cumene, MTBE, Naphthalene, Toluene, 1,2,4-TMB, 1,3,5-TMB. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Hamil Transportation, LLC, SR 254 @ I-80 Interchange, Turbot Township, **Northumberland County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, Pa 17857, on behalf of Hamil Transportation, LLC, 2390 Hilltop Drive, Bemen, GA 20110 has submitted a Final Report concerning remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Cumene, Naphthalene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene, and Methyl Tertiary Butyl Ether. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Rush Compression Facility, 3405 Cragle Road, Orwell Township, **Bradford County**, Environmental Product & Services of Vermont, Inc., 5100 Paxton Street, Harrisburg, Pa 17111, on behalf of Mr. Mark Sullivan, Access Midstream Partners, L.P., 100 Interstate Center, Horseheads, NY 14845. submitted a Final Report concerning remediation of site soils contaminated with Benzene, Toluene, Ethyl benzene, Methyl-tert-butyl ether, Isopropylbenzene (cumene), Naphthalene, 1,3,4-Trimethyl Benzene, 1,2,4-Trimethyl Benzene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Zachrich Transport, Interstate 80 @ MM190E (passing lane), Greene Township, **Clinton County**. Mr. David A. Bogovich, President, Northridge Group, Inc., 1172 Ridge Road, Northumberland, Pa 17857, on behalf of Northridge Group, Inc., submitted a Final Report concerning remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Cumene, Naphthalene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene, Methyl Tertiary Butyl Ether. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

I-80 Westbound MM 36 (Eldredge Interstate 80 Westbound Mile-Marker 36), I-80 Westbound Mile-Marker 36, Clinton Township, **Venango County**. Groundwater & Environmental Services, Inc., 301 Commerce Park Drive, Cranberry Township, PA 16066 on behalf of Eldredge, Inc., 898 Fernhill Road, West Chester, PA 19380 submitted a Final Report concerning the remediation of site soils and site groundwater contaminated with Fluoride, Aluminum, Cadmium, Chromium-trivalent, Chromium-hexavalent, Copper, Iron, Lead, Nickel, and Arsenic. The report is intended to document remediation of the site to meet the Statewide Health and Background Standards.

CORRECTION: OMG Americas, 240 Two Mile Run Road, Sugar creek Borough, **Venango County**. Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205, on behalf of OMG Americas, Inc., 240 Two Mile Run Road submitted a Cleanup Plan concerning the remediation of site soil contaminated with

lead, arsenic, barium, cadmium, cobalt, copper, nickel, silver, thallium, benzo[a]pyrene and site groundwater contaminated with benzene and naphthalene. The report is intended to document remediation of the site to meet the Site-Specific Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995
PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Northeast Region: Eric Supey, Environmental Cleanup and Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Castrogiovanni 4H Well Site, 1308 Post Pond Road, Bridgewater Township, **Susquehanna County**, Dawn Washo, Resource Environmental, 36 Taylor Lane, Montrose, PA 18801 has submitted a Final Report, on behalf of her client, Cabot Oil & Gas Corporation, 5 Penn Center West, Suite 401, Pittsburgh, PA 15276), concerning the remediation of soil from approximately 147 gallons of off-road diesel fuel. The report documented attainment of the Residential Statewide Health Standards for soil and was approved on December 20, 2013. The report was originally submitted within 90 days of the release.

Lauretta Button Property, 175 S Lake Road, Liberty Township, **Susquehanna County**, Dawn Washo, Resource Environmental, has submitted a Final Report on behalf of her client, Lauretta Button, 312 Cantone Road, Montrose, PA 18801, concerning the remediation of soil due to an unknown amount of heating oil (#2 fuel oil) released from and aboveground storage tank. The report documented attainment of the Residential Statewide Health Standard for soils and was approved on December 6, 2013.

Marlene Wolf Property, 1703 Valley Forge Road, South Whitehall Township, **Lehigh County**, Thomas Martinelli, JMT Environmental, has submitted a Final Report on behalf of his client, Marlene Wolfe, concerning the remediation of soil from a leaking underground storage tank containing heating oil. The report documented attainment of the Residential Statewide Health Standard for soil and was approved on December 6, 2013. The report was originally submitted within 90 days of the release.

Northcentral Region: Environmental Cleanup & Brownfields Program Manager, 208 West Third Street, Williamsport, PA 17701

Dean May Property, 2002 Buckhill Road, Wolf Township, **Lycoming County**. Liberty Environmental, Inc., 50 North Fifth Street, 5th Floor, Reading, Pa 19601, on behalf of Fry's Gas and Oil Company, 955 Rt. 405, Hughesville, Pa 17737, submitted a Final Report concerning the remediation of site soil and groundwater contaminated with #2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on November 26, 2013.

Munro Farm Site, Lower Creek Road, Castanea Township, **Clinton County**. Mr. Mark Lahr/Sr. Project Engineer, KEY Environmental, Inc., 200 Third Avenue, Carnegie, PA 15106 on behalf of Mr. Jesse Overgord/Senior Project Manager, American Color & Chemical, LLC, Mt. Vernon Street, PO Box 88, Lock Haven, PA 17745, submitted a Site-Specific Report concerning the remediation of site soils contaminated with Benzene, Chlorobenzene, Methylene chloride, Nitrobenzene, 4-Chloroaniline, 1,2-Dichlorobenzene, 1,4-Dichlorobenzene, 2-Nitroaniline and 4-Nitroaniline. The Final Report demonstrated attainment of the Site-Specific Standard, and was approved by the Department on January 3, 2014.

Penn DOT Right of Way—US Route 15 North, Richmond Township, **Tioga County**. Mr. Steven R. Vedder/Project Manager, Environmental Products & Services of Vermont, Inc., 5100 Paxton Street, Harrisburg, Pa 17111, on behalf of Scott Bartholomew, Snowflake Transportation, LLC, 5520 Route 63, PO Box 190, Mount Morris, NY 14510, submitted a Final Report concerning the remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Napthalene, MTBE, Cumene, 1,2,4-Trimethyl benzene, 1,3,5-Trimethyl benzene, Benzo(a)-anthracene, Benzo(a)pyrene, Benzo(b) fluoranthene,

Benzo (g.h.i.)perylene, Chrysene, Indeno (1,2,3-cd)pyrene, Pyrene, Lead. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on January 16, 2014.

Appalachia Midstream Rush Yard Diesel Release Cleanup, Orwell Township, **Bradford County**. Appalachia Midstream submitted a Final Report concerning remediation of site soil contaminated with Diesel Fuel. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on December 23, 2013.

Zachrich Transport, Interstate 80 @ MM190E (passing lane), Greene Township, **Clinton County**. Mr. David A. Bogovich, President, Northridge Group, Inc., 1172 Ridge Road, Northumberland, Pa 17857 on behalf of Northridge Ridge Group, Inc., submitted a Final Report concerning the remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Cumene, Naphthalene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene, Methyl Tertiary Butyl Ether. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on January 8, 2014.

BRT, Inc. Tanker Accident—I-80 Westbound, Mile Marker 236.5, Interstate I-80 Westbound Mile Marker 236.5, Scott Township, **Columbia County**. Mr. Steven R. Vedder/Project Manager, Environmental Product & Services of Vermont, Inc., 5100 Paxton Street, Harrisburg, PA 17111 on behalf of Ms. Tera Carty, BRT, Inc., 813 North Octorara Trail, Parkersburg, PA 19365, submitted a Final Report concerning the remediation of site soils contaminated with Benzene, Toluene, Ethyl benzene, Cumene, MTBE, Naphthalene, 1,2,4-Trimethyl Benzene, 1,3,5-Trimethyl Benzene, Xylenes. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on January 6, 2014.

Childs Property, 1086 White Deer Pike, White Deer Township, **Union County**. Mr. Martin Gilgallon, P.G., Pennsylvania Tectonics, Inc., 723 Main Street, Archbald, Pa 18403 on behalf of Mr. Wayne C. Moore, Nationwide Mutual Insurance Company, as successor by merger to Harleysville Mutual Insurance Company, PO Box 227, Harleysville, PA 19438 submitted a Final Report concerning the remediation of site soils contaminated with Benzene, Ethylbenzene, Cumene, MTBE, Naphthalene, Toluene, 1,2,4-TMB, 1,3,5-TMB. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on January 7, 2014.

Hamil Transportation, LLC, SR 254 @ I-80 Interchange, Turbot Township, **Northumberland County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, Pa 17857, on behalf of Hamil Transportation, LLC, 2390 Hilltop Drive, Bemen, GA 20110 submitted a Final Report concerning the remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Cumene, Naphthalene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene, and Methyl Tertiary Butyl Ether. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on January 6, 2014.

Rush Compression Facility, 3405 Cragle Road, Orwell Township, **Bradford County**, Mr. Steven R. Vedder, Environmental Product & Services of Vermont, Inc., 5100 Paxton Street, Harrisburg, PA 17111, on behalf of Mr. Mark Sullivan, Access Midstream Partners, L.P., 100 Interstate Center, Horseheads, NY 14845, submitted a Final Report concerning the remediation of site soils contaminated with Benzene, Toluene, Ethyl benzene, Methyl-tert-butyl ether, Isopropylbenzene (cumene),

Naphthalene, 1,3,4-Trimethyl Benzene, 1,2,4-Trimethyl Benzene. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on December 23, 2013.

Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

Quality Components—Daguschahonda Plant, 103 Bridge Street, Ridgway Township, **Elk County**. American Geosciences, Inc., 3925 Reed Boulevard, Suite 400, Murrysville, PA 15668-1848, on behalf of CMSJLP, LLC., 5038 Bakerstown Road, Gibsonia, PA 15044, submitted a Remedial Investigation /Risk Assessment Report concerning the remediation of site soils and groundwater contaminated with Trichloroethene, cis-1,2-dichloroethene, 1,1-dichloroethene, vinyl chloride, and 1,1,1-trichloroethane. The Report was disapproved by the Department on December 30, 2013.

International Paper—Dunn Brickyard, 1540 East Lake Road, City of Erie, **Erie County**. AMEC Environmental & Infrastructure, Inc., 800 N. Bell Avenue, Suite 200, Pittsburgh, PA 15106, on behalf of the Greater Erie Industrial Development Corporation, 5240 Knowledge Parkway, Erie, PA 16510, submitted a Final Report concerning the remediation of site soils contaminated with Arsenic. The Final Report demonstrated attainment of the Site-Specific standard, and was approved by the Department on January 17, 2014.

Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Windy Ridge Business & Technology Park, (formerly Windy Ridge Farm), Lot No. 2, 54 Windy Ridge Road, Indiana, PA 15701, **Indiana County**. Stiffler, McGraw & Associates, 1731 N. Juniata Street, Hollidaysburg, PA 16648 on behalf of Indiana County Development Corporation, 801 Water Street, Indiana, PA 15701 submitted a final report concerning the remediation of site soils contaminated with fuel oil. The final report demonstrated attainment of residential statewide health standard for soils and was approved by the Department on January 15, 2014.

Former Rosedale Coke Plant, Hinckston Run Road, Middle Taylor Township, **Cambria County**. Civil & Environmental Consultants, Inc. 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of Tecumseh Redevelopment Inc., 420 Kinross Lakes Parkway, Richfield, OH 44286 has submitted a Baseline Environmental Report concerning the remediation of site soils and groundwater associated with the operation of the former coke batteries. The Baseline Environmental Report was approved by the Department on January 21, 2014. In order to obtain cleanup liability protection, the person undertaking the reuse of a Special Industrial Area shall enter into an agreement with the Department, based on the approved Baseline Environmental Report which outlines cleanup liability of the property.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Permits issued under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage, or Disposal Facility.

Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401

PAR000537548. Waste Management of Fairless LLC, 1000 New Ford Mill Road, Morrisville, PA 19067. This Class 1 permit modification is to reflect the transfer of ownership and operational control of the RCRA Post-Closure Permit for Borrow Pit 20 (BP-20) from United States Steel Corporation (“USS”) to Waste Management of Fairless, LLC (“WMF”). With the change of ownership, WMF will operate BP-20 under EPA ID No. PAR000537548 instead of PAD002375376 to differentiate WMF’s BP-20 operations from those of USS. The BP-20 is a closed hazardous waste land unit located within the former Fairless Works Facility at Tmp 13-51-1 Tmp 13-50-6 Steel Road South, Keystone Industrial Port Complex, Lot 2 Portion, which is part of the 252-acre Fairless Landfill parcel in Falls Township, **Bucks County**. The permit was issued by the Southeast Regional Office on November 15, 2013.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permit Issued Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481

Permit Application No. 101622. Waste Treatment Corporation, 341 West Hamarr Street, P.O. Box 1550, Warren, PA 16365, City of Warren, **Warren County**. A permit renewal application was issued on January 13, 2014 extending current Solid Waste Processing operations for another ten years. No NDPEs discharge is associated with this renewal. The application for a permit renewal was received by Northwest Region Office on December 17, 2013.

Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401

Permit No. 101429. Richard S Burns & Company, Inc., 4300 Rising Sun Avenue, Philadelphia, PA 19140-2720. This Minor Permit Modification is to simplify the operational plan, including combining and reconfiguring the prior operational phases to provide flexibility in the overall operations without any changes to the approved capacity, permitted area, daily truck limit, or operating hours at the Richard S. Burns Transfer Station. The Richard S. Burns Transfer Station, a municipal and construction/demolition waste transfer and processing facility, is located at 4300 Rising Sun Avenue in the City and **County of Philadelphia**. The permit was issued by the Southeast Regional Office on January 15, 2014.

Permit No. 101477. Covanta 4recovery Philadelphia, LLC, 2209 South 58th Street, Philadelphia PA 19143. City of Philadelphia, Philadelphia County. This permit modification application is to reflect the permittee’s name change from “TransRiver Philadelphia, LLC,” to “Covanta 4Recovery Philadelphia, LLC,” for the 58th Street Transfer Station, a municipal waste transfer facility located at 2209 South 58th Street in the City of Philadelphia, **Philadelphia County**. The permit was issued by the Southeast Regional Office on November 7, 2013.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790

Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507

GP9-58-017: Meshoppen Stone, Inc. (P.O. Box 127, Meshoppen, PA 18630) on January 10, 2014, to construct and operate a portable stone crushing plant at their facility located in Oakland Township, **Susquehanna County**.

GP9-58-012: Nittany Nova Aggregates, LLC (2840 W. Clymer Avenue, Suite 100, Telford, PA 18969) on January 10, 2014, to install and operate diesel fired I. C Engines at their facility in Choconut Township, **Susquehanna County**.

GP14-64-001: Brian Arthur Strauch Funeral & Cremation Services (3 First Street, Springbrook, PA 18444) on January 13, 2014, to operate human crematories controlled by after burner at their facility in Lehigh Township, **Wayne County**.

GP9-45-004: JDM Materials Co. (851 County Line Road, Huntingdon Valley, PA 19006) on January 14, 2014, to construct and operate a Portable Crushing Operation with water sprays in Hamilton Township, **Monroe County**.

GP9-45-004: JDM Materials Co. (851 County Line Road, Huntingdon Valley, PA 19006) on January 14, 2014, to operate one (1) internal combustion engines in Hamilton Township, **Monroe County**.

GP9-40-004: Hunlock Sand & Gravel Co. (121 Gravel Road, Hunlock Creek, PA 18621) on December 24, 2013, to operate four (4) internal combustion engines in Hunlock Township, **Luzerne County**.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

GP9-08-00010: Global Tungsten & Powders Corp. (1 Hawes Street, Towanda, PA 18848) on January 13, 2014, to authorize the construction of one 547 bhp diesel-fired engine associated with a 350 kW generator pursuant to the General Plan Approval and/or General Operating Permit for Diesel or No. 2 Fuel-fired Internal Combustion Engines (BAQ-GPA/GP9) at their facility located in Towanda Borough, **Bradford County**.

GP3-08-313C: Johnson Quarries, Inc. (PO Box 136 Orange Street, LeRaysville, PA 18829) on January 3, 2014, to construct and operate a 2006 vintage Extex E7 Scalper portable screening plant under the General Plan Approval and/or General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3) at the Rocky Forrest Quarry in Wilmot township, **Bradford County**.

GP9-08-313C: Johnson Quarries, Inc. (PO Box 136 Orange Street, LeRaysville, PA 18829) on January 3, 2014, for the construction and operation of a 2006 vintage 100 brake-horsepower Deutz model BF4M1012 diesel engine under the General Plan Approval and/or General

Operating Permit for Diesel-Fired Internal Combustion Engines (BAQ-GPA/GP-9) at the Rocky Forrest Quarry in Wilmot Township, **Bradford County**.

GP3-14-00002: Contract Crushing Construction, Inc. (432 Quarry Road, Elysburg, PA 17824) on January 16, 2014, to relocate and operate a Metso LT1213 portable crusher pursuant to General Plan Approval and/or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3) at the Graymont PA, Inc. Bellefonte Plant located in Spring Township, **Centre County**.

GP3-14-00002A: Contract Crushing Construction, Inc. (432 Quarry Road, Elysburg, PA 17824) on January 16, 2014, to construct and operate a Metso ST356 screen and a Fintec 542 screen pursuant to General Plan Approval and/or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3) at the Graymont PA, Inc. Bellefonte Plant located in Spring Township, **Centre County**.

GP9-14-00002: Contract Crushing Construction, Inc. (432 Quarry Road, Elysburg, PA 17824) on January 16, 2014, for the relocation and operation of a 425 bhp Caterpillar C-12 diesel-fired engine 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 the Graymont PA, Inc. Bellefonte Plant located in Spring Township, **Centre County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481 Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

GP4-10-343B: Sharkskin Finishings (670 Mercer Road, Butler, PA 16001) on January 17, 2014, to operate a natural gas fueled burn off oven (BAQ/GPA/GP-4) in Butler, **Butler County**.

GP19-25-944A: PHB, Inc. (7900 West Ridge Road, Fairview, PA 16415) on January 16, 2014, operate one (1) enclosed abrasive blasting machine for the Dry Abrasive Blasting Operation (BAQ/GPA/GP-19) in Fairview Township, **Erie 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.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920

46-0142D: Custom Processing Services, LLC (461 State Street, East Greenville, PA 18041) on January 14, 2014, for a baghouse to replace the existing baghouse on Rotary Dryer in East Greenville Borough, **Montgomery County**. The company provides customized grinding, milling, blending, and drying services of various mineral products. The pollutant of concern is particulate matter. Dust collectors are used on all sources for particulate matter control. The Plan Approval and Operating Permit will include monitoring, record keeping and reporting requirements designed to address all applicable air quality requirements.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790

Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507

39-00101A: Orograin Bakeries Manufacturing, Inc. (150 Boulder Drive, Breinigsville, PA 18031) on January 10, 2014, to construct one (1) bread production line at their facility to be in Upper Macungie Township, **Lehigh County**.

48-00004A: Essroc Italcementi Group (Route 248 and Easton Road, Nazareth, PA 18046) on January 7, 2014 for modification of its Kiln No. 1 air pollution control devices to comply with 40 CFR Part 63 Subpart LLL at their facility in Lower Nazareth Township, **Northampton County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226

30-00089C: Dominion Transmission, Inc. (501 Martindale Street, 4th Floor, DL Clark Building, Pittsburgh, PA 15212) on January 14, 2014, to install and begin temporary operation of one Solar Taurus 60 natural gas-fired compressor turbine rated at 7,700 hp (at ISO conditions) and controlled by an oxidation catalyst, one natural gas-fired boiler rated at 5.3 MMBtu/hr, and four natural gas-fired microturbine generators rated at 200 kW each at the Crayne Compressor Station in Franklin Township, **Greene County**.

65-00839B: Texas Eastern Transmission, L.P. (PO Box 1642, Houston, TX 77251) on January 14, 2014, to install and begin temporary operation of one Solar Titan 250 natural gas-fired compressor turbine rated at 30,000 hp (at ISO conditions) and controlled by an oxidation catalyst at the Delmont Compressor Station in Salem Township, **Westmoreland County**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401 Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920

09-0027G: Fres-Co System USA, Inc. (3005 State Road, Telford, PA 18969) on January 14, 2014, to operate a new 10 station rotogravure press with a solvent distillation system in West Rockhill Township, **Bucks County**.

15-0104D: Tasty Baking Oxford, Inc. (700 Lincoln Street, Oxford, PA 19363) on January 14, 2014, to operate a new bread line to produce loaf bread products in Oxford Borough, **Chester County**.

46-0024F: McNeil Consumer Healthcare (7050 Camp Hill Road, PA 19034) on January 16, 2014, to operate a new tablet coating pan (Source ID 109) and an associate dust collector in Whitemarsh Township, **Montgomery County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863

06-05128A: Reading Truck Body, LLC (P. O. Box 650, Reading, PA 19607-0650) on January 16, 2014, for authorization to replace an existing paint booth with a new paint booth which will be used to apply touch-up topcoats to metal parts. Additionally, the plan approval will remove individual source volatile organic compound (VOC) emission caps, and will revise the surface coating VOC content limit for Source 111 (Chassis Pool Booth) to

6.67 lb. VOC/gallon applied solids. The heavy duty truck manufacturing facility is in the City of Reading, **Berks County**. The plan approval was extended.

06-05077B: Can Corporation of America (326 June Ave., P. O. Box 170, Blandon, PA 19510) on January 10, 2014, to install a new oven for a metal sheet coater controlled by a new oxidizer at the Blandon Plant in Maiden Creek 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

08-00010E: Global Tungsten & Powders Corp. (1 Hawes Street, Towanda, PA 18848) on December 31, 2013, issued a modified plan approval for minor changes to the method of operation of the rare earth reclaim process and associated process tanks at their facility located in Towanda Borough, **Bradford County**. The plan approval has been revised.

59-00017E: Hitachi Metals Automotive Components USA, LLC (18986 Route 287, Tioga, PA 16946-8815) on January 6, 2014, the Department amended the plan approval issued December 4, 2013, to modify the material throughput and emission limitations of numerous foundry sources and for the installation of an air cleaning device, a regenerative thermal oxidizer, for the control of air contaminant emissions from two foundry sources at their facility located in Lawrence Township, **Tioga County**. The Department corrected a typographical error in source level condition D.I. #002 for Source ID P203 to read as follows: The total combined emissions of volatile organic compounds for Sources P203 and P207 shall not exceed 0.1125 pounds per ton of metal poured, as measured at the regenerative thermal oxidizer (C24) exhaust stack.

08-00030B: Angelina Gathering Co. (2350 North Sam Houston Parkway East, Houston, TX 77009) on January 16, 2014, to extend the authorization for the construction of one natural-gas-fired compressor engine equipped with an oxidation catalyst at the Greenzweig Compressor Station located in Herrick Township, **Bradford County** to July 17, 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

30-00194A: EQT Gathering, LLC (625 Liberty Avenue, Suite 1700 EQT Plaza, Pittsburgh, PA 15222) on January 14, 2014, for a Plan Approval extension with expiration date of July 14, 2014, to authorize continued temporary operation of air contamination sources and controls at the Callisto Compressor Station located in Morris Township, **Greene County**. The plan approval has been extended.

04-00471B: Marathon Petroleum Co. LP, (10439, Brecksville Road, Brecksville, OH 44141) on January 16, 2014, to extend the period of temporary operation for 180 days of their Midland PA Terminal on Route 68 in Industry Borough, **Beaver County**. The plan approval has been extended.

Title V Operating Permits Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6131

62-00141: National Fuel Gas Supply Corp.—Roystone Compressor Station (PO Box 2081 Erie, PA 16512-2081) on January 14, 2014, issued the Title V Permit modification for the compressor Station in Sheffield Township, **Jefferson County**. The modification is in accordance with 25 Pa. Code §§ 127.463 and 127.521. The modification addresses the requirements of 40 CFR 63 Subpart DDDDD and Subpart JJJJJJ (Major & Area Source Boiler MACTs), the requirements of 40 CFR 60 Subparts JJJJ (SI ICE), the requirements of 40 CFR 60 Subpart OOOO (Transmission & Distribution), the requirements of 40 CFR 63 Subpart HHH (Natural Gas Transmission), the requirements of 40 CFR 63 Subpart ZZZZ (Stationary RICE), and incorporates the applicable requirements of plan approvals 62-141F and 62-141G. Source 045—Boiler 1 was removed from the facility and has therefore been removed from the permit.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920

09-00115: Draper DBS, Inc. (1803 North 5th Street, Perkasio, PA 18944) on January 14, 2014, for renewal of a State Only, Synthetic Minor Operating Permit in East Rockhill Township, **Bucks County**. Draper designs, manufactures, and finishes custom wood cabinetry. There have been no changes to any of the sources since the permit was last issued. The facility operates four (4) spray booths in which the primary pollutants of concern are volatile organic compounds (VOC) and Hazardous Air Pollutants (HAP). The company shall continue to take appropriate operating and emission restrictions to maintain a minor operating status. Monitoring, record keeping and reporting requirements have been added to the permit to address applicable limitations.

23-00077: County of Delaware—Fair Acres Complex (340 North Middletown Road, Lima, PA 19037) on January 14, 2014, to operate boilers and emergency generators on its grounds at Middletown Township, **Delaware County**. This action is a renewal of a State Only Operating Permit (Synthetic Minor), which was originally issued on November 06, 2003. The permittee elects natural gas as the primary fuel for dual-fired boilers to escape the applicable requirements of 40 CFR Part 63 Subpart JJJJJJ. The renewal contains monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

09-00154: Bucks County Water and Sewer Authority (1275 Almshouse Road, Warrington, PA 18976) on January 16, 2014, for a renewal for a Non-Title V Facility, State-Only, Natural Minor Permit in Doylestown Township, **Bucks County** at their facility at Pine Run Road and Old Dublin Pike. Bucks County Water and Sewer Authority is a sewage treatment plant. The sources of emissions include an emergency generator and the wet well controlled by a scrubber. Monitoring, record keeping and reporting requirements have been added to the permit to address applicable limitations.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790

Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507

45-00021: Pocono Medical Center (206 East Brown Street, East Stroudsburg, PA 18301-3094) on January 17, 2014, to operate boilers and emergency generators at their facility in East Stroudsburg Borough, **Monroe County**. 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.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

41-00054: P-Stone, Inc. (P.O. Box 254 Jersey Shore, PA 17740) on January 6, 2014, issued a renewal state only operating permit for their facility in Limestone Township, **Lycoming County**. The operating permit renewal includes emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations.

41-00006: High Steel Structures, Inc. (1853 William Penn Way, Lancaster, PA 17605-0008) on January 13, 2014, issued a renewal of the operating permit for their Williamsport facility in Williamsport, **Lycoming County**. The operating permit renewal includes emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

37-00328: Resco Products—New Castle Plant (606 McCleary Drive New Castle, PA 16101-7502) on January 16, 2014, renewed the Natural Minor Operating Permit for their clay refractory manufacturing operations in New Castle City, **Lawrence County**. The primary sources include the clay mix line, a shuttle kiln, a bell kiln, Ware Dryers 1-4, a mold dryer / ware dryer and a clay graphite mixer. The facility also has a parts washer and natural gas fired space heaters. The facility-wide potential particulate emissions are less than 15 TPY. The potential NO_x and CO emissions are less than 10 TPY each. The potential SO_x and VOC emissions are less than 2 TPY each. Potential HAP emissions are less than 3 TPY. The conditions of the previous operating permit are incorporated into the renewal permit.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920

09-00014: Bake Rite Rolls, Inc.—Division of Northeast Foods, Inc. (2945 Samuel Drive, Bensalem, PA 18020) on January 16, 2014, in Bensalem Township,

Bucks County, for operation of the existing bakery operation. The facility is a major source of Volatile Organic Compounds (VOC), due to ethanol (VOC) releases as product is baked. There are no control devices for sources operated at the facility. Administrative Amendment of the Title V Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450. The Administrative Amendment incorporates terms and conditions of Plan Approval No. 09-0014A, which allows for the replacement of the old Lanham 4 Roll Oven (Source ID 104) with the new Stewart Systems Roll Oven (Source ID 106). The amended permit will include monitoring, recordkeeping, and reporting requirements designed to keep the facility within all applicable air quality requirements.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104

Contact: Edward Wiener, Chief—Telephone: 215-685-9426

S10-006: St. Agnes MOB LLC (1930 S Broad St, Philadelphia, PA 19145) was administratively amended on January 21, 2014 to incorporate a change of name to Constitution Health Plaza and a change of ownership to St. Agnes MOB, LLC dba Constitution Health Plaza. The Synthetic Minor operating permit was originally issued on May 11, 2010.

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

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900

Permit No. 56950106 and NPDES No. PA0213161. PBS Coals, Inc., P.O. Box 260, 1576 Stoystown Road, Friedens, PA 15541, revision of an existing bituminous surface mine to delete permit area and corresponding bond reduction in Stonycreek Township, **Somerset County**, affection 138.0 acres. Receiving streams: unnamed tributaries to/and Schrock Run classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: January 9 2013. Permit Issued: January 2, 2014.

Permit No. 11070202 and NPDES No. PA0262439, Ebensburg Power Company, 2840 New Germany Road, P.O. Box 845, Ebensburg, PA 15931, permit renewal for the continued operation and restoration of a bitumi-

nous surface mine in Nanty Glo Borough and Jackson Township, **Cambria County**, affecting 83.1 acres. Receiving stream: South Branch Blacklick Creek classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received June 18, 2013. Permit Issued: January 8, 2014.

Permit No. 56930107 and NPDES No. PA 0212466, Rosebud Mining Co., 1117 Shaw Mines Road, Meyersdale, PA 15552, renewal for reclamation only of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 70.3 acres. Receiving streams: 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: October 4, 2013. Permit Issued: January 8, 2014.

Permit No. 56813005 and NPDES No. PA0605697, Rosebud Mining Company, 1117 Shaw Mines Road, Meyersdale, PA 15552, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Southampton Township, **Somerset County**, affecting 121.9 acres. Receiving streams: unnamed tributaries to North Branch of Jennings Creek classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received June 21, 2013. Permit Issued: January 8, 2014.

Permit No. 56920114 and NPDES No. PA0212334, Rosebud Mining Co., 1117 Shaw Mines Road, Meyersdale, PA 15552, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Southampton Township, **Somerset County**, affecting 278.5 acres. Receiving streams: unnamed tributaries to North Branch of Jennings Run, Jennings Run and unnamed tributaries to Jennings Run classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: February 26, 2013. Permit Issued: January 15, 2014.

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500

03030104 and NPDES Permit No. PA0250392, Allegheny Mineral Corporation (P.O. Box 1022, Kittanning, PA 16201). Permit renewal issued for continued operation and reclamation to an existing bituminous surface mine, located in Manor Township, **Armstrong County**, affecting 100.3 acres. Receiving streams: Garrets Run and Rupp Run. Application received: April 1, 2013. Permit issued: January 16, 2014.

26080101 and NPDES Permit No. PA0251313, David L. Patterson, Jr. (12 Short Cut Road, Smithfield, PA 15478). Permit renewal issued for reclamation only to an existing bituminous surface mine, located in German Township, **Fayette County**, affecting 49.9 acres. Receiving streams: South Branch Browns Run and Cat's Run. Application received: August 19, 2013. Permit issued: January 16, 2014.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200

17020103 and NPDES No. PA 0243221, River Hill Coal Co., Inc. (P.O. Box 141, Kylertown, PA 16847). Permit revision to allow other than approximate original contour backfilling to a bituminous surface and auger mine in Chest Township, **Clearfield County**, affecting

560.7 acres. Receiving streams: Wilson Run and McMasters Run to Wilson Run to Chest Creek classified for the following use(s): Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: June 21, 2013. Permit issued: January 14, 2014.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118

Permit No. 49970202C3, Susquehanna Coal Company, (P.O. Box 27, Nanticoke, PA 18634), correction to update the post-mining land use on an existing anthracite coal refuse reprocessing operation in Mt. Carmel Township, **Northumberland County** affecting 808.1 acre, receiving stream: North Branch Shamokin Creek. Application received: September 30, 2013. Correction issued: January 17, 2014.

Noncoal Permits Issued

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900

Permit No. 28010301 and NPDES No. PA0123811, R.A. Hill, Inc., General Contractors, 1364 Lincoln Way East, Chambersburg, PA 17202, renewal of NPDES Permit, Hamilton Township, **Franklin County**. Receiving streams unnamed tributaries to Conococheague Creek classified for the following use: warm water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: September 30, 2013. Permit Issued: January 15, 2014.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200

53120301, Glenn O. Hawbaker, Inc. (1952 Waddle Road, Suite 203, State College, PA 16803-1649). Commencement, operation and restoration of a large noncoal surface mine (sandstone) located in Roulette Township, **Potter County** affecting 59.3 acres. Receiving streams: Unnamed Tributaries to Trout Book and Allegheny River classified for the following use(s): Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: September 19, 2012. Permit issued: January 10, 2014.

14120302 and NPDES No. PA 0257915, Graymont (PA) Inc. (965 East College Avenue, Pleasant Gap, PA 16823). Commencement, operation and restoration of a large noncoal surface mine (limestone) operation in Spring Township, **Centre County** affecting 67.3 acres. Receiving streams: Unnamed Tributaries to Logan Branch classified for the following use(s): Cold Water Fishes and Migratory Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: June 1, 2012. Permit issued: January 10, 2014.

NPDES PA 0220248 (Permit No. 1474301) Graymont (PA) Inc. (965 East College Avenue, Pleasant Gap, PA 16823). NPDES renewal of existing industrial minerals deep mine site located in Spring Township, **Centre County** affecting 1110.3 acres. Receiving stream(s): Logan Branch to Spring Creek. Application received: April 13, 2011. Permit issued: January 14, 2014.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Issued

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500

65144001. Cleaveland/Price, Inc. (14000 Rt. 993, Trafford, PA 15085). Blasting activity permit for the construction of a manufacturing plant expansion, located in Trafford Township, **Westmoreland County** with an expiration date of December 30, 2014. Blasting permit issued: January 15, 2014.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118

58144101. John H. Brainard, (3978 SR 2073, Kingsley, PA 18826), construction blasting for Squier Gas Pad in Brooklyn Township, **Susquehanna County** with an expiration date of June 30, 2014. Permit issued: January 13, 2014.

58144102. DW Drilling & Blasting, (9990 Coconut Road, Bonita Springs, FL 34135), construction blasting for Squier R P1 Gas Pad in Brooklyn, New Milford and Bridgewater Townships, **Susquehanna County** with an expiration date of January 10, 2015. Permit issued: January 13, 2014.

36144101. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Conoy Crossing in Elizabethtown Borough, **Lancaster County** with an expiration date of December 31, 2014. Permit issued: January 16, 2014.

36144102. Maine Drilling & Blasting, Inc., (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Strasburg Pike & Mill Stream Intersection in East Lampeter Township, **Lancaster County** with an expiration date of January 15, 2015. Permit issued: January 16, 2014.

40144102. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Shuleski foundation in Bear Creek Township, **Luzerne County** with an expiration date of January 14, 2015. Permit issued: January 16, 2014.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the

appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-1915, Telephone 570-826-2511.

E39-520. Harold Dieterly & Ann Dieterly, P.O. Box 519, Trumbauersville, PA 18970. Upper Saucon Township, **Lehigh County**, Army Corps of Engineers Philadelphia District.

To construct and maintain the following water obstructions and encroachments associated with the Brinley Court Residential Development Project:

1. A roadway crossing of a UNT to Laurel Run (HQ-CWF, MF) consisting of an 86-foot long 18-inch diameter RCP, headwalls and riprap apron and to fill a deminimus area of wetlands (EV) equal to 0.03 acre;

2. A roadway crossing of a UNT to Laurel Run (HQ-CWF, MF) consisting of an 83-foot long 18-inch diameter RCP, 15 feet of 24-inch diameter RCP, headwall and riprap apron;

3. An 8" concrete encased DIP sanitary crossing of UNT to Laurel Run (HQ-CWF, MF);

4. An outfall structure in the floodway of UNT to Laurel Run (HQ-CWF, MF) consisting of a 36-inch diameter RCP, headwall and riprap apron;

5. A minor road crossing of a UNT to Laurel Run (HQ-CWF, MF) consisting of a 40-foot long 19-inch x 33-inch precast concrete elliptical pipe;

6. Four 10-inch DIP water line crossings of a UNT to Laurel Run (HQ-CWF, MF);

7. Two temporary road crossings of a UNT to Laurel Run (HQ-CWF, MF).

The project is located approximately 0.2 mile east of the intersection of South Main Street (SR 2045) and Old Bethlehem Pike (Allentown East, PA Quadrangle Latitude: 40° 30' 06"; Longitude: -75° 23' 27") in Upper Saucon Township, Lehigh County. Subbasin: 2C

Northwest Region: Oil and Gas Program Manager, 230 Chestnut Street, Meadville, PA 16335 814-332-6860

E43-08-001, Halcon Field Service LLC, 1000 Louisiana Street, Suite 6700, Houston, TX 77002-6003, Greene and West Salem Townships, **Mercer County**, ACOE Pittsburgh District.

The applicant proposes the installation of approximately 2.5 miles of 16 inch diameter natural gas pipeline starting at the Gallagher wellpad and terminating at the Cude wellpad in Greene and West Salem Townships, Mercer County, PA. The project will utilize new rites-of-way (ROWs), and existing public and private roads for construction, operations and maintenance activities. Approximately 0.015 acre of water obstructions to wetlands will occur as a result of the project due to the horizontal directional drill (HDD) method beneath the wetlands. No temporary wetland impacts, tree-clearing within wetland boundaries, or permanent wetland fill (loss of wetland area), and no wetland mitigation will be necessary. The project will result in 210 linear feet of temporary stream impacts and 0.0 acre of temporary wetland impacts.

The water obstructions and encroachments for the purposes of installing the pipeline are described below:

1 One (1) 16 inch diameter natural gas gathering line crossing the floodway of an unnamed tributary (UNT) to Shenango River (WWF) using open cut technique. (Greenville West, PA Quadrangle) 41°27'39.047"N -80°24'46.995"W

2 One (1) 16 inch diameter natural gas gathering line crossing an unnamed tributary (UNT) to Shenango River (WWF) using Horizontal Directional Drill (HDD) technique and impacting 0 linear feet. (Greenville West, PA Quadrangle) 41°27'22.032"N -80°25'17.903"W

3 One (1) 16 inch diameter natural gas gathering line crossing an unnamed tributary (UNT) to Shenango River (WWF) using Horizontal Directional Drill (HDD) technique and impacting 0 linear feet. (Greenville West, PA Quadrangle) 41°27'21.369"N -80°25'18.977"W

4 One (1) 16 inch diameter natural gas gathering line crossing Shenango River (WWF) using Horizontal Directional Drill (HDD) technique and impacting 0 linear feet. (Greenville West, PA Quadrangle) 41°27'20.189"N -80°25'20.886"W

5 One (1) 16 inch diameter natural gas gathering line crossing an unnamed tributary (UNT) to Shenango River (WWF) using Horizontal Directional Drill (HDD) technique and impacting 0 linear feet. (Greenville West, PA Quadrangle) 41°27'14.506"N -80°25'26.830"W

6 One (1) 16 inch diameter natural gas gathering line crossing an unnamed tributary (UNT) to Shenango River (WWF) using Horizontal Directional Drill (HDD) technique and impacting 0 linear feet. (Greenville West, PA Quadrangle) 41°26'59.872"N -80°25'34.631"W

7 One (1) 16 inch diameter natural gas gathering line crossing an unnamed tributary (UNT) to Shenango River (WWF) using Horizontal Directional Drill (HDD) technique and impacting 0 linear feet. (Greenville West, PA Quadrangle) 41°26'58.035"N -80°25'34.526"W

8 One (1) 16 inch diameter natural gas gathering line crossing an unnamed tributary (UNT) to Shenango River (WWF) using Horizontal Directional Drill (HDD) technique and impacting 0 linear feet. (Greenville West, PA Quadrangle) 41°26'56.042"N -80°25'34.413"W

9 A temporary road crossing using a wood mat bridge, one (1) 16 inch diameter natural gas gathering line crossing an unnamed tributary (UNT) to Shenango River (WWF) using open cut technique and impacting 41 linear feet. (Greenville West, PA Quadrangle) 41°26'48.979"N -80°25'35.575"W

10 A temporary road crossing using a wood mat bridge, one (1) 16 inch diameter natural gas gathering line crossing an unnamed tributary (UNT) to Shenango River (WWF) using open cut technique and impacting 59 linear feet. (Greenville West, PA Quadrangle) 41°26'34.869"N -80°25'32.497"W

11 A temporary road crossing using a wood mat bridge, one (1) 16 inch diameter natural gas gathering line crossing an unnamed tributary (UNT) to Shenango River (WWF) using open cut technique and impacting 42 linear feet. (Greenville West, PA Quadrangle) 41°26'27.688"N -80°25'33.501"W

12 A temporary road crossing using a wood mat bridge, one (1) 16 inch diameter natural gas gathering line crossing an unnamed tributary (UNT) to Shenango River (WWF) using open cut technique and impacting 45 linear feet. (Greenville West, PA Quadrangle) 41°26'25.311"N -80°25'33.991"W

13 A temporary road crossing using a timber mat bridge and crossing an unnamed tributary (UNT) to Shenango River (WWF) impacting 23 linear feet. (Greenville West, PA Quadrangle) 41°26'56.829"N -80°25'20.214"W

14 One (1) 16 inch diameter natural gas gathering line crossing a palustrine emergent (PEM) wetland / palustrine scrub-shrub (PSS) wetland using Horizontal Directional Drill (HDD) technique with no anticipated impacts. (Greenville West, PA Quadrangle) 41°27'21.783"N -80°25'18.305"W

15 One (1) 16 inch diameter natural gas gathering line crossing a palustrine emergent (PEM) wetland / palustrine scrub-shrub (PSS) wetland using Horizontal Directional Drill (HDD) technique with no anticipated impacts (Greenville West, PA Quadrangle) 41°27'20.761"N -80°25'19.959"W

16 One (1) 16 inch diameter natural gas gathering line crossing a palustrine emergent (PEM) wetland / palustrine forested (PFO) wetland using Horizontal Directional Drill (HDD) technique with no anticipated impacts (Greenville West, PA Quadrangle) 41°27'19.031"N -80°25'22.762"W

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335

ESCGP-1 #ESX13-085-0032—Delaware Rodemeyer Well Pad

Applicant Hilcorp Energy Co.
Contact Stephanie McMurray
Address 1201 Louisiana St. Suite 1400
City Houston State TX Zip Code 77002
County Mercer Township(s) Delaware(s)
Receiving Stream(s) and Classification(s) UNT to Shenango River-WWF

ESCGP-1 #ESX13-019-0060—Shipley Well Pad

Applicant R.E. Gas Development, LLC
Contact Michael Endler
Address 600 Cranberry Woods Drive
City Cranberry Township State PA Zip Code 16066
County Butler Township(s) Connoquenessing(s)
Receiving Stream(s) and Classification(s) UNT's to Connoquenessing Creek, Slippery Rock Creek Watershed, WWF

ESCGP-1 #ESX13-085-0026—Pymatuning Miller Pad

Applicant Hilcorp Energy Company
Contact Stephanie McMurray
Address 1201 Louisiana Street, Suite 1400
City Houston State TX Zip Code 77002
County Mercer Township(s) Pymatuning(s)
Receiving Stream(s) and Classification(s) Chestnut Run-WWF

ESCGP-1 #ESX13-085-0029—Jefferson Montgomery Central Facility to Tap

Applicant Hilcorp Energy Company
Contact Stephanie McMurray
Address 1201 Louisiana Street, Suite 1400
City Houston State TX Zip Code 77002
County Mercer Township(s) Jefferson(s)
Receiving Stream(s) and Classification(s) Lackawannock Creek (TSF), UNT to Lackawannock Creek (TSF)

ESCGP-1 #ESG13-019-0062—Bergbigler Well Pad

Applicant XTO Energy
Contact Ms. Melissa Breitenbach
Address 502 Keystone Drive
City Warrendale State PA Zip Code 15086
County Butler Township(s) Clearfield(s)
Receiving Stream(s) and Classification(s) UNT Little Buffalo Run (HQ-CWF)

Southwest Region: Oil & Gas Program Mgr. 400 Waterfront Dr. Pittsburgh PA

ESCGP-2 No: ESX13-125-0076

Applicant Name: Range Resources Appalachia LLC
Contact Person Mr Glenn D Truzzi
Address: 3000 Town Center Boulevard
City: Canonsburg State: PA Zip Code: 15317
County: Washington Township: Cross Creek
Receiving Stream (s) And Classifications: UNTs to South Fork Cross Creek / Raccoon Creek Watershed; HQ

ESCGP-2 No.: ESG13-125-0079

Applicant Name: Range Resources Appalachia LLC
Contact Person: Mr Glenn D Truzzi
Address: 3000 Town Center Boulevard
City: Canonsburg State: PA Zip Code: 15317
County: Washington Township(s): Cross Creek

Receiving Stream(s) and Classifications: UNTs to Cross Creek/Raccoon Creek Watershed; HQ

ESCGP-2 No.: ESG13-059-0049

Applicant Name: Vista Gathering LLC
Contact Person: Mr Mike Hopkins
Address: 226 Elm Drive Suite 102
City: Waynesburg State: PA Zip Code: 15370
County: Greene Township(s): Center
Receiving Stream(s) and Classifications: Clear Run / Monongahela Rush Run / Monongahela UNT to South Fork Tenmile Creek / Monongahela; HQ; Other Warm Water Fishery

ESCGP-2 No.: ESX13-059-0047

Applicant Name: Energy Corporation of America
Contact Person: Mr Travis Wendel
Address: 101 Heritage Run Road Suite #1
City: Indiana State: PA Zip Code: 15701
County: Greene Township(s): Franklin
Receiving Stream(s) and Classifications: UNTs to Smith Creek, Smith Creek; Other WWF

ESCGP-2 No.: ESX13-005-0026

Applicant Name: EQT Gathering LLC
Contact Person: Mr Brian M Clauto
Address: 455 Racetrack Road
City: Washington State: PA Zip Code: 15301
COUNTY Armstrong Township(s): Plumcreek
Receiving Stream(s) and Classifications: UNT to Cherry Run / Cherry Run Watershed, part of Crooked Creek Watershed; Other CWF

ESCGP-2 No.: ESG13-059-0050

Applicant Name: Rice Drilling B LLC
Contact Person: Mr Joe Mallow
Address: 171 Hillpointe Drive Suite 301
City: Canonsburg State: PA Zip Code: 15317
County: Greene Township(s): Gray
Receiving Stream(s) and Classifications: #21900 Grays Fork, #32158 Grinnage Run; HQ; Other WWF

ESCGP-2 No.: ESG13-125-0067

Applicant Name: Range Resources Appalachia LLC
Contact Person: Mr Glenn D Truzzi
Address: 3000 Town Center Boulevard
City: Canonsburg State: PA Zip Code 15317
County: Washington Township(s): North Strabane
Receiving Stream(s) and Classifications: UNTs to Little Chartiers Creek / Chartiers Creek Watershed; HQ

ESCGP-2 No.: ESX12-125-0139 Major Revision

Applicant Name: Range Resources Appalachia LLC
Contact Person: Ms Laura M Rusmisl
Address: 3000 Town Center Boulevard
City: Canonsburg State: PA Zip Code: 15317
County: Washington Township(s): Smith
Receiving Stream(s) and Classifications: UNTs to Raccoon Creek (WWF) and Raccoon Creek (WWF) / Raccoon Creek Watershed; Other WWF; Siltation-Impaired

ESCGP-2 No.: ESX13-125-0044

Applicant Name: Range Resources Appalachia LLC
Contact Person: Mr Glenn D Truzzi
Address: 3000 Town Center Boulevard
City: Canonsburg State: PA Zip Code: 15317
County: Washington Township(s): Hanover
Receiving Stream(s) and Classifications: UNT to Dilloe Run / Raccoon Creek Watershed; Other WWF; Siltation-Impaired

ESCGP-2 NO.: ESG13-059-0035

Applicant Name: Vista Gathering LLC
CONTACT PERSON: Mr Mike Hopkins
ADDRESS: 480 Johnson Road Suite 100

City: Washington State: PA Zip Code: 15301
 County: Greene Township(s): Washington
 Receiving Stream(s) and Classifications: Ruff Creek /
 Monongahela River Wisecarver Run/ South Fork
 Tenmile Creek; HQ; Other WWF

SPECIAL NOTICES

Environmental Good Samaritan Act Project Proposals

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200

The Environmental Good Samaritan Act (27 Pa.C.S.A. §§ 8001—8114) provides certain protections and immunities from civil liability for landowners and persons who voluntarily undertake reclamation and abatement projects to address land and water adversely affected by mining or oil or gas extraction or exploration for natural resources and left in an unreclaimed condition or left discharging water pollution. In order for landowners and persons to qualify for immunity, the projects must be approved by the Department of Environmental Protection.

The following project proposals have been received by the Department. Copies of the proposals are available for inspection at the Moshannon District Office, 186 Enterprise Road, Philipsburg, PA 16866, Attention: Watershed Manager.

Written comments or objections may be submitted by any person or any office or head of any Federal, State, or local government agency or authority to the Department at the same address within thirty (30) days of this publication.

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the proposal identification number; and a statement of sufficient detail to inform the Department of the basis of the comment or objection and the relevant facts upon which it is based.

EGS 17007. Emigh Run/Lakeside Watershed Association, Inc. (PO Box 204, Morrisdale, PA 16858). Emigh Run 13/14 Acid Mine Drainage Treatment System. A project to abate mine drainage pollution in Morris Township, **Clearfield County** affecting 3.5 acres. Receiving stream: Emigh Run classified for the following use(s): CWF. Project proposal received February 2, 2010.

EGS 17008. Emigh Run/Lakeside Watershed Association, Inc. (PO Box 204, Morrisdale, PA 16858). Hubler Run 2 Acid Mine Drainage Treatment System. A project to abate mine drainage pollution in Graham Township, **Clearfield County** affecting 3.0 acres. Receiving stream: Hubler Run classified for the following use(s): CWF. Project proposal received: March 4, 2010.

EGS 17009. Pike Township (PO Box 219, Curwensville, PA 16833). Korb 1, Korb 2, and Korb 3 AMD Treatment System. A project to abate mine drainage pollution and reclaim abandoned mine land in Bloom Township, **Clearfield County** affecting 22.0 acres. Receiving stream: Anderson Creek classified for the following use(s): CWF. Project proposal received: June 21, 2010.

EGS 17010. Clearfield County Conservation District (650 Leonard Street, Clearfield, PA 16830). Morgan Run Ross AMD Treatment System Construction. A project to abate mine drainage pollution and reclaim abandoned mine land in Decatur Township, **Clearfield County**

affecting 8.0 acres. Receiving stream: Morgan Run classified for the following use(s): CWF. Project proposal received: July 20, 2010.

EGS 17011. Clearfield County Conservation District (650 Leonard Street, Clearfield, PA 16830). MR 7 Construction Project. A project to abate mine drainage pollution and reclaim abandoned mine land in Decatur Township, **Clearfield County** affecting 10.0 acres. Receiving stream: Morgan Run classified for the following use(s): CWF. Project proposal received: May 20, 2011.

EGS 17012. Emigh Run/Lakeside Watershed Association, Inc. (PO Box 204, Morrisdale, PA 16858). Hubler Run 3 Acid Mine Drainage Treatment System Construction. A project to abate mine drainage pollution in Graham Township, **Clearfield County** affecting 4.0 acres. Receiving stream: Hubler Run classified for the following use(s): CWF. Project proposal received: September 18, 2012.

[Pa.B. Doc. No. 14-243. Filed for public inspection January 31, 2014, 9:00 a.m.]

Clarification of General Permit Number WMGR 097 for Research and Development of the Beneficial Uses of Municipal and Residual Waste

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 the residual waste regulations, a General Permit authorizing Research and Development of the Beneficial Uses of Municipal and Residual Waste, General Permit Number WMGR097, authorizes research and development (R&D) activities to demonstrate the beneficial use of residual waste or municipal waste, or both.

By this notice, the Department of Environmental Protection (Department) is providing notice that WMGR 097 has been amended to clarify inconsistencies in time frames for the retention of records and information associated with an R&D project. The amendments include:

1. In paragraph D.1. of the permit, amendment to require retention of analytical records at the permittee's place of business from 3 years to 5 years for consistency with existing requirements.
2. In paragraph E.4. of the permit, amendment to require retention of information utilized to prepare project status reports for a minimum of 3 years to a minimum of 5 years after the completion of the R&D project for consistency with existing requirements.
3. In paragraph E.6. of the permit, correction to require retention of information utilized to prepare a project completion report for a minimum of 3 years to a minimum of 5 years after completion of the R&D projects for consistency with existing requirements.

This General Permit was issued by Central Office on November 23, 2013. The permit will become effective on March 1, 2014.

Persons interested in reviewing the General Permit may contact Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17105-9170, (717) 787-7381. TDD users may contact the

Department through the Pennsylvania AT&T Relay Service (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

E. CHRISTOPHER ABRUZZO,
Secretary

[Pa.B. Doc. No. 14-244. Filed for public inspection January 31, 2014, 9:00 a.m.]

Oil and Gas Technical Advisory Board Meeting Cancellation

The March 27, 2014, meeting of the Oil and Gas Technical Advisory Board (Board) is cancelled. The next meeting is scheduled for June 26, 2014, at 10 a.m. in Room 105, Rachel Carson State Office Building, Harrisburg, PA.

Questions concerning the next scheduling meeting of the Board can be directed to Darek Jagiela, Bureau of Oil and Gas Planning and Program Management, P. O. Box 8765, Harrisburg, PA 17105-8765, djagiela@pa.gov, (717) 783-9645. The agenda and meeting materials for the June 26, 2014, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at <http://www.dep.state.pa.us> (Keyword: Public Participation).

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 783-2360 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

E. CHRISTOPHER ABRUZZO,
Secretary

[Pa.B. Doc. No. 14-245. Filed for public inspection January 31, 2014, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Exempt Machinery and Equipment Steel Products

The following is an updated list of exempt machinery and equipment steel products authorized under section 4(b) of the Steel Products Procurement Act (73 P. S. § 1884(b)). There is a 30-day comment period beginning on the date of this publication during which the public may submit comments in writing, as to the domestic availability of a steel product on the list, to the Deputy Secretary for Public Works, Department of General Services, 18th and Herr Streets, Harrisburg, PA 17125, ra-steel@pa.gov. The comments must be supported with a mill certification indicating that the steel was melted in the United States of America or an executed Steel Origin Certification form (found on the Department of General Services' web site) indicating the disputed product is produced domestically. See 4 Pa. Code Chapter 67a (relating to steel products procurement—statement of policy). Any "(new)" after a listing indicates a steel product that was not produced in the United States in sufficient quantities to meet the requirements of the contract during 2013.

SHERI PHILLIPS,
Secretary

Exempt Machinery and Equipment Steel Products

Air Conditioning Units
Air Duct Housing w/Sample Tubes
Air Handling Units
Anchor Bolt
Audio RA Station
Annunciator Panel
AV Rack Kit
Back Box
Battery Cabinet
Blank Filler Plate for Fiber
Blank Metal Door
Blank Plate for Outer Door
Bottom Dead Front Panel
Bridge for Cameras
Butterfly Valves
Cabinet
Cardcage
CCTV Power Supply
Ceiling Flange
Central Control Unit
Centrifugal pumps
Channel Video
Circulating Pump
Closers
Color Monitor
Combination Round Head Steel Zinc-Plated Toggle Bolts (new)
Conduit Fittings
Control Module Plate
Control Panel
Control Valve
Data Converter Unit
Deck Inserts (new)
Deck and Rub Rail Fasteners (new)
Digital Communicators (new)
Digital Record
Door Protection
Door Trim/Handles
Drinking Fountain
Drop-In Anchors
Dry Tape Transformer
Dual Interface Module
Duct Detector w/Relay
Duct Housing
Ductless Split System
DVR Rack
Electric Traction Elevators
Electric Water Cooler
Elevator Controller
Elevator Hoistway
Encl. for Annunciator
Exit Devices
Exp Cage
Fence System Nuts and Bolts (new)
Fire Alarm NAC Extender
Fire Alarm Peripherals
Fixed Door Station
Flexible Drops
Frames
Full Blank Plate
Galvanized Carriage Bolts
Garage Door Tracking
Generator
Hand Dryer
Hanger Mounting Plates
Hangermates
Hangers Supports
Horn/Strobe
Inclined Platform Wheelchair Lifts (new)

Inner & Outer Door
 Inner Door Blank Plate
 Interface Module
 Lag Bolts
 Large Remote Cab
 Lock Cylinders
 Locknuts
 Locksets
 Low Temp. Detection Thermostats
 Lubrication Unit
 Machine Screws
 Main Control Board
 Metal Lockers
 Manual Pull Station
 Med. Enclosure
 Middle Dead Front
 Mini-Interface Module
 Monitor Mount
 Monitor Wall Brk
 Mounting Plate
 Network Fiber Switch
 Overhead Door
 Overhead Stops
 Patient Wandering Alarm
 Pipe Clamps
 Pivots
 Power Supply
 Pull Station Box
 RA Annunciator Pnl
 Rack Mount Card Cage
 Rack Mount Kit
 Radiant Panels
 Reader Interface
 Relay Module
 Remote Chiller
 Round head machine screw
 Safety Relief Valve (new)
 Sampling Tube
 Security Panel
 Security Unit
 Security/CCTV Camera Housing
 Self Turn / Self Tapping Screw
 Shower/eye washers
 Signal Extender Module
 Single Blank
 Smoke Detector Wire
 Speaker
 Speaker/Strobe
 Split HVAC System
 Split Ring Hangers
 Split Rings
 Split System Air Conditioning
 SSD-C Remote Display w/Control
 SSD-C-REM Rem Display
 Stainless Flat Bars
 Stainless Steel Cable
 Strobe
 Submersible pump
 Sump Pump
 Surface Mount Speaker
 Surface Station Box
 Surge Arrester
 Surge Protector
 T8 Light Troffer
 Tamper Proof Screws & Nuts
 Threaded Rod Hanger
 Tie Wire 21 gauge (new)
 Tie Wire Anchor
 Toggle Wing
 Transformer

Turbine pumps
 Uninterruptible Power Supply
 VRV Fan Coils/Cond. Units
 Wall Mtd. Fountain
 Water Coolers
 Water Heater
 Wing Toggle

[Pa.B. Doc. No. 14-246. Filed for public inspection January 31, 2014, 9:00 a.m.]

Lease Retail Space to the Commonwealth York County

Proposals are invited to provide the Department of General Services with 9,000 to 10,000 usable square feet of retail space for the Liquor Control Board in York County. For more information on SFP No. 94548, which is due on February 28, 2014, visit www.dgs.state.pa.us or contact the Bureau of Real Estate at (717) 787-4394.

SHERI PHILLIPS,
Secretary

[Pa.B. Doc. No. 14-247. Filed for public inspection January 31, 2014, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Reading Surgery Center, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Reading Surgery Center, LLC has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 3.7-3.4.2.2(1)(b)(ii) (relating to two recovery positions for each Class B operating room).

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 Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or

hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-248. Filed for public inspection January 31, 2014, 9:00 a.m.]

Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facilities are seeking exceptions to 28 Pa. Code § 211.9(g) (relating to pharmacy services)

Ambler Extended Care Center
32 South Bethlehem Pike
Ambler, PA 19002
FAC ID # 010802

ManorCare Health Services—Lebanon
900 Tuck Street
Lebanon, PA 17042
FAC ID # 905002

Mifflin Center
500 East Philadelphia Avenue
Shillington, PA 19607
FAC ID # 081002

Praxis Alzheimer's Facility
500 Washington Street
Easton, PA 18042
FAC ID # 163802

Riverstreet Manor
440 North River Street
Wilkes-Barre, PA 18702
FAC ID # 185302

Rose View Center
1201 Rural Avenue
Williamsport, PA 17701
FAC ID # 185502

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail, or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the address or phone number listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-249. Filed for public inspection January 31, 2014, 9:00 a.m.]

DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

Per Diem Rates at Pennsylvania State Veterans' Homes

The Department of Military and Veterans Affairs (Department) has established the following per diem rates for the costs of care for residents at Pennsylvania's six State Veterans' Homes. These rates are based on costs of care for the period July 1, 2012, to June 30, 2013. The Department has implemented and will continue to implement cost-savings measures for the State Veterans' Homes, which are reflected in these per diem rates.

These per diem rates are effective January 1, 2014, until further notice.

Hollidaysburg Veterans' Home, Hollidaysburg

Nursing Care	\$353.00
Personal Care (Domiciliary)	\$178.00

Pennsylvania Soldiers' and Sailors' Home, Erie

Nursing Care	\$344.00
Personal Care (Domiciliary)	\$167.00

Southeastern Veterans' Center, Spring City

Nursing Care	\$353.00
Personal Care (Domiciliary)	\$179.00

Gino J. Merli Veterans' Center, Scranton

Nursing Care	\$311.00
Personal Care (Domiciliary)	NA

Southwestern Veterans' Center, Pittsburgh

Nursing Care	\$307.00
Personal Care (Domiciliary)	\$179.00

Delaware Valley Veterans' Home, Philadelphia

Nursing Care	\$324.00
Personal Care (Domiciliary)	\$167.00

WESLEY E. CRAIG,
Major General, PAARNG,
The Adjutant General

[Pa.B. Doc. No. 14-250. Filed for public inspection January 31, 2014, 9:00 a.m.]

DEPARTMENT OF REVENUE

Annual Inflation Adjustment; Pennsylvania Gaming Cash Flow Management

In accordance with 61 Pa. Code § 1001.8 (relating to State Gaming Fund transfers), the Secretary of Revenue announces that, for the year commencing January 1, 2014, the Annual Inflation Adjustment as proscribed in 4 Pa.C.S. § 1403(d) (relating to establishment of State Gaming Fund and net slot machine revenue distribution) is 1.2%.

Section 1403(c) of 4 Pa.C.S. requires the Department to utilize the most recent Consumer Price Index effective immediately prior to the date the adjustment is due to take effect. This adjustment was published by the United States Department of Labor, Bureau of Labor Statistics

on January 16, 2014. Therefore, the Department is publishing notice of the Annual Inflation Adjustment.

DANIEL MEUSER,
Secretary

[Pa.B. Doc. No. 14-251. Filed for public inspection January 31, 2014, 9:00 a.m.]

Realty Transfer Tax; Revised 2012 Common Level Ratio; Real Estate Valuation Factors

The following real estate valuation factors are based on sales data compiled by the State Tax Equalization Board in 2012. These factors are the mathematical reciprocal of the actual common level ratios. For Pennsylvania Realty Transfer Tax purposes, these factors are applicable for documents accepted from January 1, 2014 to June 30, 2014. The date of acceptance of a document is rebuttably presumed to be its date of execution, that is, the date specified in the body of the document as the date of the instrument (61 Pa. Code § 91.102).

<i>County</i>	<i>Revised Common Level Ratio Factor</i>
Philadelphia	*1.00

* Adjusted by the Department of Revenue to reflect an assessment base change effective January 1, 2014.

DANIEL MEUSER,
Secretary

[Pa.B. Doc. No. 14-252. Filed for public inspection January 31, 2014, 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 it.

The following is available for sale by the Department.

Lower Macungie Township, Lehigh County. The parcel contains 0.785 acre of unimproved land situated at southwest quadrant of SR 222 (Hamilton Street) and Kressler Road. The estimated fair market value is \$605,000.

Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to Department of Transportation, Engineering District 5-0, Attn: Right-of-Way, 102 Hamilton Street, Allentown, PA 18102-1013.

BARRY J. SCHOCH, P.E.,
Secretary

[Pa.B. Doc. No. 14-253. Filed for public inspection January 31, 2014, 9:00 a.m.]

Findings

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)) establishing the Department of

Transportation (Department), the Deputy Secretary for the Highway Administration makes the following written finding:

The Department is planning the projects listed as follows. Environmental and Section 4(f) Documentation have been developed for the projects identified as follows to evaluate the potential environmental impacts caused by these projects. The Section 4(f) documents also serve as the Section 2002 Evaluation. The approved documents are available in the CE Expert System at <http://www.dotdom2.state.pa.us/ceea/ceeamain.nsf>. The environmental, economic, social and other effects of the proposed projects have been considered. Based upon studies, there is no feasible and prudent alternative to the use of the Section 2002 resources for the proposed projects identified as follows and all reasonable steps have been taken to minimize the effects.

- **SR 0896, Section 007—Strasburg and East Lampeter Townships, Lancaster County.**

Project Description: This project consists of shoulder widening, minor drainage updates, guiderail updates, roadway resurfacing and the replacement and widening of the structure carrying SR 0896 over Pequea Creek. Also, included are intersection improvements consisting of widening of SR 0896 near the Rockvale Road intersection to accommodate a new traffic signal and minor modifications to the intersection of SR 0030 and SR 0896.

Environmental Documents: Level 1b Categorical Exclusion Evaluation (CEE), approved on August 20, 2013, and a Determination of Section 4(f) De Minimus Use document, approved on August 14, 2013.

Proposed Use of Section 4(f)/2002 Resource: The widening of SR 0896 will require permanent right-of-way (ROW) acquisitions totaling 0.75 acre from two property owners from the National Register eligible Pequea South Rural Historic District. The ROW will be used to construct shoulders wide enough to accommodate non-motorized traffic safely.

- **SR 1007, Section 012—Monroe Township, Cumberland County.**

Project Description: The project consists of the replacement of three structures along SR 1007 (Locust Point Road) and minimum approach work allowing for widening of the roadway to meet design criteria. Two of the replacements are located over the Yellow Breeches Creek (Segment 20) and one over an unnamed tributary to the Yellow Breeches Creek (Segment 40).

Environmental Documents: Level 2 CEE, approved on July 22, 2013, and a Determination of Section 4(f) De Minimus Use document, approved on June 9, 2010.

Proposed Use of Section 4(f)/2002 Resource: ROW acquisition is limited to the Segment 40 bridge replacement over the unnamed tributary to the Yellow Breeches Creek. A permanent ROW acquisition of 0.138 acre and a temporary construction easement (TCE) of 0.102 acre will be required from the Hartzler Farm. The Hartzler Farm is eligible for listing on the National Register of Historic places. The proposed widening of the bridge and approaches will involve sliver takes along both sides of the road and the TCE is required for erosion and sedimentation control, temporary stream diversion and project access. These sliver takes will not affect the agricultural significance of the farm as this area has not been used for agricultural production. All TCEs will be restored to a condition at least as good as that which existed prior to the start of construction.

• **SR 2003, Section 023—Springettsbury Township, York County.**

Project Description: The project consists of the widening of Interstate 83, Exit 19 (SR 0462) Northbound exit ramp to provide two through lanes and a dedicated right-turn lane. Additionally, SR 2003 (North Hills Road) will be widened to provide two continuous through northbound lanes from the intersection of SR 0462 (Lincoln Highway) to Industrial Highway.

Environmental Documents: Level 1b CEE, approved on May 6, 2013, and a Determination of Section 4(f) De Minimus Use document, approved on April 24, 2013.

Proposed Use of Section 4(f)/2002 Resource: The East York Historic District is located adjacent to the project area. The widening of the I-83 Northbound exit ramp will require sliver takes in the amount of 0.029 acre resulting in no adverse effects to the historic district.

• **SR 3001, Section 036—Butler and Tyrone Townships, Adams County.**

Project Description: The project involves the online replacement of two adjacent bridge structures carrying SR 3001 (Old Harrisburg Road) over a split section of the Conewago Creek. The existing two-span and three-span concrete T-beam bridges will be replaced with single-span prestressed concrete bulb tee beam bridges.

Environmental Documents: Level 1b CEE, approved on August 27, 2013, and a Determination of Section 4(f) De Minimus Use document, approved on April 24, 2013.

Proposed Use of Section 4(f)/2002 Resource: The proposed bridge replacements require the permanent use of 0.04 acre of State Game Land No. 249 to accommodate new bridge abutments. A TCE of 0.67 acre will be required on game land property for erosion and sedimentation measures and contractor access. The TCE will be restored to preconstruction conditions following completion of the project. Mitigation for the use of property within the game land shall consist of improving a section of the Pennsylvania Game Commission's Twin Bridges Road by paving an existing gravel section. Furthermore, 0.05 acre of replacement game land is proposed on the eastern side of SR 3001.

• **SR 3050, Section 001—West Manchester Township, York County.**

Project Description: The project consists of the replacement of the existing bridge carrying SR 3050 (Woodberry

Road) over the York Railroad. The roadway profile will be increased to provide a minimum 23-foot vertical clearance over the railroad.

Environmental Documents: Level 1b CEE, approved on May 28, 2013, and a Determination of Section 4(f) De Minimus Use document, approved on May 9, 2013.

Proposed Use of Section 4(f)/2002 Resource: The replacement of this bridge will require permanent ROW acquisition of 1.18 acres and TCE totaling 0.57 acre. All takes will be from the Martin Hoke Farm, situated in the southeast, southwest and northeast quadrants of the bridge. The Martin Hoke Farm is eligible for listing on the National Register of Historic Places. Access to the Martin Hoke Farm will be maintained throughout construction. Any TCE ground disturbance will be restored to at least its original condition at the completion of the project.

• **SR 7202, Section BRG—Fannett Township, Franklin County.**

Project Description: This project consists of a bridge replacement of Franklin County Bridge No. 54, which carries T-586 (Store Lane) over the west branch of Conococheague Creek. The existing one-lane bridge will be replaced with a two-lane bridge with improved alignment and a 24-foot clear deck width adequate to carry all legal vehicular loads.

Environmental Documents: Level 1b CEE, approved on November 19, 2013, and a Determination of Section 4(f) De Minimus Use document, approved on November 19, 2013.

Proposed Use of Section 4(f)/2002 Resource: The project will require 0.019 acre of permanent ROW and 0.060 acre for a TCE from the Daniel Stake Farm, located in the northeast quadrant. The Daniel Stake Farm is eligible for listing on the National Register of Historic Places. The ROW and TCE takes will result in a no adverse effect to the Daniel Stake Farm.

R. SCOTT CHRISTIE, P.E.,
Deputy Secretary
Highway Administration

[Pa.B. Doc. No. 14-254. Filed for public inspection January 31, 2014, 9:00 a.m.]

GOVERNOR'S OFFICE

Regulatory Agenda

Executive Order 1996-1 requires all agencies under the jurisdiction of the Governor to submit for publication an agenda of regulations under development or consideration. Subsequent agendas will be published on the first Saturdays in February and July.

The agendas are compiled to provide members of the regulated community advanced notice of regulatory activity. It is the intention of the Administration that these agendas will serve to increase public participation in the regulatory process.

Agency contacts should be contacted for more information regarding the regulation and the procedure for submitting comments.

This Agenda represents the Administration's present intentions regarding future regulations. The nature and complexity of an individual regulation obviously will determine whether and when any particular regulation listed below (as well as any considered subsequent to publication of this Agenda) is published.

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
ADMINISTRATION			
No regulations being developed or considered at this time.			
AGING			
Pa. Code Title VI Chapter 20 Pennsylvania Caregiver Support Program	March 2014, as proposed.	The Family Caregiver Support Act Regulations are being revised as authorized by the Pennsylvania Caregiver Support Act (Act 112 of 2011) which amends the Family Caregiver Support Act. As in the State Statute, the regulations will better align the Federal Family Caregiver Support Program provisions of the Older Americans Act and the Pennsylvania Family Caregiver Support Act provisions. Currently, some of the program criteria for the Federal and State Programs are divergent which has been confusing for consumers and the Area Agencies on Aging who administer the program.	Cindy Haines (717) 772-0184
AGRICULTURE			
Domestic Animal 7 Pa. Code Chapters 2, 3, 16, 18 and 20a	December 2014, as proposed.	The long-term project is intended to update the Department's Regulatory authority to make it more consistent with the provisions of the Domestic Animal Law (3 Pa.C.S. §§ 2301—2389).	Craig E. Shultz, DVM, Director (717) 772-2852
Weights and Measures Regulations 70 Pa. Code Chapters 1 through 101	September 2013, as proposed.	This long-term project is intended to update the Department's regulations authorized by the Consolidated Weights and Measures Act.	Walt Remmert (717) 787-6772
Commercial Feed Rules and Regulations 7 Pa. Code Chapter 71	April 2014, as proposed.	This regulation will replace 7 Pa. Code Chapter 71 and implement provisions of 3 Pa.C.S. §§ 5101—5115 (Commercial Feed Act).	Erin Bubb (717) 772-5215
Pet Food Rules and Regulations 7 Pa. Code Chapter 72	April 2014, as proposed.	This regulation will replace 7 Pa. Code Chapter 72 and implement provisions of 3 Pa.C.S. §§ 5101—5115 (Commercial Feed Act).	Erin Bubb (717) 772-5215
Fertilizer Regulations 7 Pa. Code Chapter 73	December 2014, as proposed.	This regulation will replace 7 Pa. Code Chapter 73 and implement provisions of 3 Pa.C.S. §§ 6701—6725 (Fertilizer Act).	Erin Bubb (717) 772-5215
Soil and Plant Amendment Regulations 7 Pa. Code Chapter 130a	December 2014, as proposed.	This regulation will replace 7 Pa. Code Chapter 130a and implement provisions of 3 Pa.C.S. §§ 6901—6921 (Soil and Plant Amendment Act).	Erin Bubb (717) 772-5215

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Clean and Green Regulations 7 Pa. Code Chapter 137b	April 2014, as final.	This regulation will address statutory changes made by six separate amendments to the underlying statute, and will otherwise update the current regulations.	Douglas Wolfgang (717) 783-3167
Agriculture Conservation Easement Purchase Program Regulations 7 Pa. Code Chapter 138e	July 2014, as proposed.	This regulation will address statutory changes made by Act 61 of 2005 and Act 46 of 2006, and will otherwise update the current regulations.	Douglas Wolfgang (717) 783-3167
PA Food Code 7 Pa. Code Chapter 46	April 2014, as final.	This regulation will amend 7 Pa. Code Chapter 46 to make this Chapter consistent with the Retail Food Facility Safety Act and the Food Safety Act.	Lydia Johnson (717) 787-4315
Pennsylvania Preferred Program Regulations 7 Pa. Code Chapter 107	February 2014, as final.	This regulation will establish standards required under the Pennsylvania Preferred Act (3 Pa.C.S. §§ 4601–4611).	Lela Reichart (717) 783-8462
Pesticide Regulations 7 Pa. Code Chapter 128	June 2014, as proposed.	This regulation will amend 7 Pa. Code Chapter 128 to allow the Department to collect and pass on any additional service fees charged by a contracted agency or vendor that provides testing services.	David Scott (717) 772-5214
<i>BANKING & SECURITIES</i>			
Assessment Regulation	Early 2014	Required pursuant to 17 Pa.C.S. § 503(a) and 71 P. S. §§ 733-202.C and 733-204.A.	Carter D. Frantz Chief Counsel (717) 787-1471
Regulation governing continuing education under the Debt Management Services Act.	Early 2014	Required pursuant to 63 P. S. § 2409(c).	Carter D. Frantz Chief Counsel (717) 787-1471
Merger-related amendatory regulations under the Pennsylvania Securities Act of 1972	Late 2014	Required pursuant to 70 P. S. § 1-609	Carter D. Frantz Chief Counsel (717) 787-1471
<i>BOARD OF PARDONS</i>			
No regulations being developed or considered at this date.			
<i>COMMUNITY & ECONOMIC DEVELOPMENT</i>			
Industrialized Housing Act amendment	Spring of 2014 as proposed.	Act 8-2013 expanded the current Industrialized Housing Act to establish a regulatory program for commercial modular buildings. Buildings produced under this program will be deemed to comply with the Uniform Construction Code.	Mark Conte (717) 720-7416
Local Earned Income Tax	Spring of 2014 As proposed	The proposed regulation interprets and makes specific the provisions of the Local Tax Enabling Act, as provided in Chapter 5 of the act (53 P. S. §§ 6924.501 et seq.). The proposed regulation establishes procedures to supplement the implementation of the act which will facilitate consolidated collection of local income taxes in this Commonwealth.	Sean Sanderson (717) 720-7384

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
COMMISSION ON CRIME AND DELINQUENCY			
No regulations being developed or considered at this date.			
CONSERVATION & NATURAL RESOURCES			
State Forests (Chapter 21)	Publish proposed rulemaking Spring 2014	A number of provisions in this chapter need to be clarified and updated. The State Forest Picnic Area chapter (23) will be incorporated into this chapter to eliminate duplication and for ease of reference. Legal basis: Sections 302, 313 and 502 of the Conservation & Natural Resources Act (71 P. S. §§ 1340.302, 1340.313 and 1340.502)	Matt Beaver (717) 783-0379 Wendy Carson, Esq. (717) 772-4171
State Forest Picnic Areas (Chapter 23)	Publish proposed rulemaking Spring 2014	The provisions of this chapter will be incorporated into Chapter 21 (State Forests) for purposes of simplification and ease of reference. Legal basis: Sections 302, 313 and 502 of the Conservation & Natural Resources Act (71 P. S. §§ 1340.302, 1340.313 and 1340.502)	Matt Beaver (717) 783-0379 Wendy Carson, Esq. (717) 772-4171
Conservation of Pennsylvania Native Wild Plants (Chapter 45)	Publish proposed rulemaking Summer 2014	Purpose of rulemaking is to update the department's listing of Pennsylvania's classified plant species. Legal basis: Section 7 of the Wild Resource Conservation Act (32 P. S. § 5307); and Sections 305 and 313 of the Conservation and Natural Resources Act (71 P. S. §§ 1340.305 and 1340.313).	Ellen Shultzabarger, 717-214-3818 Wendy Carson, Esq. 717-772-4171
CORRECTIONS			
Revisions to 37 Pa. Code § 91.3	September 2013, as proposed	The county reception regulations are being revised to be consistent with statutory law mandating that certain documentation be presented by the counties before inmate reception can occur.	Randall N. Sears (717) 728-7763
Revisions to 37 Pa. Code § 93.2	September 2013, as proposed	The inmate correspondence regulations are being revised for clarification and to more accurately comport with current standards.	Randall N. Sears (717) 728-7763
Revisions to 37 Pa. Code §§ 93.301—93.308	September 2013, as Proposed	The Motivational Boot Camp regulations are being revised to reduce costs by eliminating unnecessary mandates.	Jamie Boyd (717) 728-7761

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
DRUG AND ALCOHOL PROGRAMS			
General Standards for Free-Standing Treatment Activities 28 Pa. Code Chapter 709, Subchapter C	Summer 2014, as final.	These existing regulations are being revised to reduce redundant and obsolete regulations, with a focus upon patient care and safety, and to require certain incident reporting by all drug and alcohol facilities to DDAP. Act 50 of 2010 authorizes DDAP to modify drug and alcohol regulations promulgated by DOH.	Tawny Mummah (717) 787-9354
Staffing Requirements for Drug and Alcohol Treatment Activities 28 Pa. Code Chapter 704	Spring 2014, as proposed.	These existing regulations are being revised to update staffing requirements. Act 50 of 2010 authorizes DDAP to modify drug and alcohol regulations promulgated by DOH.	Tawny Mummah (717) 787-9354
EDUCATION			
Standards for Approved Private Schools 22 Pa. Code Chapter 171, Subchapter C	Fall 2014, as final.	These standards define the elements of Approved Private Schools and the Chartered Schools (schools for the deaf and blind). These standards contain general provisions and allowable expenses and costs. The standards are promulgated under the Authority of the Public School Code of 1949, as amended, PL 30, No. 14, March 16, 1949, P. S. §§ 1-101, et. seq.	John Tommasini (717) 783-6134
State Board of Private Licensed Schools 22 Pa. Code Chapter 73	Spring 2014, as final.	These regulations define the requirements for obtaining licensure or registration and for operating as a Private Licensed School. The regulations also define the investigatory and hearing process for enforcement of statutory and regulatory requirements. The Board plans to update the regulations which were promulgated in 1988 to reflect inflation and to address certain issues that have arisen during that time. The regulations are promulgated under the authority of the Private Licensed Schools Act (24 P. S. §§ 6501, et. seq.).	Patricia Landis (717) 783-8228
Regulations of the State Board of Private Academic Schools 22 Pa. Code Chapters 51, 53, 55, 57, 61 and 63	Spring 2015, as proposed.	These regulations define the requirements for obtaining licensure as a Private Academic School. The Board plans to update the regulations, which were promulgated in 1988. The regulations are promulgated under the Authority of the Private Academic Schools Act (24 P. S. §§ 6701 et. seq.).	Robert Staver (717) 783-6583

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Education 22 Pa. Code Chapter 18	Winter 2014, as proposed.	These regulations address criteria the Secretary of Education may consider in determining whether to designate a school district in financial recovery status and in determining whether a district is in moderate or severe recovery status. The regulations are promulgated under the authority of the Public School Code of 1949, 24 P. S. § 621-A(A)(2)(I).	Karen Molchanow (717) 787-3787
Standards for Approved Private Schools 22 Pa. Code Chapter 171, Subchapter A	Fall 2014, as proposed.	These standards define the elements of Approved Private Schools and the Chartered Schools (schools for the deaf and blind). This subchapter contains general provisions, which the Department seeks to update to conform to intervening changes in applicable law. The standards are promulgated under the Authority of the Public School Code of 1949, as amended, PL 30, No. 14, March 16, 1949, P. S. §§ 1-101, et. Seq.	John Tommasini (717) 783-6134
Regulations of the State Library and Advisory Council on Library Development 22 Pa. Code Chapters 131, 133, 135, 127, 141—143	Summer 2014, as proposed.	The Department will be promulgating regulations under the Authority of the Library Code of 2012, Act 210 of 2012, P. N. 2411. The Department plans to update the regulations (promulgated in 1962) in 2013. These regulations will address the use of the State Library, the Advisory Council on Library Development, general provisions and plans for the use of State Aid, certification of library personnel, grants for public library facilities and state document depositories.	Stacey Aldrich (717) 783-2466
State Board of Education 22 Pa. Code Chapter 23	Summer 2014, as proposed.	These regulations address requirements related to pupil transportation. The Board plans to add a new section to the regulations addressing advertising on the interior of school buses. The regulations are promulgated under the authority of the Public School Code of 1949, 24 P. S. § 26-2603-B.	Karen Molchanow (717) 787-3787
State Board of Education 22 Pa. Code § 4.72	Fall 2014, as proposed.	The regulation sets forth requirements for secondary school credentials other than a high school diploma. The proposed amendment updates existing requirements to account for inter alia current high school equivalency test options that did not exist when the regulation was promulgated.	Jill Hans (717) 787-7013

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
EMERGENCY MANAGEMENT AGENCY			
No regulations being developed or considered at this time.			
ENVIRONMENTAL HEARING BOARD			
25 Pa. Code Chapter 1021 Practice and Procedure	The Environmental Hearing Board's proposed rulemaking was published at 43 Pa.B. 2591 (May 11, 2013). Final rulemaking is expected to be submitted in early 2014.	The Environmental Hearing Board intends to propose the following revisions to its rules of practice and procedure: 1) correct an omission in the language of 25 Pa. Code sec. 1021.51 which was amended in 2009, 2) eliminate its rules pertaining to the Costs Act which has expired, 3) adopt rules to implement mandatory electronic filing, and 4) clarify the types of responses that may be filed to a dispositive motion.	Maryanne Wesdock Senior Counsel (412) 565-5245
ENVIRONMENTAL PROTECTION			
Noncoal Program 25 Pa. Code Chapter 77	Fall 2014 as proposed	This rulemaking includes revisions to Chapter 77 (Noncoal Mining) that govern the licensing of mine operators and permitting of mines for minerals other than coal. Specific areas for revision include clarification of permit application requirements including hydrologic data requirements. (Surface Mining Conservation and Reclamation Act)	Bill Allen 717-783-9580 wallen@pa.gov
Water Supply Replacement 25 Pa. Code Chapters 87 and 88	Early 2015 as proposed	The rulemaking includes revisions to Chapters 87 and 88, which will clarify what is necessary to meet the coal mine operator's obligation to permanently pay the operation and maintenance costs for replacement water supplies. (Surface Mining Conservation & Reclamation Act)	Bill Allen 717-783-9580 wallen@pa.gov
Remining Requirements (Subchapters F and G Revisions) 25 Pa. Code Chapters 86 and 88	Fall 2014 as proposed	The rulemaking includes amendments to remining requirements in Chapters 86 and 88 (Subchapters F and G) in order to reflect changes enacted in EPA regulations. (Surface Mining Conservation and Reclamation Act)	Bill Allen 717-783-9580 wallen@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Federal Office of Surface Mining (OSM) Program Consistency Updates 25 Pa. Code Chapters 86, 89 and 90	Fall 2014 as proposed	The rulemaking will include amendments to clarify the definition of "mining activities" in Chapter 86 in order to comply with federal regulatory requirements; revisions to Chapter 89 effluent limits for passive treatment systems to comply with federal regulations; and updates to Chapter 90 coal refuse site selection regulations to comply with the revised Coal Refuse Disposal Control Act. (Surface Mining Conservation and Reclamation Act)	Bill Allen 717-783-9580 wallen@pa.gov
Areas Unsuitable for Surface Mining 25 Pa. Code Chapter 86	Spring 2014 as Proposed	The rulemaking includes amendments to Chapter 86 to designate coal seams within Big Run watershed, Graham Township, Clearfield County, as unsuitable for surface mining operations. The regulation results from a petition submitted to the EQB by the Graham Township Supervisors, which requested that the Big Run drainage be designated as unsuitable for surface mining operations. (Surface Mining Conservation and Reclamation Act)	Geoff Lincoln 717-783-9582 glincoln@pa.gov
Financial Guarantees 25 Pa. Code Chapter 86	Spring 2014 as Proposed	This rulemaking will implement Acts 95 and 157 which provide for an incentive for reclamation of mine sites with bioenergy crops and establish the Land Reclamation Financial Guarantee Program, respectively. (Acts 95 and 157 of 2012)	Bill Allen 717-783-9580 wallen@pa.gov
Handling and Use of Explosives 25 Pa. Code Chapter 211	Mid 2014 as Proposed	The rulemaking will revise current explosive regulations to address blasting activities relating to seismic exploration. The rulemaking will also update explosives use requirements, enforcement authority and eliminate antiquated requirements. (Explosives Act of 1937; The Administrative Code of 1929; Reorganization Plan No. 2 of 1975; Reorganization Plan No. 8 of 1981; Surface Mining Conservation and Reclamation Act; and Noncoal Surface Mining Conservation and Reclamation Act)	Rick Lamkie 814-472-1885 rlamkie@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Oil & Gas Well Program 25 Pa. Code Chapter 78 Subchapter C	Mid/Late 2014 as Final	The rulemaking includes revisions to Chapter 78 (Oil and Gas Wells) Subchapter C, regulating all surface activities associated with Oil and Gas exploration and development, including: changes to PPC planning, production fluid control, storage, disposal and containment in pits/tanks, liner standards for centralized impoundments, disposal of drill cuttings and residual wastes, secondary containment, site restoration, pipelines, water management plans, reporting releases and road spreading of brine. (Oil and Gas Act)	Scott Perry 717-783-9438 scperry@pa.gov
Oil & Gas Well Program 25 Pa. Code Chapter 78 Subchapter D	Early 2014 as Proposed	The rulemaking includes revisions to Chapter 78 (Oil and Gas Wells) Subchapter D, regulating the drilling, casing, cementing, completion, operation, production, plugging and other subsurface activities associated with Oil and Gas exploration and development, including revisions to well plugging procedures, venting, alternative methods, and to address the plugging of unconventional wellbore laterals and coal bed methane wells. (Oil and Gas Act)	Kurt Klappkowski 717-772-2199 kklappkowski@pa.gov
Oil & Gas Well Program 25 Pa. Code Chapter 78 Subchapter B	Early 2014 as final	The rulemaking includes revisions to Chapter 78 (Oil and Gas Wells), Subchapter B, to increase well permit fees for wells that produce gas from nonconventional formations. (Oil and Gas Act)	Kurt Klappkowski 717-772-2199 kklappkowski@pa.gov
Underground Coal Mine Safety Surface Regulations 25 Pa. Code Chapter 208	Late 2014 as proposed	The rulemaking adopts by reference, with certain modifications, the MSHA regulations (30 CFR Part 77) for surface areas of underground bituminous coal mines. (Bituminous Coal Mine Safety Act)	Joseph Sbaffoni 724-439-7469 jsbaffoni@pa.gov
Underground Coal Mine Safety High Voltage Continuous Mining Machine Standards for Underground Coal Mines 25 Pa. Code Chapter 208	Summer 2013, as proposed	This rulemaking adopts by reference, with certain modifications, the MSHA regulations (30 CFR Part 75) for a high voltage continuous mining machine standard for underground bituminous coal mines.	Joseph Sbaffoni 724-439-7469 jsbaffoni@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Underground Coal Mine Safety Maintenance of Incombustible Content of Rock Dust in Underground Coal Mines Bituminous Coal Mine Safety Act 25 Pa. Code Chapter 208	Late 2014 as proposed	This rulemaking adopts by reference, with certain modifications, the MSHA regulations (30 CFR Part 75) for a high voltage continuous mining machine standard for underground bituminous coal mines. (Bituminous Coal Mine Safety Act)	Joseph Sbaffoni 724-439-7469 jsbaffoni@pa.gov
Revised Total Coliform Rule 25 Pa. Code Chapter 109	Late 2014 as proposed	This proposed rulemaking will amend 25 Pa. Code Chapter 109 to incorporate the federal Revised Total Coliform Rule (RTCT), which was promulgated February 13, 2013, and to make other revisions to clarify portions of Chapter 109. The RTCR is expected to improve public health protection by requiring public water systems that are vulnerable to microbial contamination to identify and fix problems. Revisions being proposed in addition to the federal RTCR are designed to protect public health by improving and clarifying permitting, design and compliance requirements for public water systems. (Pennsylvania Safe Drinking Water Act)	Jeff Allgyer (717) 772-4015 jallgyer@pa.gov
Nutrient Credit Trading and Offsetting Program 25 Pa. Code § 96.8 and Chapter 98	Mid 2014 as proposed	This rulemaking will rescind section 96.8 related to the implementation of a nutrient credit trading program and create a new, separate Chapter 98 for this program. The rulemaking is also intended to implement program enhancements designed to address US Environmental Protection Agency concerns, streamline the current process for the certification, registration and verification of credits and allow for the implementation of a statewide trading program. (Clean Streams Law)	Veronica Kasi (717) 772-4053 vbkasi@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Administration of Sewage Facilities Planning Program 25 Pa. Code Chapter 71	Spring 2014 as proposed	This rulemaking will help facilitate DEP's approval of sewage planning modules for new land development for sites located in High Quality (HQ) and Exceptional Value (EV) watersheds. The revisions to Chapter 71 would also require municipalities to certify every ten years that their official sewage facility plans remain adequate to meet the municipalities' needs. It will also address and clarify site suitability requirements and provide alternate types of onsite treatment allowances during the planning stages. (Pennsylvania Sewage Facilities Act, Clean Streams Law)	Ron Furlan (717) 787-8184 rfurlan@pa.gov
Administration of Sewage Facilities Permitting Program 25 Pa. Code Chapter 72	Spring 2014 as proposed	This rulemaking will clarify DEP's ability to require and establish training requirements for sewage enforcement officers, both prior to the certification examination and for subsequent renewal of certifications. The revisions will further clarify that DEP has the ability to provide training through third-party providers that have been approved to do so by DEP, which could provide additional flexibility and efficiency in implementation of the training program. (Pennsylvania Sewage Facilities Act, Clean Streams Law)	Ron Furlan (717) 787-8184 rfurlan@pa.gov
Standards for Onlot Sewage Treatment Facilities 25 Pa. Code Chapter 73	Spring 2014 as proposed	This rulemaking will revise DEP's standards for onlot systems for consistency with Chapters 71 and 72. For example, a section in Chapter 73 dealing with experimental and alternate onsite treatment systems will need to be modified to be consistent with the Chapter 71 changes. (Pennsylvania Sewage Facilities Act, Clean Streams Law)	Ron Furlan (717) 787-8184 rfurlan@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Emissions of Particulate Matter 25 Pa. Code § 139.12	Early 2014 as final	The final rulemaking amends 25 Pa. Code § 139.12 (relating to emissions of particulate matter) to reflect changes in Federal test method requirements. The Environmental Quality Board amended § 139.12 at 27 Pa.B. 6804 (December 27, 1997) to require source testing only for filterable particulate matter. The United States Environmental Protection Agency has revised the source test method (Method 202) to require the testing of both filterable and condensable particulate matter for purposes of emission inventories and new source review applicability determinations. Other clarifying amendments to Chapter 139 (relating to sampling and testing) addressing timeliness of reporting requirements are also included. (Air Pollution Control Act)	Susan Hoyle 717-772-2329 shoyle@pa.gov
Flexible Packaging Printing Presses and Offset Lithographic and Letterpress Printing Presses 25 Pa. Code Chapters 121 and 129	Early 2014 as final	The final rulemaking amends 25 Pa. Code Chapter 129 (relating to standards for sources) to add requirements to reduce the emissions of volatile organic compounds (VOCs) from flexible packaging printing presses and offset lithographic printing and letterpress printing presses to meet the Clean Air Act's "reasonably available control measures" requirement for ozone nonattainment areas. The final rulemaking amends §§ 129.51 and 129.67 (relating to general; and graphic arts systems) and adds §§ 129.67a and 129.67b (relating to control of VOC emissions from flexible packaging printing presses; and control of VOC emissions from offset lithographic and letterpress printing presses) to adopt emission limits and work practice standards for flexible packaging printing presses and offset lithographic printing and letterpress printing presses. Amendments to § 121.1 (relating to definitions) are also made to support the amendments to Chapter 129. (Air Pollution Control Act)	Susan Hoyle 717-772-2329 shoyle@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
NOx and VOCs 25 Pa. Code Chapter 129	Early 2014 as proposed	The proposed rulemaking would amend the Reasonably Available Control Technology Requirements for major NOx- and VOC-emitting stationary sources; the proposed requirements would not apply to major VOC-emitting facilities subject to Federal Control Technique Guideline recommendations adopted by the Board as final rulemakings. Publication of the proposed rulemaking for public review and comment is anticipated in early 2014. (Air Pollution Control Act)	Susan Hoyle 717-772-2329 shoyle@pa.gov
Control of VOC Emissions from Fiberglass Boat Manufacturing Materials 25 Pa. Code Chapter 129	Early/Mid 2014 as proposed	The proposed rulemaking would amend the existing surface coating regulations under 25 Pa. Code Chapter 129 (relating to standards for sources) to further reduce the emissions of volatile organic compounds (VOC) from fiberglass boat manufacturing materials to meet the Clean Air Act “reasonably available control measures,” including “reasonably available control technology,” requirements for ozone nonattainment areas. The emission limits and work practice standards would be consistent with the recommendations of the United States Environmental Protection Agency included in the Control Techniques Guideline document for this source category. (Air Pollution Control Act)	Susan Hoyle 717-772-2329 shoyle@pa.gov
Control of VOC Emissions from Miscellaneous Metal and Plastic Parts Coatings 25 Pa. Code Chapter 129	Early/Mid 2014 as proposed	The proposed rulemaking would amend the existing surface coating regulations under 25 Pa. Code Chapter 129 (relating to standards for sources) to further reduce the emissions of volatile organic compounds (VOC) from miscellaneous metal and plastic parts coatings to meet the Clean Air Act “reasonably available control measures,” including “reasonably available control technology,” requirements for ozone nonattainment areas. The emission limits and work practice standards would be	Susan Hoyle 717-772-2329 shoyle@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
		consistent with the recommendations of the United States Environmental Protection Agency included in the corresponding Control Techniques Guideline document for this source category. (Air Pollution Control Act)	
Control of VOCs from Gasoline Dispensing Facilities (Stage II) 25 Pa. Code § 129.82	Late 2014 as proposed	The proposed rulemaking would amend 25 Pa Code § 129.82 (relating to control of VOCs from gasoline dispensing facilities (Stage II)) to remove the requirements for installing new and operating existing Stage II vapor recovery systems. The proposed rulemaking would establish procedures for the decommissioning of existing Stage II systems and would require Stage II systems that are not decommissioned to still comply with regulatory maintenance requirements. (Air Pollution Control Act)	Susan Hoyle 717-772-2329 shoyle@pa.gov
Amendments to Mobile Equipment Repair and Refinishing 25 Pa. Code Chapters 121 and 129	Early/Mid 2014 as proposed	The proposed rulemaking would amend the existing surface coating regulations in 25 Pa. Code § 129.75 (relating to mobile equipment repair and refinishing) to coordinate emission limits and work practice requirements of the Clean Air Act “reasonably available control technology” requirements for automobiles and light-duty trucks and the Ozone Transport Commission model rule requirements for motor vehicle and mobile equipment non-assembly line coating operations. Clarifying amendments would be proposed for the adhesives, sealants, primers and solvents regulations in 25 Pa. Code §§ 129.77 and 130.701—130.708 (relating to control of emissions from the use or application of adhesives, sealants, primers and solvents; and adhesives, sealants, primers and solvents). Amendments to 25 Pa. Code § 121.1 (relating to definitions) would also be proposed to support the amendments to Chapter 129. (Air Pollution Control Act)	Susan Hoyle 717-772-2329 shoyle@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Control of VOC Emissions from Industrial Cleaning Solvents 25 Pa. Code Chapter 129	Early/Mid 2014 as proposed	The proposed rulemaking would amend the existing surface coating regulations under 25 Pa. Code Chapter 129 (relating to standards for sources) to further reduce the emissions of volatile organic compounds (VOC) from industrial cleaning solvents not regulated elsewhere in Article III to meet the Clean Air Act “reasonably available control measures,” including “reasonably available control technology,” requirements for ozone nonattainment areas. The emission limits and work practice standards would be consistent with the recommendations of the United States Environmental Protection Agency included in the corresponding Control Techniques Guideline document for this source category. (Air Pollution Control Act)	Susan Hoyle 717-772-2329 shoyle@pa.gov
Control of VOC Emissions from Automobile and Light-duty Truck Assembly Coatings 25 Pa. Code Chapter 129	Early/Mid 2014 as proposed	The proposed rulemaking would amend the existing surface coating regulations under 25 Pa. Code Chapter 129 (relating to standards for sources) to further reduce the emissions of volatile organic compounds (VOC) from automobile and light-duty truck assembly coatings to meet the Clean Air Act “reasonably available control measures,” including “reasonably available control technology,” requirements for ozone nonattainment areas. The emission limits and work practice standards would be consistent with the recommendations of the United States Environmental Protection Agency included in the corresponding Control Techniques Guideline document for this source category. (Air Pollution Control Act)	Susan Hoyle 717-772-2329 shoyle@pa.gov
Regulated Medical and Chemotherapeutic Waste Amendments 25 Pa. Code Chapters 271, 284 and 285	Late 2014 as final	This rulemaking will amend the existing Chapter 284 and add or amend definitions in Chapter 271. The term “infectious waste” will be replaced globally with the term “regulated medical waste.” In addition to definitional changes, this proposal includes changes to storage, transporter licensing and manifesting requirements for regulated medical waste. (Solid Waste Management Act)	Ali Tarquino Morris 717-783-2630 altarquino@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Radiological Health 25 Pa. Code Chapters 215—240	Early/Mid 2014 as proposed	This rulemaking will amend 25 Pa. Code Chapters 215—240 in order to incorporate by reference federal regulations pertaining to the security of certain radioactive material; to address new x-ray technology that is not addressed in current regulations; and to include radon revisions that are not addressed in current regulations. (Radiation Protection Act and Radon Certification Act)	Joe Melnic (Health) (717) 783-9730 jmelnic@pa.gov Robert K. Lewis (Radon) (717) 783-9485 rolewis@pa.gov
Administration of Land Recycling Program 25 Pa. Code Chapter 250	Early/Mid 2014 as Proposed	This rulemaking will amend 25 Pa. Code Chapter 250 to update the Medium Specific Concentrations established under the Statewide health standards. (Land Recycling and Environmental Remediation Standards Act)	Troy Conrad 717-783-9480 tconrad@pa.gov
GENERAL SERVICES			
Responsibility, 4 Pa. Code Chapter 60	Spring 2014, as proposed	This chapter will be amended to be consistent with the Procurement Code and to provide for uniform debarment and suspension procedures.	Ken Rapp (717) 787-5295 Chuck Anderson (717) 214-7739 Michael Barrett (717) 346-9781
Committee on Construction Contract Documents, 4 Pa. Code Chapter 62	Spring 2014, as final omitted	The Procurement Code repealed the legislation creating this committee, which no longer exists.	Liz O'Reilly (717) 787-7095 Ed Olivieri (717) 783-3280
Selections Committee, 4 Pa. Code Chapter 64	Spring 2014, as final omitted	These regulations should be rescinded since they have been superseded by the Commonwealth Procurement Code.	Liz O'Reilly (717) 787-7095 Ed Olivieri (717) 783-3280
Emergency Construction Repairs 4 Pa. Code Chapter 67	Spring 2014, as final omitted	These regulations should be rescinded since they have been superseded by the Commonwealth Procurement Code.	Liz O'Reilly (717) 787-7095 Ed Olivieri (717) 783-3280
Contract Compliance 4 Pa. Code Chapter 68, Subchapter A, Prequalification of Vendors and Non-construction Contractors	Spring 2014, as final omitted	These regulations should be rescinded since the subject matter of these rules is now covered by the directives management system.	Liz O'Reilly (717) 787-7095 Ed Olivieri (717) 783-3280
Methods of Awarding Contracts, 4 Pa. Code Chapter 69	Spring 2014, as final omitted	These regulations should be rescinded since they have been superseded by the Commonwealth Procurement Code.	Ken Rapp (717) 787-5295 Chuck Anderson (717) 214-7739

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
HEALTH			
<p>Controlled Substances, Drugs, Devices and Cosmetics 28 Pa. Code Chapter 25, Subchapter A</p> <p>Rescheduling of Clobazam 28 Pa. Code § 25.72</p>	Spring, 2014, as final	<p>The Secretary of the Department of Health (Secretary), with the unanimous authorization from the Pennsylvania Drug, Device and Cosmetic Board (Board), acted to reschedule clobazam from a Schedule I controlled substance to a Schedule IV controlled substance. The final regulation, with proposed rulemaking omitted, is being prepared to effectuate the rescheduling of clobazam to a Schedule IV controlled substance as already approved and authorized by the Secretary and Board. The rescheduling of clobazam as a schedule IV controlled substance will align Pennsylvania law with Federal law. The rescheduling of clobazam, which now has an approved medical use for adults and children 2 years of age and older for the treatment for seizures associated with Lennox-Gastaut syndrome, will allow for appropriate access to individuals in need of the drug and for appropriate enforcement.</p>	Maria Battista (717) 783-2500
<p>Communicable and non-Communicable Diseases 28 Pa. Code Chapter 27</p>	Spring, 2015, as proposed.	<p>These existing regulations are being revised to improve the Department's ability to prevent and control the spread of communicable and non-communicable diseases. The Department's authority to promulgate these regulations is found in the Disease Prevention Control law of 1955, 35 P. S. §§ 521.1 et seq. (the Act). Section 16(a) of the (Act 35 P. S. § 521.16 (a)) gives the Board authority to issue rules and regulations on a variety of matters related to communicable and non-communicable diseases. Section 16(b) of the Act (35 P. S. § 521.16 (b)) gives the Secretary of Health the authority to review existing regulations and make recommendations to the Board for changes that the</p>	Jalene Kolb (717) 783-8228

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
		Secretary considers to be desirable. There is also a legislative authority for specific provisions of the regulations. Administrative Code of 1929 (71 P. S. §§ 51 et seq.) (Code) Section 20102 (g) of the Code (71 P. S. § 532 (g)) provides general authority for the Department to promulgate regulations.	
Photo Identification Tag Regulations 28 Pa. Code Chapter 54	Spring, 2014, as proposed.	The Health Care Facilities Act (35 P. S. §§ 448.101 et seq.) was amended by the passage of Act 2010-110 on November 23, 2010. This new section of the Act (35 P. S. § 448.809.2) requires health care workers employed in health care facilities and physician practices to wear photo identification tags that also contain other information including name, title and name of the health care facility.	James T. Steele (717) 783-2500
School Health Services 28 Pa. Code Chapter 23	Fall, 2014, as proposed.	The School Health regulations were promulgated pursuant to the Department's authority to oversee school health services required by Article XIV of the Public School Code, 24 P. S. §§ 14.1401 et seq. State and federal laws enacted since 2005 have changed the requirements for school health services. Those legislative changes require changes to the school health regulations. Anticipated changes include new provisions to address: possession and use of asthma inhalers and epinephrine auto-injectors (24 P. S. § 14-1414.1); currently accepted precautions against the spread of tuberculosis (24 P. S. § 14-1416); medical examinations of teachers and other persons including volunteers (24 P. S. § 14-1418(b)); requirements for local wellness policies (24 P. S. § 14-1422.1); requirements for independent dental hygiene practitioners working in the school setting; and revisions to the duties of the Certified School Nurse to track requirements in federal laws protecting the rights of students with disabilities and to incorporate applicable professional nursing practice standards.	Karin Simpson (717) 783-2500
HOUSING FINANCE AGENCY			
No regulations being developed or considered at this date.			

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
INFRASTRUCTURE INVESTMENT AUTHORITY			
<p>25 Pa. Code §§ 963.12(a)(7), 963.13(c), 963.15(a), 963(15)(c), 963.18(c), 965.4(9), 965.7 and 965.9(d).</p>	<p>Spring 2014-Proposed</p>	<p>PENNVEST recommends the following revisions:</p> <p>(1) Amend 25 Pa. Code §§ 963.1—963.20 to be consistent with statutory revisions imposed by P. L. 51, No. 16, enacted June 19, 2013 and guidance revisions implemented by the Department of Environmental Protection.</p> <p>(2) Delete 25 Pa. Code § 963.12(a)(7) thereby allowing PENNVEST to provide financial assistance (loan and grant) for costs associated with the extraction for profit of minerals or other resources from wastewater or sludge whether the project is sponsored by a public or private actor.</p> <p>(3) Amend 25 Pa. Code § 963.13(c) by revising the section to provide for an amortization of advance funding loans with a term of 59 months of interest only and repayment on principal and interest on the 60th month.</p> <p>(4) Amend 25 Pa. Code § 963.15(a) by revising the first sentence to provide for a change in the normal loan term to allow 3 years of interest only prior to principal amortization.</p> <p>(5) Amend 25 Pa. Code § 963.15(c)(5) to provide that maximum interest rates on loans shall be determined based upon the unemployment rate for the applicable county in the most recent calendar year for which data has been finalized as of the application cutoff date.</p> <p>(6) Amend 25 Pa. Code § 965.4(9) to allow for eligible land costs under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.</p> <p>(7) Delete 25 Pa. Code § 965.7 to eliminate the requirement for a second opinion project review.</p> <p>(8) Delete 25 Pa. Code § 963.18(c)(2)(iii) to eliminate the requirement for prior written approval of change orders that exceed \$25,000 or 2 percent of the amount of the project's construction cost, or an aggregate of all change orders that exceed 10 percent of the project's construction cost.</p>	<p>Shawn W. Weis (717)-783-6776</p>

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
		(9) Delete 25 Pa. Code § 965.9(d) to eliminate the requirement for performance certifications 1 year after initiation of operation. (10) Amend 25 Pa. Code § 963.15(c)(6) by revising the sentence to define “bond interest rate” to mean the rate of interest paid by the Commonwealth in its issuance of general obligation bonds immediately preceding the date of the approval of the loan.	
INSURANCE			
31 Pa. Code §§ 25.1—25.23, Rules and Procedural Requirements for Insurance Holding Company Systems	Fall 2013, as proposed.	This Chapter will be updated in accordance with NAIC model regulation standards amendments to the Holding Companies Act enacted in July of 2012.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
Medical Catastrophe Loss Fund, 31 Pa. Code §§ 242.1—242.18	Spring 2014, as proposed.	Amend the regulation to be consistent with the statute.	Peter J. Salvatore, Regulatory Coordinator 717-787-4429
LABOR AND INDUSTRY			
Uniform Construction Code, Title 34, Part XIV, Bureau of Occupational and Industrial Safety	Submit proposed rulemaking in Winter 2015	Update and clarify administrative provisions of the Uniform Construction Code and adopt updated standards for elevator construction	Edward Leister 717-783-6304
Flammable and Combustible Liquids, Title 37, Part I, Bureau of Occupational and Industrial Safety	Submit proposed rulemaking in Spring 2014	Update regulations based on Act 144 of 2012 and adopt requirements for storage and dispensing of compressed natural gas as vehicular fuel	Edward Leister 717-783-6304
Unemployment Compensation Title 34, Chapter 101, Board of Review	Submit proposed rulemaking in Fall 2014	Delete language re distance requirement in telephone regulation to conform with Act 6 of 2011	Gerard Mackarevich 717-783-1232
Bureau of Labor Law Compliance, Title 34, Part XII, Chapter 225, Prohibition of Excessive Overtime in Health Care Act	Submit final-form rulemaking in Fall 2013	Regulations to establish a complaint and hearing process	Karen Galli 717-787-4186
Bureau of Labor Law Compliance, Title 34, Chapters 83 and 84, Apprentices	Submit proposed rulemaking in Spring 2014	Amend regulations to reflect federal requirements.	Rich Lengler 717-787-4186
Office of Deaf and Hard of Hearing, Title 34, Chapter 501 Registration of Sign Language Interpreters and Transliterators	Submit proposed rulemaking in Fall 2014	Amend regulations to be consistent with amendments in Sign Language Interpreter and Transliterators State Registration Act, 63 P. S. §§ 1725.1—1725.11, that were enacted in November 2010.	Sharon Behun 717-783-4912
Workers' Compensation Appeal Board (Board), Title 34, Chapter 111, Special Rules of Administrative and Procedure Before the Board	Submit proposed rulemaking by Winter 2014	Revise regulations to reflect evolving procedures and technological changes	Commissioner Alfonso Frioni, Jr. 412-531-2680

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Office of Adjudication, Title 34, Chapter 131, Special Rules of Administrative Practice and Procedure Before the Workers' Compensation Judges	Submit proposed rulemaking by Winter 2014	Revise regulations to reflect evolving procedures and technological changes	Director of Adjudication Elizabeth Crum 717-783-4151
Bureau of Labor Law Compliance, Title 34, Chapter 11, Employment of Minors	Submit proposed rulemaking by Spring 2014	Revise/update current regulations in light of the new Child Labor Act	Richard Lengler 717-787-4186
MILITARY AND VETERANS AFFAIRS			
43 Pa. Code Chapter 11 Fort Indiantown Gap	Jan 2014, as final omitted	Section 708 of the Military and Veterans Code (51 Pa.C.S. § 708) authorizes the Adjutant General to promulgate rules, regulations, and polices for the continuing operation of Fort Indiantown Gap and to designate regulations as being for the protection of persons or property at Fort Indiantown Gap. The new 43 Pa. Code Chapter 11 provides comprehensive regulations for the operation, management and control of this military installation. Fort Indiantown Gap is owned by the Commonwealth, but the bulk of it is leased by the U.S. Government. The Fort Indiantown Gap Police Force is a state entity with offices commissioned under state law and powers and duties defined by 51 Pa.C.S. § 711.	Dennis Guise (717) 861-8503
43 Pa. Code Chapter 7 State Veterans Homes	Feb 2014, as final omitted	The Department wishes to promulgate a comprehensive update to its regulations on State Veterans' Homes. The statutory authority for these regulations is section 902(10) of the Military and Veterans Code (51 Pa.C.S. § 903(10)). These regulations are out-of-date. They were last updates in 1986. The purpose of the changes to these regulations is to bring them in line with best practices in the long-term care arena.	Dennis Guise (717) 861-8503
43 Pa. Code Chapter 5, Subchapter C Disabled Veterans' Real Estate Tax Exemption Program	Apr 2014, as notice of proposed rulemaking	The Department plans to seek public comment by a notice of proposed rulemaking on a comprehensive update to its regulations on the Disabled Veterans' Real Estate Tax Exemption Program. Several laws have changed this program since the last update to the regulation, and the regulations need to catch up with the statute.	Dennis Guise 717-861-8503

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION			
Title 37 Pa. Code Chapter 203	Fall 2014	Omnibus revisions to Chapter 203, which pertains to the certification and training of the Commonwealth's Municipal Police officers.	Lieutenant Robert J. Krol (717) 783-5566
PENNSYLVANIA MUNICIPAL RETIREMENT SYSTEM			
No regulations being developed or considered at this time.			
PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY			
22 Pa. Code Chapter 121 Student Financial Aid	Spring 2014 as Proposed	These regulations have not been updated in some time. The revisions seek to increase the transparency in regard to the processes used for financial assistance determinations.	Christine Zuzack (717) 720-2368
PROBATION AND PAROLE			
Revision to 37 Pa. Code §§ 63, 65, 67, 69, 71, 73, 75 and 77 "Board of Probation and Parole"	Continues to be worked on in FY 2013.	Updates to incorporate recent changes to Title 61 and emphasis on evidence based practices.	Barbara Christie Chief Counsel (717) 787-8126
Addition of a section to 37 Pa. Code Part II. "Board of Probation and Parole"	Continues to be worked on in FY 2013.	Addition to address urinalysis collection as mandated by 61 Pa.C.S. § 6137(e).	Colleen Fickel, Director, Central Services, PBPP (717) 787-5699 x 292
The Domestic and Sexual Violence Address Confidentiality Program, 37 Pa. Code §§ 802.1—802.3, 802.11—802.17, 802.21—802.23, and 802.31—802.33.	Continues to be worked on in FY 2013.	Add updates to better address changes to the act and process that have occurred since 2007.	John Talaber, Counsel to the Office of Victim Advocate, 717-787-8126.
PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM			
No regulations being developed or considered at this time.			
PUBLIC WELFARE			
Payment for Nursing Facility Services Provided by Special Rehabilitation Nursing Facilities; Change in Methods and Standards of Setting Payment Rates. 55 Pa. Code Chapter 1187	June 2014, as final	This change in rate methodology will allow the Commonwealth to provide for a distinct method of calculating peer group medians and prices between the initial four Special Rehabilitation Facilities (SRFs) and the facilities classified as SRFs after 2000.	Angie Logan (717) 772-4141
Rate Setting for County Nursing Facilities that Privatize 55 Pa. Code Chapters 1187 and 1189	September 2014, as final	This regulation will codify the methodology for setting rates for county nursing facilities that have a change of ownership to a nonpublic nursing facility provider. County nursing facilities that have a change of ownership will have per diem rates determined using the peer group price for resident care, other resident related and administrative costs from the appropriate peer group in accordance with 55 Pa. Code § 1187.45 (relating to peer grouping for price setting) until there is a nursing facility cost report submitted by the new provider audited for use in the rebasing process	Angie Logan (717) 772-4141

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Administration of County Children and Youth Programs 55 Pa. Code Chapter 3130	March 2015, as proposed	This regulation incorporates the amendments to the Juvenile Act as a result of Act 126 of 1998 and the federal regulations for Title IV-B and Title IV-E funding for child welfare services for children in their own homes and for children receiving placement services. Major changes include permanency hearings and the matters to be determined, requirements related to reasonable efforts including aggravated circumstances contrary to the welfare and best interests and redefining permanency goals for children.	Angie Logan (717) 772-4141
Planning and Financial Reimbursement requirements for County Children and Youth Social Service Programs 55 Pa. Code Chapter 3140	June 2015, as proposed	This regulation provides the requirements for reimbursement for services to county children and youth agencies. The regulations are in need of revision to ensure consistency with federal requirements and policy to ensure the validity of state and Federal claims.	Angie Logan (717) 772-4141
REVENUE			
Amendments to Estates & Trusts—Personal Income Tax Regulations 61 Pa. Code Chapters 101, 103, 105 and 117	July 2014, as proposed.	The Department is promulgating this regulation to codify the Department's policy for the taxation of estates and trusts in the Commonwealth and to provide clear instructions for taxpayers regarding reporting requirements.	Douglas Berguson 717-346-4633
Amendments to Local Option Small Games of Chance (SGOC) 61 Pa. Code Chapter 901a	August 2014, as proposed	The Department is proposing to replace Chapter 901 with a new Chapter 901a as a result of the amendments to the SGOC law. The proposed rulemaking will reorganize and clarify the SGOC regulations as well as incorporate necessary changes to implement Acts 2 and 184 of 2012 and Acts 90 and 92 of 2013.	Douglas Berguson 717-346-4633
General Provisions Application of Payments 61 Pa. Code Chapter 5a	March 2014, as proposed	The Department is promulgating this regulation to clarify the provisions of the Taxpayers' Bill of Rights and provide a procedure for the application of a payment received from a taxpayer to tax liability owed the Department.	Douglas Berguson 717-346-4633
General Provisions Payments by Electronic Funds Transfer (EFT) 61 Pa. Code Chapter 5	February 2014, as final	The Department is promulgating a final-omitted rulemaking to implement a statutory change (Act 71 of 2013) that revised EFT payments required under § 5.3 from "\$10,000 or more" to "\$1,000 or more."	Douglas Berguson 717-346-4633

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
STATE			
Bureau of Professional and Occupational Affairs —Telephonic Testimony— 49 Pa. Code Chapter 43b. (16A-55)	Summer 2014, as Proposed.	This proposed rulemaking would provide rules for the admission of testimony received by telephone at hearings conducted by boards/commissions or hearing examiners. Statutory Authority: Section 3 of the act of July 2, 1993 (P. L. 345, No. 48) authorizes the Commissioner of Professional and Occupational Affairs to promulgate regulations setting forth the procedural rules to be followed in the conduct of hearings in disciplinary matters before a licensing board or commission, after consultation with the licensing boards and commissions.	Cynthia K. Montgomery (717) 783-7200
State Board of Accountancy —General Revisions— 49 Pa. Code Chapter 11 (16A-5513)	Spring 2014, as Proposed.	This proposed rulemaking would implement the amendments to the CPA Law made by the act of July 9, 2008 (P. L. 954, No. 73), and the act of June 19, 2013 (P. L. 46, No. 15). Statutory Authority: Section 3 of the C.P.A. Law, 63 P. S. § 9.3.	Sara Fox (717) 783-1404
State Architects Licensure Board—Electronic seals and signing— 49 Pa. Code Chapter 9 (16A-4110)	Spring 2014, as Proposed.	This proposed rulemaking will implement rules on electronic seals and signing. Statutory Authority: Sections 6(a), 6(b) and 12 of the Architects' Licensure Law, 63 P. S. §§ 34.6(a), 34.6(b) and 34.12.	Penny Walker (717) 783-3397
State Board of Auctioneer Examiners—Schedule of Civil Penalties— 49 Pa. Code § 43b.12a (16A-648)	Summer 2014, as Proposed.	The proposed rulemaking would make updates to the current schedule of civil penalties, as requested by the Board. Statutory Authority: Section 5(a) of the act of July 2, 1993 (P. L. 345, No. 48), 63 P. S. § 2205(a).	Terrie Kocher (717) 783-3397
—Biennial Renewal Fees— 49 Pa. Code § 1.41 (16A-649)	Spring 2014, as Final.	The final-form rulemaking would increase biennial renewal fees to meet projected expenditures as required by law. Statutory Authority: Section 6(a) of the Auctioneer Licensure and Trading Assistant Registration Act, 63 P. S. § 734.6(a).	Terrie Kocher (717) 783-3397
State Board of Barber Examiners—Fees— 49 Pa. Code § 3.103 (16A-428)	Spring 2014, as Final.	The final-form rulemaking would increase biennial renewal fees and fees for other board services to meet projected expenditures as required by law. Statutory Authority: Section 14 of the Barbers License Law, 63 P. S. § 564.	Kelly Diller (717) 783-3402

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—General Revisions— 49 Pa. Code Chapter 3 (16A-429)	Summer 2014, as Proposed.	The proposed rulemaking would update the regulations for barber managers, temporary student licenses, barber shops and schools of barbering. Statutory Authority: Section 10 of the Barbers License Law, 63 P. S. § 560.	Kelly Diller (717) 783-3402
State Board of Chiropractic —Chiropractic specialties— 49 Pa. Code Ch. 5 (16A-4312)	Spring 2014, as Proposed.	The Chiropractic Practice Act prohibits licensees from holding themselves out as specialists unless they possess a post-graduate certification in that specialty. This proposed rulemaking would identify the certifications acceptable to the Board. Statutory Authority: Section 302(3) of the Chiropractic Practice Act, 63 P. S. § 625.302(3).	Chris Stuckey (717) 783-7155
—Volunteer License— 49 Pa. Code § 5.20 (16A-4321)	Spring 2014, as Final (proposed-omitted).	This regulation would amend the volunteer license regulations to conform to amendments to the Volunteer Health Services Act. Statutory Authority: Section 302 of the Chiropractic Practice Act, 63 P. S. § 625.302; and section 5 of the Volunteer Health Services Act, 35 P. S. § 449.45.	Chris Stuckey (717) 783-7155
—Child Abuse Reporting Requirements— 49 Pa. Code §§ 5.91—5.96 (16A-4322)	Summer 2014, as Proposed.	This regulation would update the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL, 23 P. S. §§ 6301—6386. Statutory Authority: Section 6383(b)(2) of the CPSL, 23 P. S. § 6383(b)(2); and section 302(3) of the Chiropractic Practice Act, 63 P. S. § 62.302(3).	Chris Stuckey (717) 783-7155
Bureau of Commissions, Elections & Legislation —Lobbying Disclosure Fee— 51 Pa. Code § 51.12 (16-56)	Spring 2014, as Final.	This proposed rulemaking would increase the biennial registration fee for individuals and entities required to be registered un 65 P. S. Chapter 13A (relating to lobbying disclosure). Statutory Authority: Section 13A08(j) of the act provides that the Department may by regulation adjust the filing fee if a higher fee is needed to cover the costs of carrying out the provisions of the act.	Caroline Bailey (717) 265-7632

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
—Notaries Public— 4 Pa. Code Part VIII, Subpart C (number not yet assigned)	Spring 2014, as Proposed.	The proposed rulemaking would implement the act of October 9, 2013 (P. L. 609, No. 73), which adopted the Revised Uniform Law on Notarial Acts (RULONA). Statutory Authority: Section 327 of the RULONA, 57 Pa.C.S. § 327, authorizes the Department to promulgate regulations to implement the RULONA.	Martha Brown (717) 787-6802
Bureau of Corporations and Charitable Organizations —UCC Revised Article 9— (16-35)	Spring 2014, as Proposed.	This proposed rulemaking would adopt (with some revisions) the Model rules promulgated by the International Association of Corporate Administrators, which call for the delivery of filings by electronic means and acceptance of credit card payments. Statutory Authority: Section 9526 of the Uniform Commercial Code Modernization Act of 2001, 13 Pa.C.S. § 9526.	Martha Brown (717) 787-6802
State Board of Cosmetology —Fees— 49 Pa. Code § 7.2 (16A-4515)	Spring 2014, as Final.	The final-form rulemaking would increase biennial renewal fees for all licensee classifications to meet projected expenditures as required by law and would increase certain application fees where the current fees have been determined to be inadequate. Statutory Authority: Section 16(d) of the Beauty Culture Law, 63 P. S. § 522(d), requires the Board to increase fees by regulation to meet or exceed projected expenditures if the revenues raised by fees, fines and civil penalties are not sufficient to match expenditures over a 2-year period.	Kelly Diller (717) 783-7130
—Sanitation— 49 Pa. Code, Chapter 7 (16A-4516)	Summer 2014, as Proposed.	This proposed rulemaking would update the Board's regulations on sanitation to conform to modern standards within the profession. Statutory Authority: Sections 11 and 14 of the Act of May 3, 1933 (P. L. 242, No. 86), commonly referred to as the Beauty Culture Law, 63 P. S. §§ 517 and 520.	Kelly Diller (717) 783-7130
—Schedule of Civil Penalties— 49 Pa. Code § 43b.5. (16A-4517)	Spring 2014, as Proposed.	This proposed rulemaking would amend the schedule of civil penalties for the State Board of Cosmetology. Statutory authority: Section 5(a) of the act of July 2, 1993 (P. L. 345, No. 48), 63 P. S. § 2205(a).	Kelly Diller (717) 783-7130

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Crane Operators —Fees— 49 Pa. Code § 6.4 (16A-7102)	Spring 2014, as Proposed.	This final-form regulation would increase the biennial renewal fee for licensed crane operators. Statutory Authority: Section 701(a) of the Crane Operator Licensure Act, 63 P. S. § 2400.701(a).	Penny Walker (717) 783-1404
State Board of Dentistry —Anesthesia Update— 49 Pa. Code §§ 33.331—33.342 (16A-4621)	Spring 2014, as Proposed.	This proposed rulemaking would update the standards for the administration of general anesthesia, deep sedation, moderate sedation, minimal sedation and nitrous oxide/oxygen analgesia in dental offices. Statutory Authority: Sections 3(o) and 11.2 of the Dental Law, 63 P. S. §§ 122(o) and 130c.	Lisa Burns (717) 783-7162
—Volunteer License— 49 Pa. Code § 33.110 (16A-4625)	Spring 2014, as Final (proposed-omitted).	This regulation would amend the current volunteer license regulations to conform to amendments to the Volunteer Health Services Act. Statutory Authority: Section 3(o) of the Dental Law, 63 P. S. § 122(o).	Lisa Burns (717) 783-7162
—Child Abuse Reporting Requirements— 49 Pa. Code § 33.250 (16A-4626)	Summer 2014, as Proposed.	This regulation would update the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL), 23 P. S. §§ 6301—6386. Statutory Authority: section 6383(b)(2) of the CPSL, 23 P. S. § 6383(b)(2); and section 3(o) of the Dental Law, 63 P. S. § 122(o).	Lisa Burns (717) 783-7162
—General Revisions— 49 Pa. Code Chapter 33 (16A-4628)	Spring 2014, as Proposed.	This proposed rulemaking would generally amend, update and clarify the regulations relating to fictitious names, biennial renewal, inactive status, reactivation, licensure by criteria approval, acceptable proof of professional liability insurance, use of titles, advertising, unprofessional conduct, multi-disciplinary professional corporations, exclusion of auxiliary personnel from performing radiological procedures and continuing dental education. Section 3(o) of the Dental Law, 63 P. S. § 122(o).	Lisa Burns (717) 783-7162
—Mobile Dentistry— 49 Pa. Code Chapter 33 (16A-4629)	Summer 2014, as Proposed.	This proposed rulemaking will establish standards for the provision of dental and dental hygiene services through mobile dental units. Statutory Authority: Section 3(o) of the Dental Law, 63 P. S. § 122(o).	Lisa Burns (717) 783-7162

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Registration Board for Professional Engineers, Land Surveyors and Geologists—Qualifications for Licensure—49 Pa. Code Chapter 37 (16A-4711)	Spring 2014, as Final.	The regulation implements Act 25 of 2010, to provide for the certification of geologists-in-training, and to update the board's regulations concerning the licensure process for engineers and land surveyors. Statutory Authority: Section 4(l) of the Engineer, Land Surveyor and Geologist Registration Law, 63 P. S. § 151(l).	Robin Shearer (717) 783-7049
—Electronic Seals and Signing 49 Pa. Code Chapter 37 (16A-4712)	Spring 2014, as Proposed.	This proposed rulemaking will implement rules on electronic seals and signing. Statutory Authority: Sections 4(l) and 7 of the Engineer, Land Surveyor and Geologist Registration Law, 63 P. S. §§ 151.4(l) and 151.7.	Robin Shearer (717) 783-7049
State Board of Funeral Directors—Renewal; Continuing Education Enforcement—49 Pa. Code Chapter 13 (16A-4819)	Spring 2014, as Proposed.	This proposed rulemaking would update and clarify the Board's regulations relating to renewal of licenses and enforcement of continuing education. Statutory authority: Sections 10(b)(1) and 16(a) of the Funeral Director Law, 63 P. S. §§ 479.10(b)(1) and 479.16(a).	Heidy Weirich (717) 783-3397
—Schedule of Civil Penalties—Funeral Directors 49 Pa. Code § 43b.6 (16A-4820)	Spring 2014, as Proposed.	This proposed regulation would establish a schedule of civil penalties for continuing education enforcement. Statutory Authority: Section 5(a) of the act of July 2, 1993 (P. L. 345, No. 48), 63 P. S. § 2205(a).	Heidy Weirich (717) 783-3397
—Child Abuse Reporting Requirements— 49 Pa. Code §§ 13.301—13.307 (16A-4824)	Summer 2014, as Proposed.	This regulation would update the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL), 23 P. S. §§ 6301—6386. Statutory Authority: section 6383(b)(2) of the CPSL, 23 P. S. § 6383(b)(2); and section 16(a) of the Funeral Director Law, 63 P. S. § 479.16(a).	Heidy Weirich (717) 783-3397
—General Revisions— 49 Pa. Code Chapter 15 (16A-6111)	Spring 2014, as Proposed	This proposed rulemaking implements updates to current practices of the Board with respect to qualifications and experience, examinations and continuing education. Statutory Authority: Section 4(9) of the Landscape Architects' Registration Law, 63 P. S. § 904(9).	Terrie Kocher (717) 772-8528

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
—Schedule of Civil Penalties— Landscape Architects 49 Pa. Code Chapter 43b. (16A-6120)	Spring 2014, as Proposed.	This proposed rulemaking would adopt a schedule of civil penalties for unlicensed practice and other violations of the Landscape Architects Registration Law. Statutory Authority: Section 5(a) of the act of July 2, 1993 (P. L. 345, No. 48), 63 P. S. § 2205(a).	Terrie Kocher (717) 772-8528
—Electronic Seals and Signing— 49 Pa. Code Chapter 15 (16A-6121)	Spring 2014, as Proposed.	This proposed rulemaking will implement rules on electronic seals and signing from other design professional boards in Pennsylvania and other states. Statutory Authority: Sections 4 and 9 of the Landscape Architects' Registration Law, 63 P. S. §§ 904 and 909.	Terrie Kocher (717) 772-8528
State Board of Massage Therapy —Child Abuse Reporting Requirements— 49 Pa. Code Chapter 20 (16A-722)	Spring 2014, as Proposed.	This proposed rulemaking establishes mandatory reporting requirements relating to suspected child abuse under the Child Protective Services Law (CPSL), 23 P. S. §§ 6301—6386. Statutory Authority: Section 6383(b)(2) of the CPSL, 23 P. S. § 6383(b)(2); and section 4(2) of the Massage Therapy Law, 63 P. S. § 627.4(2).	Judy Harner (717) 783-7155
—Schedule of Civil Penalties— Massage Therapists— 49 Pa. Code § 43b.23a (16A-723)	Spring 2014, as Proposed.	The proposed rulemaking updates the schedule of civil penalties promulgated by the Board as a statement of policy in 2010. Statutory Authority: Section 5(a) of the act of July 2, 1993 (P. L. 345, No. 48), 63 P. S. § 2205(a).	Judy Harner (717) 783-7155
—Volunteer Licenses— 49 Pa. Code Chapter 16 (16A-4934)	Spring 2014, as Final (proposed-omitted).	This regulation will amend the volunteer license regulations to conform to amendments to the Volunteer Health Services Act (Acts 29 of 2007 and 58 of 2002). Statutory Authority: Section 8 of the Medical Practice Act of 1985, 63 P. S. § 422.8.	Tammy Dougherty (717) 783-1400
—Genetic Counselors— 49 Pa. Code Chapter 18 (16A-4937)	Summer 2014, as Final.	This proposed rulemaking would implement the act of December 22, 2011 (P. L. 576, No. 125) relating to the licensure of genetic counselors. Statutory Authority: Section 3 of Act 125 of 2011 requires the Board to promulgate regulations within 12 months. Section 8 of the Medical Practice Act of 1985, 63 P. S. § 422.8, provides the general regulatory authority of the Board.	Tammy Dougherty (717) 783-1400

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
—Use of Medical Lasers— 49 Pa. Code Chapter 18, Subchapter G (16A-4939)	Spring 2014, as Proposed.	This proposed rulemaking is intended to clarify the requirements for the use and delegation of medical devices and medical lasers. Statutory Authority: Section 8 of the Medical Practice Act of 1985, 63 P. S. § 422.8.	Tammy Dougherty (717) 783-1400
—Child Abuse Reporting Requirements— 49 Pa. Code §§ 16.101—16.107 (16A-4941)	Summer 2014, as Proposed.	This regulation updates the Board's existing regulation on mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL), 23 P. S. §§ 6301—6386. Statutory Authority: Section 6383(b)(2) of the CPSL, 23 P. S. § 6383(b)(2); and section 8 of the Medical Practice Act of 1985, 63 P. S. § 422.8.	Tammy Dougherty (717) 783-1400
—Schedule of Civil Penalties— 49 Pa. Code § 43b.20. (16A-4942)	Spring 2014, as Proposed.	This proposed rulemaking would amend the schedule of civil penalties for the State Board of Medicine to implement Act 48 civil penalties for practicing on a lapsed license and for continuing education violations. Statutory authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).	Tammy Dougherty (717) 783-1400
—Prosthetists, orthotists, pedorthists and orthotic fitters— 49 Pa. Code Chapters 16 and 18 (Number not yet assigned)	Spring 2014, as Proposed.	This proposed regulation would implement Act 90 of 2012 to establish licensure of prosthetists, orthotists, pedorthists and orthotic fitters. Statutory Authority: Section 3 of the act of July 5, 2012 (P. L. 873, No. 90) directs the Board to promulgate regulations within 18 months.	Tammy Dougherty (717) 783-1400
State Board of Nursing —General Revisions— 49 Pa. Code Chapter 21 (16A-5125)	Summer 2014, as Proposed.	This proposed rulemaking would establish a timeframe within which candidates for licensure as registered nurses, practical nurses and dietitian-nutritionists must first take and ultimately pass the appropriate licensing examination and updates and makes uniform application and examination provisions across the licensure categories. Statutory Authority: Sections 2.1(k) and 12(a) of the Professional Nursing Law, 63 P. S. §§ 212.1(k) and 222(a); and section 17.6 of the Practical Nurse Law, 63 P. S. § 667.6.	Cindy Miller (717) 783-7142

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
—Continuing Education; Reporting of Crimes and Discipline— 49 Pa. Code §§ 21.131—21.134 (16A-5126)	Spring 2014, as Proposed.	This proposed regulation will amend the Board's continuing education regulations to eliminate the ability of registered nurses to renew their licenses without completing their continuing education, and will clarify the requirements for timely reporting of crimes and disciplinary actions. Statutory Authority: Sections 2.1 and 12.1 of the Professional Nursing Law, 63 P. S. §§ 212.1 and 222.	Cindy Miller (717) 783-7142
—Volunteer License— 49 Pa. Code §§ 21.601—21.607. (16A-5139)	Spring 2014, as Final (Proposed-omitted).	This regulation would amend the volunteer license regulations to conform to amendments to the Volunteer Health Services Act. Statutory Authority: Section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k).	Cindy Miller (717) 783-7142
—Child Abuse Reporting Requirements— 49 Pa. Code §§ 21.501—21.507. (16A-5140)	Summer 2014, as Proposed.	This regulation updates the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law, CPSL), 23 P. S. §§ 6301—6386. Statutory Authority: Section 6383(b)(2) of the CPSL, 23 P. S. § 6383(b)(2); section 2.1(k) of the Professional Nursing Law, 63 P. S. § 212.1(k); and Section 17.6 of the Practical Nurse Law, 63 P. S. § 667.6.	Cindy Miller (717) 783-7142
State Board of Examiners of Nursing Home Administrators —Sexual Misconduct— 49 Pa. Code §§ 39.1 and 39.9 (16A-6211)	Fall 2014, as Proposed.	This proposed rulemaking would add sexual abuse and sexual misconduct as offenses for which a nursing home administrator's license may be disciplined. Statutory Authority: Sections 4(c) and 6(g) of the Nursing Home Administrators Licensure Act, 63 P. S. §§ 1104(c) and 1106(g).	Chris Stuckey (717) 783-7155
—Schedule of Civil Penalties— 49 Pa. Code § 43b.17 (16A-6213)	Spring 2014, as Proposed.	This proposed rulemaking would amend the schedule of civil penalties for the State Board of Examiners of Nursing Home Administrators to implement Act 48 civil penalties for continuing education violations. Statutory authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).	Chris Stuckey (717) 783-7155

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
—Continuing Education— 49 Pa. Code Chapter 39 (16A-6215)	Fall 2014, as Proposed.	This proposed regulation updates the Board's existing regulations relating to continuing education requirements and reporting and establishes requirements for licensees who have been expired or inactive for more than five years to demonstrate competence prior to reactivation. Statutory Authority: Sections 4(a)(9), 8(e) and 9(a)—(c) of the Nursing Home Administrators Act, 63 P. S. §§ 1104(a)(9), 1108(e) and 1109(a)—(c).	Chris Stuckey (717) 783-7155
—Notice Requirements— 49 Pa. Code §§ 39.92 and 39.93 (16A-6217)	Fall 2014, as Proposed.	This proposed rulemaking clarifies notice requirements relating to convictions of crimes and return of suspended or revoked licenses. Statutory Authority: Section 4 (c) of the Nursing Home Administrators License Act, 63 P. S. § 1104(c).	Chris Stuckey (717) 783-7155
—Child Abuse Reporting Requirements— 49 Pa. Code Chapter 42 (16A-679)	Spring 2014, as Proposed.	This regulation updates the Board's regulations on mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL), 23 P. S. §§ 6301—6386. Statutory Authority: Section 6383(b)(2) of the CPSL requires the Board to promulgate regulations consistent with the CPSL; Section 5(b) of the Occupational Therapy Practice Act, 63 P. S. § 1505(b) directs the Board to adopt regulations consistent with law.	Judy Harner (717) 783-1389
—Code of Ethics— 49 Pa. Code § 42.24 (16A-6710)	Summer 2014, as Proposed.	This proposed rulemaking would update and amend the Board's existing code of ethics to adopt the AOTA ethics standards. Statutory authority: Section 5(b) of the Occupational Therapy Practice Act, 63 P. S. § 1505(b).	Judy Harner (717) 783-1389
—General Revisions— 49 Pa. Code Chapter 42 (16A-6711)	Spring 2014, as Proposed.	This proposed rulemaking implements the act of July 5, 2012 (P. L. 1132, No. 138), which amended the Occupational Therapy Practice Act. Statutory Authority: Section 5(b) of the Occupational Therapy Practice Act, 63 P. S. § 1505(b) directs the Board to adopt regulations consistent with law.	Judy Harner (717) 783-1389
State Board of Optometry —Schedule of Civil Penalties— Optometrists 49 Pa. Code Chapter 43b (16A-5212)	Spring 2014, as Proposed.	This proposed rulemaking would adopt a schedule of civil penalties for continuing education violations. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a), authorizes the Commissioner to set forth schedules of civil penalties.	Judy Harner (717) 783-7155

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
—General Revisions— 49 Pa. Code Chapter 23 (16A-5213)	Spring 2014, as Proposed.	This proposed rulemaking would update the Board's regulations to conform to current practices. Statutory Authority: Sections 3(b)(14) and 5 of the Optometric Practice and Licensure Act (63 P. S. §§ 244.3(b)(14) and 244.5).	Judy Harner (717) 783-7155
—Volunteer License— 49 Pa. Code § 23.26 (16A-5214)	Spring 2014, as Final (Proposed-omitted).	This regulation would amend the Board's volunteer license regulations to conform to amendments to the Volunteer Health Services Act. Statutory Authority: Section 3(b)(14) of the Optometric Practice and Licensure Act, 63 P. S. § 244.3(b)(14).	Judy Harner (717) 783-7155
—Child Abuse Reporting Requirements— 49 Pa. Code §§ 23.111—23.116 (16A-5215)	Summer 2014, as Proposed.	This regulation updates the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law, CPSL), 23 P. S. §§ 6301—6386. Statutory Authority: Section 6383(b)(2) of the CPSL, 23 P. S. § 6383(b)(2); and section 3(b)(14) of the Optometric Practice and Licensure Act, 63 P. S. § 244.3(b)(14).	Judy Harner (717) 783-7155
Volunteer License— 49 Pa. Code §§ 25.601—25.607. (16A-5323)	Spring 2014, as Final (Proposed-omitted).	This regulation would amend the Board's volunteer license regulations to conform to amendments to the Volunteer Health Services Act made by Act 58 of 2002 and Act 29 of 2007. Statutory Authority: Section 16 of the Osteopathic Medicine Act, 63 P. S. § 271.16.	Suzanne Smith (717) 783-4858
—Child Abuse Reporting Requirements— 49 Pa. Code §§ 25.401—25.416 (16A-5326)	Summer 2014, as Proposed.	This regulation updates the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law, CPSL), 23 P. S. §§ 6301—6386. Statutory Authority: Section 6383(b)(2) of the CPSL, 23 P. S. § 6383(b)(2); and section 16 of the Osteopathic Medicine Practice Act, 63 P. S. § 271.16.	Suzanne Smith (717) 783-4858
—Schedule of Civil Penalties— 49 Pa. Code Chapter 43b. (16A-5327)	Summer 2014, as Proposed.	This proposed rulemaking would establish a schedule of civil penalties for the State Board of Osteopathic Medicine to implement Act 48 civil penalties for failure to report complaints filed against an osteopathic physician in a medical professional liability action. Statutory authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).	Suzanne Smith (717) 783-4858

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
—Genetic Counselors— 49 Pa. Code Chapter 25 (16A-5328)	Spring 2014, as Proposed.	This proposed rulemaking would implement the act of December 22, 2011 (P. L. 581, No. 126) relating to the licensure of genetic counselors. Statutory Authority: Section 3 of Act 126 of 2011 requires the Board to promulgate regulations within 12 months. Section 16 of the Osteopathic Medicine Practice Act, 63 P. S. § 271.16, provides the general regulatory authority of the Board.	Suzanne Smith (717) 783-4858
State Board of Pharmacy —Compounding Practices— 49 Pa. Code Chapter 27 (16A-5419)	Spring 2014, as Proposed.	This proposed rulemaking would establish standards for the compounding of drugs by pharmacists. Statutory Authority: Section 6(k)(9) of the Pharmacy Act, 63 P. S. § 390-6(k)(9) grants the authority to promulgate rules and regulations to effectuate the purposes of the act. Section 2 of the Pharmacy Act, 63 P. S. § 390-2(11) defines the practice of pharmacy to include the compounding of drugs.	Melanie Zimmerman (717) 783-7156
—Pharmacy Internship— 49 Pa. Code Chapter 27 (16A-5424)	Spring 2014, as Final.	This final-form rulemaking would update the Board's regulations relating to the pharmacy internship required under section 3 of the Pharmacy Act. Statutory Authority: Section 3 of the Pharmacy Act, 63 P. S. § 390-3(c) requires the Board to establish by regulation the internship requirements which must be satisfactorily completed prior to issuance of a pharmacist license.	Melanie Zimmerman (717) 783-7156
—Collaborative Management of Drug Therapy— 49 Pa. Code Chapter 27 (16A-5425)	Spring 2014, as Final.	This final-form rulemaking would implement Act 29 of 2010, which provides for collaborative drug therapy management between a pharmacist and a licensed physician. Statutory Authority: Section 5 of the act of June 1, 2010 (P. L. 201, No. 29) requires the Board to promulgate regulations to implement Act 29 within 18 months of its effective date.	Melanie Zimmerman (717) 783-7156

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
—Emergency Preparedness— 49 Pa. Code Chapter 27 (16A-5426)	Summer 2014, as Proposed.	The proposed rulemaking would establish procedures and standards for the operation of remote emergency pharmacies in the event of an emergency caused by a natural or manmade disaster or any other exceptional situation that causes an extraordinary demand for pharmacy services. Statutory Authority: Section 6(k)(9) of the Pharmacy Act, 63 P. S. § 390-6(k)(9).	Melanie Zimmerman (717) 783-7156
—General Revisions to Standards of Practice— 49 Pa. Code § 27.18 (16A-5427)	Summer 2014, as Proposed.	This proposed rulemaking would update the Board's regulations relating to standards of practice for pharmacists. Statutory Authority: Section 6(k)(9) of the Pharmacy Act, 63 P. S. § 390-6(k)(9).	Melanie Zimmerman (717) 783-7156
—Correctional Facility Drug Redistribution— 49 Pa. Code Chapter 27 (number not yet assigned)	Summer 2014, as Proposed.	This proposed rulemaking is required to conform the Board's regulations to the act of July 9, 2010 (P. L. 457, No. 59), which permits a vendor pharmacy to redistribute drugs returned by a correctional facility to other correctional facilities. Statutory Authority: Section 6(k)(9) of the Pharmacy Act, 63 P. S. § 390-6(k)(9).	Melanie Zimmerman (717) 783-7156
—Schedule of Civil Penalties— 49 Pa. Code § 43b.7 (number not yet assigned)	Spring 2014, as Proposed.	This proposed rulemaking would amend the schedule of civil penalties for the State Board of Pharmacy to implement Act 48 civil penalties for continuing education violations. Statutory authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).	Melanie Zimmerman (717) 783-7156
State Board of Physical Therapy —Child Abuse Reporting Requirements— 49 Pa. Code §§ 40.201—40.207. (16A-6515)	Summer 2014, as Proposed.	This regulation updates the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law, CPSL), 23 P. S. §§ 6301—6386. Statutory Authority: Section 6383(b)(2) of the CPSL, 23 P. S. § 6383(b)(2); and section 3(a) of the Physical Therapy Practice Act, 63 P. S. § 1303(a).	Michelle Roberts (717) 783-7134
—Schedule of Civil Penalties— 49 Pa. Code Chapter 43b. (16A-6516)	Summer 2014, as Proposed.	This proposed rulemaking would establish a schedule of civil penalties for the State Board of Physical Therapy to implement Act 48 civil penalties for practicing on a lapsed license. Statutory authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).	Michelle Roberts (717) 783-7134

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
—Post—Act 38 Corrections— 49 Pa. Code Ch. 40 (16A-6517)	Spring 2014, as Proposed.	This proposed regulation would address provisions related to the Act 38 amendments that were not part of the rulemaking promulgated December 22, 2012 at 42 Pa.B. 7652. Statutory Authority: Section 3(a) of the Physical Therapy Practice Act 48 of 1993, 63 P. S. § 1303(a).	Michelle Roberts (717) 783-7134
—Continuing education enforcement— 49 Pa. Code §§ 40.67(f) and 40.192(f) (16A-6518)	Summer 2014, as Proposed.	In conjunction with the civil penalty schedule, this proposed rulemaking would amend the continuing education regulations with regard to enforcement. Statutory Authority: Section 3(a) of the Physical Therapy Practice Act, 63 P. S. § 1303(a).	Michelle Roberts (717) 783-7134
State Board of Podiatry —Certificate of Authority to Perform Acupuncture— 49 Pa. Code Chapter 29 (16A-449)	Spring 2014, as Proposed.	This proposed rulemaking would establish the fees and regulate the practice of acupuncture by podiatrists under the Acupuncture Registration Act. Statutory Authority: Section 3 of the Acupuncture Registration Act, 63 P. S. § 1803.	Suzanne Smith (717) 783-4858
—Volunteer License— 49 Pa. Code § 29.55 (16A-4411)	Spring 2014, as Final (Proposed-omitted).	This regulation would amend the Board's volunteer license regulations to conform to recent amendments to the Volunteer Health Services Act. Statutory Authority: Section 15 of the Podiatry Practice Act, 63 P. S. § 42.15.	Suzanne Smith (717) 783-4858
—Child Abuse Reporting Requirements— 49 Pa. Code §§ 29.91—29.97 (16A-4412)	Summer 2014, as Proposed.	This regulation updates the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law, CPSL), 23 P. S. §§ 6301—6386. Statutory Authority: Section 6383(b)(2) of the CPSL, 23 P. S. § 6383(b)(2); and section 15 of the Podiatry Practice Act, 63 P. S. § 42.15.	Suzanne Smith (717) 783-4858
—Schedule of Civil Penalties— Podiatrists 49 Pa. Code Chapter 43b (16A-4413)	Spring 2014, as Proposed.	This proposed rulemaking would adopt a schedule of civil penalties for continuing education violations. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a), authorizes the Commissioner to set forth schedules of civil penalties.	Suzanne Smith (717) 783-4858
—Therapeutic Drugs, Preparations, Vitamins and Supplements, and Wound Care Products— 49 Pa. Code § 29.41 (16A-4414)	Summer 2014, as Proposed.	This proposed rulemaking would amend the list of therapeutic drugs that podiatrists may prescribe. Statutory Authority: Section 15 of the Podiatry Practice Act, 63 P. S. § 42.15.	Suzanne Smith (717) 783-4858

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Psychology—Continuing Education—49 Pa. Code § 41.59 (16A-6317)	Spring 2014, as Proposed.	This proposed rulemaking would amend the Board's continuing education requirements regarding home study, instruction and carry over. Statutory Authority: Section 15 of the Professional Psychologists Practice Act, 63 P. S. § 1215.	Chris Stuckey (717) 783-7155
—Code of Ethics—49 Pa. Code § 41.61 (16A-6318)	Spring 2014, as Proposed.	This proposed rulemaking would update the Board's Code of Conduct so that it would be in line with changes to the American Psychological Association and the Association of State and Provincial Psychology Boards. Statutory Authority: Section 3.2(2) of the Professional Psychologists Practice Act, 63 P. S. § 1203.2(2).	Chris Stuckey (717) 783-7155
—Education, Examination and Experience—49 Pa. Code § 41.31 (16A-6320)	Spring 2014, as Proposed.	This proposed rulemaking would clarify the education, examination and experience requirements. Statutory Authority: Section 3.2(2) of the Professional Psychologists Practice Act, 63 P. S. § 1203.2(2).	Chris Stuckey (717) 783-7155
—Child Abuse Reporting Requirements—49 Pa. Code Chapter 41 (16A-6322)	Summer 2014, as Proposed.	This regulation would amend the board's regulations to conform to changes made to the Child Protective Services Act. Statutory Authority: Section 6383(b)(2) of the Child Protective Services Law, 23 Pa.C.S. § 6383(b)(2) and section 3.2(2) of the Professional Psychologists Practice Act, 63 P. S. § 1203.2(2).	Chris Stuckey (717) 783-7155
State Board of Certified Real Estate Appraisers—Schedule of Civil Penalties—Real Estate Appraisers—49 Pa. Code § 43b.15a (16A-7016)	Spring 2014, as Proposed.	The proposed rulemaking will codify and amend the Board's current schedule of civil penalties statement of policy. Statutory Authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a), authorizes the Commissioner to set forth schedules of civil penalties, with the approval of the Board.	Heidy Weirich (717) 783-4866
—Assessment Record Keeping and Reporting—49 Pa. Code §§ 36.201 and 36.265 (16A-7018)	Spring 2014, as Proposed.	The proposed rulemaking updates the Board's regulations to reflect current practice followed by assessment offices throughout the Commonwealth, and to assure consistency with Uniform Standards of Appraisal Practice (USPAP) and International Association of Assessing Officers (IAAO) standards of assessment practice. Statutory Authority: Section 3 of the Assessors Certification Act, 63 P. S. § 457.3.	Heidy Weirich (717) 783-4866

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
—Biennial Renewal Fee for Licensed Appraiser Trainee— 49 Pa. Code § 36.6 (16A-7020)	Spring 2014, as Final.	The proposed rulemaking would adopt a biennial renewal fee for licensed appraiser trainees. Statutory Authority: Section 9 of the Real Estate Appraisers Certification Act, 63 P. S. § 457.9.	Heidy Weirich (717) 783-4866
—General Rulemaking for Appraisal Management Companies— 49 Pa. Code Chapter 36 (16A-7021)	Spring 2014, as Proposed.	The proposal would promulgate a general rulemaking implementing the Appraisal Management Company Registration Act, 63 P. S. §§ 457.21—457.31. Statutory Authority: Section 4(a) of the Appraisal Management Company Registration Act, 63 P. S. § 457.24(a).	Heidy Weirich (717) 783-4866
State Real Estate Commission —Advertising and Solicitation— 49 Pa. Code § 35.305 (16A-5620)	Summer 2014, as Proposed.	The proposed rulemaking would require licensees to advertise or otherwise hold themselves out to the public only under the name listed on their licenses. Statutory Authority: Section 404 of the Real Estate Licensing and Registration Act, 63 P. S. § 455.404.	Patricia Ridley (717) 783-3658
—Escrow requirements— 49 Pa. Code Chapter 35 (16A-5622)	Summer 2014, as Proposed.	This proposed rulemaking would establish additional escrow requirements consistent with the changes made by Act 14 of 2009. Statutory Authority: Section 404 of the Real Estate Licensing and Registration Act, 63 P. S. § 455.404.	Patricia Ridley (717) 783-3658
—Schedule of Civil Penalties— 49 Pa. Code § 43b.8 (16A-5623)	Spring 2014, as Proposed.	This proposed rulemaking would amend the schedule of civil penalties for the State Real Estate Commission to implement Act 48 civil penalties for continuing education violations. Statutory authority: Section 5(a) of Act 48 of 1993, 63 P. S. § 2205(a).	Patricia Ridley (717) 783-3658
—Child Abuse Reporting Requirements— 49 Pa. Code §§ 47.51—47.57 (16A-6919)	Summer 2014, as Proposed.	This regulation would amend the board's regulations to conform to changes made to the Child Protective Services Act. Statutory Authority: Section 6383(b)(2) of the Child Protective Services Law, 23 Pa.C.S. § 6383(b)(2) and section 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, 63 P. S. § 1906(2).	Sandra Matter (717) 783-1389

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
—Biennial Renewal Fees— 49 Pa. Code § 47.4 (16A-6920)	Spring 2014, as Final.	The final-form rulemaking would increase biennial renewal fees to meet projected expenditures as required by law. Statutory Authority: Section 18(c) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, 63 P. S. § 1918(c).	Sandra Matter (717) 783-1389
—Qualifications for License— 49 Pa. Code §§ 47.12c, 48.13 and 49.13 (16A-6921)	Spring, 2014, as Final.	This regulation would amend the Board's existing regulations to incorporate changes made by the act of March 14, 2012 (P. L. 191, No. 17) relating to the qualifications for licensure of licensed clinical social workers, marriage and family therapists and professional counselors. Statutory Authority: Section 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, 63 P. S. § 1906(2).	Sandra Matter (717) 783-1389
—General Revisions— 49 Pa. Code Chapters 47—49 (16A-6923)	Spring 2014, as Proposed.	This proposed rulemaking will eliminate outdated regulations, and update existing regulations to comport with current standards of the profession and current practices of the Board. Statutory Authority: Section 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act, 63 P. S. § 1906(2).	Sandra Matter (717) 783-1389
—Child Abuse Reporting Requirements— 49 Pa. Code §§ 45.401—45.407 (16A-6805)	Summer 2014, as Proposed.	This regulation would amend the board's regulations to conform to changes made to the Child Protective Services Act. Statutory Authority: Section 6383(b)(2) of the Child Protective Services Law, 23 Pa.C.S. § 6383(b)(2) and section 5(2) of the Speech-Language and Hearing Licensure Act, 63 P. S. § 1705(2).	Sandra Matter (717) 783-1389
—Termination of Grandfather Provisions— 49 Pa. Code § 45.21 (16A-6806)	Spring 2014, as Final.	This final-form rulemaking is intended to terminate an outdated grandfathering provision. Statutory Authority: Section 5(2) of the Speech-Language and Hearing Licensure Act, 63 P. S. § 1705(2).	Sandra Matter (717) 783-1389
—Continuing Education— 49 Pa. Code Chapter 45. (16A-6807)	Summer 2014, as Final.	This proposed rulemaking is intended to clarify the continuing education requirements for licensees that hold more than one class of license issued by the Board. Statutory Authority: Section 5(2) of the Speech-Language and Hearing Licensure Act, 63 P. S. § 1705(2).	Sandra Matter (717) 783-1389

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Vehicle Manufacturers, Dealers and Salespersons—Salesperson License— 49 Pa. Code Chapter 19 (16A-609)	Spring 2014, as Proposed.	This proposed rulemaking would clarify and update the requirements for salespersons in order to permit salespersons to sell at other locations of the same dealer. Statutory Authority: Section 4(9) of the Board of Vehicles Act, 63 P. S. § 818.4(9).	Janice Cline (717) 783-1697
—Out-of-state RV Dealer Registration Fee— 49 Pa. Code § 19.4 (16A-6011)	Spring 2014, as Proposed.	This proposed rulemaking would establish a fee for processing applications under section 32.1(c) of the act, 63 P. S. § 818.32a(c), for out-of-state RV dealers to register with the Board in order to participate in an RV show in this Commonwealth. Statutory Authority: Sections 4(9) and 32.1(c) of the Board of Vehicles Act, 63 P. S. §§ 818.4(9) and 818.32.1(c).	Janice Cline (717) 783-1697
State Board of Veterinary Medicine—Facilities— 49 Pa. Code Chapter 31 (16A-5720)	Summer 2014, as Proposed.	This proposed rulemaking would establish standards for and require registration of veterinary facilities. Statutory Authority: Sections 5 and 27 of the Veterinary Medicine Practice Act, 63 P. S. §§ 485.5 and 485.27.	Michelle Roberts (717) 783-7134
—Licensure of Euthanasia Technicians— 49 Pa. Code Chapter 31 (number not yet assigned)	Spring 2014, as Proposed.	This proposed rulemaking is necessary to implement the act of October 24, 2012 (P. L. 1452, No. 182) (Act 182 of 2012) to authorize animal protection organizations to purchase, possess and administer euthanasia drugs and to license euthanasia technicians. Statutory Authority: Section 304 (b) and (c) of Act 182 of 2012 direct the board to promulgate regulations within 18 months of the effective date of the act.	Michelle Roberts (717) 783-7134
STATE EMPLOYEES' RETIREMENT SYSTEM			
4 Pa. Code § 247.51. Time for Recomputation of Annuity. (This would impose a time limit for annuitants to change the optional payment plan authorized by the second to the last sentence of 71 Pa.C.S. § 5907(j)).	2015	This would provide guidance on when an annuitant is permitted to change their optional payment plan. There is no time frame in the statute for this election to occur causing administrative difficulties including possibly permitting anti-selection of death benefits, requiring members to make a declaration under discontinued disability benefits and negating an option change absent another qualifying event.	Brian McDonough, Esq. (717) 787-7317 Sharon Smith (717) 787-9657 David Durbin (717) 783-7210

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
4 Pa. Code § 243.8. Membership rules for educational employees.	2014	This would clarify the requirements for membership and final average salary calculations for educational employees.	Brian McDonough, Esq. (717) 787-7317 Sharon Smith (717) 787-9657 David Durbin (717) 783-7210
4 Pa. Code § 245.4. Member contributions for the purchase of credit for previous State service or to become a full coverage member. (This would be amended to specify the effects of a service purchase or reinstatement.)	2014	This would clarify the effects of the reinstatement or purchase of previous State service. An administrative decision has offered partial guidance in this area. This would enable consistent application of the statute and would reduce litigation of purchase of service issues. This is also being considered as a statutory amendment.	Brian McDonough, Esq. (717) 787-7317 Sharon Smith (717) 787-9657 David Durbin (717) 783-7210
STATE POLICE			
37 Pa. Code §§ 221.21 and 221.31	Spring 2014	Title 53 P. S. § 753.7 directs the Municipal Police Officer's Education and Training Commission (MPOETC) to promulgate regulations to implement the Retired Law Enforcement Identification Act. These amendments will make the regulations consistent with a 2011 change to federal law by reducing the time requirements necessary (from 15 years aggregate employment to 10 years) to be deemed a "retired law enforcement officer."	Lieutenant Robert J. Krol (717) 783-5566
37 Pa. Code § 41.5 Designation of Emergency Vehicles	Summer 2014	Title 75 Pa.C.S. § 6106 allows PSP to designate emergency vehicles upon certain findings. This amendment would add Philadelphia Prison System vehicles used to escort ambulances transporting sick or injured inmates to the class of vehicles eligible for designation.	Lieutenant Robert J. Krol (717) 783-5566
37 Pa. Code Chapter 51	Fall 2014	Revisions to Chapter 51 as it relates to officer certification/re-certification and authorization to engage in the conduct of communications interception.	Lieutenant Robert J. Krol (717) 783-5566
STATE SYSTEM OF HIGHER EDUCATION			
No regulations being developed or considered at this date.			
TRANSPORTATION			
321—Interstate Motor Carrier Safety 67 Pa. Code Chapter 231	Proposed Rulemaking— Estimated Promulgation March 2014	The proposed regulation change is needed to provide relief for mass transit drivers and companies from the hours of service and log book requirements and the parameters within which the relief may apply.	LaVerne Collins 717-787-1214

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
17—Authorization to Verify ID Numbers 67 Pa. Code Chapter 17	Final Rulemaking— Estimated Promulgation March 2014	Changes are needed to document the Vehicle Identification Number (VIN) verification process. The VIN verification process is not currently documented in either the Vehicle Code or in regulations.	Kristen Singer 717-787-2171
71—School Bus Drivers 67 Pa. Code Chapter 71	Proposed Rulemaking— Estimated Promulgation September 2015	The regulations will be updated to help ensure that school bus drivers diagnosed with various cardiovascular diseases are in stable condition. The regulations will also update the medical standards for school bus drivers that have brain disease, cognitive impairment or a mental/emotional disorder.	Laura Krol 717-346-1907
83—Physical & Mental Criteria—Including Vision Standards Relating to the Licensing of Drivers 67 Pa. Code Chapter 83	Proposed Rulemaking— Estimated Promulgation March 2014	The regulations will be updated to help ensure that license holders diagnosed with various cardiovascular diseases are in stable condition. The regulations will also update the medical standards for license holders that have brain disease, cognitive impairment or a mental/emotional disorder. Additionally, the regulations will be updated to ensure that license holders have the necessary field of vision to operate a motor vehicle. Finally, the regulations will update the medical standards for license holders who have a loss of consciousness of unknown or uncategorized etiology.	Laura Krol 717-346-1907
105—Mechanical Electrical and Electronic Speed Timing Devices	Proposed Rulemaking— On hold, pending analysis	The regulations are being updated to reflect changes in equipment technology relating to calibration and maintenance of speed timing devices used for law enforcement purposes and to delete references to obsolete equipment and calibration procedures.	Kay Kishbaugh 717-787-2171

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Chapter 427—Public Transportation (Act 44 of 2008)	Final Rulemaking— Estimated Promulgation February 2014	Act 44 of 2008, Chapter 15, Sustainable Mobility Options, authorizes almost all public transportation funding programs for the Commonwealth. The legislation required the Department to develop regulations for several sections of the legislation. The temporary regulations were published in the Pennsylvania Bulletin on July 18, 2009. Permanent regulations were published on November 12, 2011. IRRC provided comments to Office of Chief Counsel. As of May 15, 2012, Office of Chief Counsel is in the process of addressing the IRRC comments.	LaVerne Collins 717-787-1214
Chapter 441 Driveway/Local Road	Final Rulemaking— On hold	<ul style="list-style-type: none"> • Allows sales agreement or mineral right owners to apply for permits • Update sight distance requirements to AASHTO standards • Relocate driveway designs to Publication 282 to allow immediate updates • Allow driveway applications to be submitted by electronic submission • Updating outdated references. 	Mike Dzurko 717-787-7350
Chapter 459 Occupancy of Highways by Utilities 67 Pa. Code Chapter 459	Proposed Rulemaking— March 2014	<ul style="list-style-type: none"> • Allow utility applications to be submitted by electronic submission • Allows newest techniques in utility work to be used. • Updating outdated references. 	Glenn Rowe 717-787-3620
Chapter 101 Authorizing Appropriately Attired Persons to Direct, Control or Regulate Traffic 67 Pa. Code Chapter 101	Proposed Rulemaking— Estimated publication March 2014	The proposed regulation change is needed to be consistent with a Federal Highway Administration rule making (23 CFR Part 634: Worker Visibility Rule”—issued November 24, 2008).	Matt Briggs 783-6268
Chapter 443 Roadside Rest Areas 67 Pa. Code Chapter 443	Final Rulemaking— On hold	These amendments more clearly delineate what activities are prohibited and permitted at roadside rest areas.	Terry Pearsal 787 0466

[Pa.B. Doc. No. 14-255. Filed for public inspection January 31, 2014, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, January 16, 2014, and announced the following:

Regulation Deemed Approved Pursuant to Section 5(g) of the Regulatory Review Act—Effective January 15, 2014

Pennsylvania Liquor Control Board #54-76: Sale by Limited Winery Licensees (amends 40 Pa. Code § 11.111)

Action Taken—Regulations Approved:

Constables' Education and Training Board #35-32: Constables' Education and Training Board Amendments (amends 37 Pa. Code Chapter 431)

State Board of Landscape Architects #16A-6110: Continuing Education and Elimination of Registration without Examination (amends 49 Pa. Code Chapter 15)

State Registration Board for Professional Engineers, Land Surveyors and Geologists #16A-4711: Qualifications For Licensure (amends 49 Pa. Code §§ 37.1, 37.16, 37.17, 37.31—37.33, 37.33a, 37.34, 37.36, 37.36a, 37.37, 37.47—37.49 and 37.57)

Approval Order

Public Meeting Held
January 16, 2014

Commissioners Voting: George D. Bedwick, Vice Chairperson; John F. Mizner, Esq.; Lawrence J. Tabas, Esq.; Dennis A. Watson, Esq.

*Constables' Education and Training Board—
Constables' Education and Training Board Amendments;
Regulation No. 35-32 (#2921)*

On October 26, 2011, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Constables' Education and Training Board (Board). This rulemaking amends 37 Pa. Code Chapter 431. The proposed regulation was published in the November 5, 2011 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on November 14, 2013.

This regulation aligns the Board's regulations with the Board's policy and practices regarding certification, training attendance policies and financial responsibility. The regulation also eliminates waiver of the firearms qualification course for law enforcement officers, establishes a minimum age requirement for firearm qualification and eliminates 10mm caliber firearm from training.

We have determined this regulation is consistent with the statutory authority of the Board (44 Pa.C.S. § 7144(10)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting Held
January 16, 2014

Commissioners Voting: George D. Bedwick, Vice Chairperson; John F. Mizner, Esq.; Lawrence J. Tabas, Esq.; Dennis A. Watson, Esq.

*State Board of Landscape Architects—
Continuing Education and Elimination of
Registration without Examination;
Regulation No. 16A-6110 (#2994)*

On March 21, 2013, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Landscape Architects (Board). This rulemaking amends 49 Pa. Code Chapter 15. The proposed regulation was published in the April 6, 2013 *Pennsylvania Bulletin* with a 30-day public comment

period. The final-form regulation was submitted to the Commission on November 22, 2013.

This regulation implements Act 24 of 2009 by deleting grandfathering provisions and amending the biennial continuing education requirements from 10 clock hours to 24 clock hours. In addition, the Board is increasing record retention requirements from 4 to 6 years.

We have determined this regulation is consistent with the statutory authority of the Board (63 P.S. § 904(9)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting Held
January 16, 2014

Commissioners Voting: George D. Bedwick, Vice Chairperson; John F. Mizner, Esq.; Lawrence J. Tabas, Esq.; Dennis A. Watson, Esq.

*State Registration Board for Professional Engineers, Land Surveyors and Geologists—Qualifications For Licensure;
Regulation No. 16A-4711 (#2926)*

On December 15, 2011, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Registration Board for Professional Engineers, Land Surveyors and Geologists (Board). This rulemaking amends 49 Pa. Code §§ 37.1, 37.16, 37.17, 37.31—37.33, 37.33a, 37.34, 37.36, 37.36a, 37.37, 37.47—37.49 and 37.57. The proposed regulation was published in the December 31, 2011 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on November 22, 2013.

This regulation establishes a two-step licensing process for professional geologists similar to that for engineers and land surveyors, and conforms the Board's other regulations related to qualification for licensure to current administrative practice.

We have determined this regulation is consistent with the statutory authority of the State Registration Board for Professional Engineers, Land Surveyors and Geologists (63 P.S. §§ 151.4(b), 151.4(l), 151.2, 151.3 and 151.4) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

GEORGE D. BEDWICK,
Vice Chairperson

[Pa.B. Doc. No. 14-256. Filed for public inspection January 31, 2014, 9:00 a.m.]

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close

of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
#125-175	Pennsylvania Gaming Control Board Licensing; Slot Software; Count Room Characteristics; Credit; Table Game Rules 43 Pa.B. 6764 (November 16, 2013)	12/16/13	01/15/14
#57-297	Pennsylvania Public Utility Commission Recovery of Fuel Costs by Gas Utilities 43 Pa.B. 6503 (November 2, 2013)	12/17/13	01/16/14
#57-298	Pennsylvania Public Utility Commission Household Goods in Use Carriers and Property Carriers 43 Pa.B. 6894 (November 23, 2013)	12/23/13	01/22/14

Pennsylvania Gaming Control Board

Regulation #125-175 (IRRC #3040)

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

January 15, 2014

We submit for your consideration the following comments on the proposed rulemaking published in the November 16, 2013 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (RRA) (71 P. S. § 745.5b). Section 5.1(a) of the RRA (71 P. S. § 745.5a(a)) directs the Pennsylvania Gaming Control Board (Board) to respond to all comments received from us or any other source.

1. Section 427a.5. Responsibilities of a manufacturer.—Clarity; Reasonableness.

Subsections (c) and (d) address the possibility that a slot machine licensee may service, repair or perform routine maintenance on slot machines. The Board proposes to delete Subsections (c) and (d) because they do not relate to the chapter or section heading. Relating to responsibilities of a supplier, the Board proposes to delete identical language from Section 431a.4(f) and (g). We agree with the Board that these subsections are not relevant to the respective chapters or sections. Is the language that the Board proposes to delete addressed elsewhere? We ask the Board to clarify in the Preamble of the final-form regulation where this information is found in the Board's regulations, or to explain why it is reasonable for Board regulations not to address slot machine service, repair or maintenance by slot machine licensees.

As noted, this comment applies to the Board's proposal to delete identical language from Section 431a.4(f) and (g).

2. Section 435a.5. Nongaming employee registration.—Clarity and lack of ambiguity; Reasonableness of requirements; Implementation procedures and timetables for compliance.

The Board proposes to create Subsection (f) which states that a registration issued under this section will be valid for four years from the date of Board approval. The subsection also provides that if a registrant is not employed for two years in a position that requires a nongaming registration, the registration will be deemed to have expired. The Board states that currently registrations do not have an expiration date, and therefore, a subsequent background check is not conducted beyond

initial registration. The Board further explains that currently more than 5,500 nongaming employees remain registered with the Board but have not worked in a position that requires registration for two years or more. We agree that periodic background investigations are necessary to protect the integrity of gaming by ensuring that every nongaming employee remains eligible and suitable to hold a registration. However, neither the Preamble nor the proposed regulation addresses how the Board will implement these provisions. We ask the Board to provide detailed responses to the following questions in the Preamble of the final-form regulation.

- How will the Board notify the regulated community, including the 5,500 registrants referenced by the Board whose registrations will be deemed to have expired, of these changes?

- How will currently registered nongaming employees obtain registrations with expiration dates, and how will their expiration dates be determined?

- How will the two-year timeframe work? Will it begin on the effective date of the regulation, or will the 5,500 registrations referenced by the Board be deemed to have expired on the effective date of the regulation?

In responding to these questions, the Board should clarify how the regulated community will transition to compliance with these provisions, and explain how the implementation of these provisions, including the timeframe, is reasonable.

We have similar concerns and questions related to Section 437a.6(b) (relating to registration and certification term and renewal) which establishes an expiration date for a publicly traded gaming service provider's authorization. We ask the Board to clarify how the regulated community will transition to compliance with this provision, and explain how the implementation of this provision is reasonable.

Finally, the Board should ensure that the annex of the final-form regulation clearly reflects the Board's intent for implementation of the provisions in Section 435a.5 and Section 437a.6(b), and that the annex clearly states how the regulated community is to comply.

3. Section 441a.25. Approval of material debt transactions.—Clarity and lack of ambiguity; Implementation procedures.

Subsection (e) states that 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.

[Emphasis added.] This provision is not regulatory language and does not set a binding norm. A regulation has the full force and effect of law, and this provision does not establish a standard that could be predicted by the regulated community. The Board should either remove the subsection or clearly identify the standards for debt transactions that do not otherwise qualify as a material debt transaction that *will* require Board approval.

These comments likewise apply to Section 441a.26(e).

4. Section 609a.4. Approval of credit limits.—Clarity.

Subsection (c) provides for the steps that shall be undertaken prior to approving a credit increase. Paragraph (c)(2) currently requires the reverification of patron information required under Section 609a.3(2) and (3). The Board proposes to delete the reference to Paragraph (c)(3). We ask the Board to explain in the Preamble of the final-form regulation the reasonableness of deleting this requirement.

These comments likewise apply to Section 609a.5(c), where the Board proposes the same change.

5. Compliance with the RRA.

We ask the Board to revise its response to Question #15 of the Regulatory Analysis Form in order to ensure that the new criteria required by Act 76 of 2012 related to small businesses are met. The Board should provide a citation to the relevant provisions of the federal definition of small business that were reviewed in the development of the rulemaking and an analysis of their applicability or inapplicability to the regulation.

Pennsylvania Public Utility Commission

Regulation #57-297 (IRRC #3038)

Recovery of Fuel Costs by Gas Utilities

January 16, 2014

We submit for your consideration the following comments on the proposed rulemaking published in the November 2, 2013 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Pennsylvania Public Utility Commission (PUC) to respond to all comments received from us or any other source.

1. Section 53.66. Filing requirements for small gas utilities.—Consistency with statute; Reasonableness; Economic impact.

Interest rate applied to over and under collections

Subsection (d) specifies that the interest rate should be “as calculated in the manner specified in 66 Pa.C.S. § 1307(f)(5),” which states, in part:

... Refunds to customers shall be made with interest, at the legal rate of interest plus two percent, during the period or periods for which the commission orders refunds, and recoveries from customers shall include interest at the legal rate of interest. . . .

PUC Commissioner Cawley invited parties to comment on what they believe is the optimal interest rate, including five historical interest rate options. Valley Energy, Inc. responded that the proposed prime rate for commercial borrowing is the most optimal rate because it most accurately reflects the cost of service associated with net over and under collections. The PA Office of Consumer Advocate (OCA) commented that an asymmetric interest mechanism should be used, meaning a different rate should be used for over collections than under collections.

The PUC, as well as commentators, note that pending legislation (House Bill 1188) might modify the applicable interest rate for 1307(f) utilities; however, passage of this legislation is not guaranteed. The current statute, 66 Pa.C.S. § 1307(f)(5), specifies the rates to be applied to over and under collections. Regarding the interest rates included in the final regulation, the PUC should explain how those interest rates are consistent with the current statute, and are reasonable for both the utility and its customers.

2. Regulatory Analysis Form (RAF)—Regulations impacting small business.

We ask the PUC to revise its response to Question #15 of the RAF in order to ensure that the new criteria required by Act 76 of 2012 related to small businesses are met. The PUC should provide a citation to the relevant provisions of the federal definition of small business that were reviewed in the development of the rulemaking and an analysis of their applicability or inapplicability to the regulation.

Pennsylvania Public Utility Commission

Regulation #57-298 (IRRC #3041)

Household Goods in Use Carriers and Property Carriers

January 22, 2014

We submit for your consideration the following comments on the proposed rulemaking published in the November 23, 2013 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Pennsylvania Public Utility Commission (PUC) to respond to all comments received from us or any other source.

1. Implementation procedures; Clarity; Reasonableness.

This proposal amends nine sections of the PUC’s existing regulations and also a statement of policy related to evidentiary criteria used to decide motor common carrier applications found at § 41.14. As described by the PUC, the intent of these amendments is to better reflect the competitive marketplace in the household goods carrier industry. The amendment that has garnered the most opposition from the regulated community is the elimination of the requirement that an applicant for a certificate of public convenience to transport household goods need not establish that the proposed service to be provided is responsive to a public demand or need. This amendment is found under the cited statement of policy. The PUC notes that the authority to eliminate the public need requirement has been considered and affirmed by the Pennsylvania Supreme Court. *Elite Industries, Inc. v. Pa. P.U.C.*, 832 A.2d 428 (Pa. 2003).

Regulations have the full force and effect of law and establish a binding norm between an agency and the regulated community. Statements of policy, unlike regulations, provide guidance by which agencies carry or will carry out their duties authorized by state law. A statement of policy does not expand upon the plain meaning of a statute and is not binding upon third parties. We note that the amendments to the statement of policy under this proposal include mandatory provisions that are regulatory in nature. We believe that the opening of the household goods carrier marketplace via amendments to regulations and a statement of policy that has binding provisions could create a confusing and unclear regula-

tory environment. We ask the PUC to explain why it believes this approach to opening the household goods carrier marketplace is the most appropriate way to implement these changes. While we do not question the policy of the PUC as it moves the household goods carrier industry to a more open and competitive market place, we do question the reasonableness of deregulating via amendments to a statement of policy. In order to create a more stable and less potentially litigious regulatory environment, we suggest that the statement of policy be promulgated as a regulation.

2. Determining whether the regulation is in the public interest; Economic or fiscal impacts; Direct and indirect costs to the Commonwealth and to the private sector; Adverse effects on prices of services or competition; Compliance with the Regulatory Review Act.

Section 5.2 of the Regulatory Review Act (RRA) (71 P. S. § 745.5b) directs this Commission to determine whether a regulation is in the public interest. When making this determination, the Commission considers criteria such as economic or fiscal impact and reasonableness. To make that determination, the Commission must analyze the text of the proposed rulemaking and the reasons for the new or amended language. The Commission also considers the information a promulgating agency is required to provide under Section 5 of the RRA in the Regulatory Analysis Form (RAF) (71 P. S. § 745.5(a)).

Many of the questions on the RAF address the fiscal impact on the regulated community and small businesses. The PUC's responses to several of these questions are not sufficient to allow this Commission to determine if the regulation is in the public interest. Specifically, we seek answers to the following questions:

- What is the approximate number of prospective household goods carriers that will seek a certificate of public convenience under the new standards established by this rulemaking? (#10)
- What is the regulatory environment in other states, especially states that border on Pennsylvania? Why does the PUC believe this regulation will not affect Pennsylvania's ability to compete with other states? (#12)
- What type of and how many small businesses will be affected? Include a citation to the relevant provisions of the federal definition of small business that were reviewed in the development of the rulemaking and an analysis of their applicability/inapplicability to the regulation. (#15)
- What impact will the regulation have financially and economically on small businesses, especially small businesses that currently have a certificate of public convenience? (#17)
- What are the specific estimated costs and/or savings to the regulated community? How are these amounts derived? We note that some commentators contend that they have invested a significant amount of money in obtaining certificates of public convenience and this rulemaking will render those certificates valueless. We ask

the PUC to quantify the average cost associated with obtaining a certificate under the existing rulemaking and address the contentions raised by commentators pertaining to their value under the new rulemaking. (#19)

- Why does the PUC believe that the information requested under #23 and #23a is not applicable to this rulemaking? We ask for complete responses to these questions.
- What is the probable effect on impacted small businesses, especially existing certificate holders? (#24)
- Given the concerns raised by commentators, why does the PUC believe the rulemaking will not have any adverse impacts on small businesses, especially existing certificate holders? (#27)

We ask the PUC to provide more detailed information in the RAF submitted with the final-form regulation in response to these questions.

3. Section 3.381. Applications for transportation of property, household goods in use and persons.— Protection of the public health, safety and welfare; Reasonableness; Implementation procedures; Clarity.

Subsection (c) allows parties to file objections to the approval of applications for passenger or household goods in use authority. New language is being added that limits challenges to household goods in use applications to the fitness of the applicant and whether the applicant "lacks a propensity to operate safely and legally." This phrase lacks clarity. What criteria will the PUC use to determine if an applicant lacks the propensity to operate safely and legally? We recommend that the standards be included in the final-form regulation.

Subsection (e) establishes conditions for approval for passenger and household goods in use authority. Under Subsection (e)(1), applicants that have been approved by the PUC but do not possess a current satisfactory rating issued by the United States Department of Transportation or by a state with safety regulations comparable to the Commonwealth must complete a safety review conducted by PUC staff. The review must be conducted within 180 days of the day of approval of the application. Failure to achieve a satisfactory evaluation will result in the immediate suspension of the certificate of public convenience. We have two concerns with Subsection (e)(1). First, who will determine if the safety regulations of another state are comparable? Has the PUC already determined the adequacy of the safety regulations of every other state? We ask the PUC to explain how this provision will be implemented. Second, we question the reasonableness of this provision and ask how it adequately protects the health, safety and welfare of Pennsylvania citizens. What is the PUC's rationale for conducting safety reviews after a certificate of public convenience has been issued?

GEORGE D. BEDWICK,
Vice Chairperson

[Pa.B. Doc. No. 14-257. Filed for public inspection January 31, 2014, 9:00 a.m.]

Notice of Filing of Final Rulemaking

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy.

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
2-174	Department of Agriculture Food Code; Food Employee Certification	1/14/14	2/27/14
<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Resubmitted</i>	<i>Public Meeting</i>
12-91	Department of Labor and Industry Prohibition of Excessive Overtime in Health Care Act Regulations	1/16/14	2/27/14

GEORGE D. BEDWICK,
Vice Chairperson

[Pa.B. Doc. No. 14-258. Filed for public inspection January 31, 2014, 9:00 a.m.]

INSURANCE DEPARTMENT

American Progressive Life and Health Insurance Company of New York; Rate Increase Filing for Several LTC Forms

American Progressive Life and Health Insurance Company of New York is requesting approval to increase the premium 50% on 165 policyholders with the following individual LTC policy form numbers: HHC 1/98, PRNHO, PRNHOQ, PRNHOQRS and QHHC 11/99.

Unless formal administrative action is taken prior to April 17, 2014, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov. Under the tab "How to Find . . ." click on the link "PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 14-259. Filed for public inspection January 31, 2014, 9:00 a.m.]

Constitution Life Insurance Company; Rate Increase Filing for Several LTC Forms

Constitution Life Insurance Company is requesting approval to increase the premium 25% on 55 policyholders with the following individual LTC policy form numbers: LTC-92, NH86, NH87 GR, NH-88-GR and NHST-95.

Unless formal administrative action is taken prior to April 17, 2014, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov. Under the tab "How to Find . . ." click on the link "PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 14-260. Filed for public inspection January 31, 2014, 9:00 a.m.]

Pennsylvania Life Insurance Company; Rate Increase Filing for Several LTC Forms

Pennsylvania Life Insurance Company is requesting approval to increase the premium 44% on 77 policyholders with the following individual LTC policy form numbers: 1460, 1490, P30, P34, P35, P39, PLNHO and PLNHOQ.

Unless formal administrative action is taken prior to April 17, 2014, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov. Under the tab "How to Find . . ." click on the link "PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 14-261. Filed for public inspection January 31, 2014, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile insurance policies. The hearings will be held in accordance with the requirements of Act 68; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional office in Pittsburgh, PA. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in Room 2019, Piatt Building, 301 5th Avenue, Pittsburgh, PA 15222.

Appeal of Gerald Evans; file no. 13-116-150576; Erie Insurance Exchange; Doc. No. P13-11-004; February 20, 2014, 10 a.m.

Appeal of Mark and Tracy Elias; file no. 13-115-147448; Encompass Home and Auto Insurance Company; Doc. No. P13-10-005; February 20, 2014, 1 p.m.

Appeal of Sue Spade; file no. 13-188-150974; State Farm Mutual Automobile Insurance Company; Doc. No. P13-11-011; February 20, 2014, 2 p.m.

Appeal of Ellie Gordon; file no. 13-114-141697; State Farm Mutual Auto Insurance Company; Doc. No. P13-07-003; February 20, 2014, 3:30 p.m.

Appeal of Joseph Yatzor; file no. 13-198-148988; Brethren Mutual Insurance Company; Doc. No. P13-12-014; February 21, 2014, 9 a.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to

participate in the hearing should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 14-262. Filed for public inspection January 31, 2014, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Act 13 of 2012—Producer Fees for Calendar Year 2013

Average Annual Price of Natural Gas for calendar Year 2013:⁽¹⁾ \$3.652

Consumer Price Index, Urban Consumers, PA, NJ, DE and MD:⁽²⁾ 1.2%

Number of Spud Wells for Calendar Years, 2012 and 2013

	2012	2013
Number of wells spud:	1,347	1,205

CPI adjustment to spud well fees is not applicable in 2013. See section 2302(c) of the act of February 14, 2012 (P. L. 87, No. 13) (Act 13).

Unconventional Gas Well Fees for Calendar 2013

Year of Well ⁽³⁾	Horizontal	Vertical—Producing
Year 1	\$50,000	\$10,000
Year 2	\$40,000	\$8,000
Year 3	\$30,000	\$6,000

⁽¹⁾ Source: www.hessenergy.com

⁽²⁾ Source: www.bls.gov

⁽³⁾ Horizontal unconventional gas wells pay the yearly fee upon spudding plus 2 subsequent years. Fees after the first 3 years are based on production levels as defined in section 2302(b.1) of Act 13. Vertical well producing gas level above 90,000 cubic feet average in any given month during the current year are subject to 20% of the applicable horizontal well fee.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 14-263. Filed for public inspection January 31, 2014, 9:00 a.m.]

Eligible Telecommunications Carriers; Lifeline Service

The Pennsylvania Public Utility Commission (Commission) invites comment on the following pending wireless carrier's petition for designation as eligible telecommunications carriers (ETC) for purposes of providing Lifeline service:

Tempo Telecom, LLC; Doc. No. P-2013-2398807

The Commission, at its July 29, 2010, public meeting adopted a final policy statement on ETC designation and ETC annual recertification and reporting requirements for all telecommunications carriers. This notice informs

telecommunications providers and interested parties that the Commission intends to act on the previously-referenced ETC petition pending before the Commission.

Interested parties are invited to file comments at the relevant docket number within 20 days of publication of this notice. Reply comments of the carrier are due within 10 days thereafter. Interested parties may review the pending petition at the Commission web site <http://www.puc.state.pa.us/> or hard copies are available for a fee by means of written request to the Secretary of the Commission, Pennsylvania Public Utility Commission, Rosemary Chiavetta, Secretary, P. O. Box 3265, Harrisburg, PA 17105-3265.

The contact for questions regarding this notice is David E. Screven, Assistant Counsel, Law Bureau (717) 787-5000.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 14-264. Filed for public inspection January 31, 2014, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by February 18, 2014. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

A-2013-2395034. First Choice Limousine, Inc. (2870 Welsh Road, Philadelphia, PA 19152) for the right to begin to transport as a common carrier, by motor vehicle, persons in paratransit service from points in the Counties of Bucks, Delaware and Montgomery.

A-2013-2398071. Autofax, LLC (1042 Old Gate Road, Pittsburgh, PA 15235) for the right to begin to transport, as a common carrier, by motor vehicle, persons in airport transfer service to customers within a 10-mile radius of the following Cities and Boroughs: Arnold, New Kensington, Lower Burrell, Murrysville, Export, Delmont, Irwin, Jeannette, Greensburg and Trafford and the Townships of Allegheny, Upper Burrell, Washington, Salem, Penn, North Huntingdon and Hempfield. *Attorney:* Brian T. Lindauer, Goehring Rutter & Boehm, 437 Grant Street, 1424 Frick Building, Pittsburgh, PA 15219.

A-2014-2399311. Elite EMS, Inc. (3625 East State Street, Hermitage, PA 16148) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to non-ambulatory persons

that require wheelchair van or ambulant transport, from points in Mercer and Lawrence Counties, to points in Pennsylvania, and return.

Application of the following for approval of the *additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under the application.*

A-2013-2397068. First Choice Limousine, Inc. (2870 Welsh Road, Philadelphia, PA 19152) for the additional right to begin to transport as a common carrier, by motor vehicle, persons in limousine service from points in the Counties of Bucks, Delaware and Montgomery.

Application of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods by transfer of rights as described under the application.*

A-2013-2397678. Nicholas Moving & Storage, Inc. (1980 North Main Street Ext, Butler, Butler County, PA 16001) household goods in use from points in the City of Jeannette, Westmoreland County and within 15 miles by the usually traveled highways of the limits of said city, to other points in Pennsylvania, and vice versa; which is to be a transfer of all rights authorized under the certificate issued at A-00064650, F.1, Am-B, to Suzanne Diehl Stewart, t/d/b/a Diehl Moving & Storage, subject to the same limitations and conditions.

Applications of the following for the approval of the *right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.*

A-2014-2399293. Fireman's Ambulance Corps of Uniontown PA, t/d/b/a Uniontown Fireman's Ambulance Corps (P. O. Box 7010, Uniontown, Fayette County, PA 15401) for the discontinuance of service and cancellation of its certificate, as a common carrier, by motor vehicle, at A-00120314, authorizing the transportation of persons, in paratransit service, between points in the City of Uniontown and North Union Township, located in Fayette County and from points in said territory, to points in Pennsylvania, and return.

A-2014-2399301. Angel Cakir, t/a A N S Limo and Car Service (4532 Remo Crescent Road, Bensalem, Bucks County, PA 19020) for the discontinuance of service and cancellation of his certificate, as a common carrier, by motor vehicle, at A-6412672, authorizing the transportation of persons in limousine service, from points in Bucks County, to points in Pennsylvania, and return.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 14-265. Filed for public inspection January 31, 2014, 9:00 a.m.]

Termination of the Power Purchase Agreement

P-2014-2400828. Pennsylvania Electric Company. Petition of Pennsylvania Electric Company requesting approval of the termination of the power purchase agreement with Scrubgrass Generating Company, LP.

Answers and petitions to intervene must be filed on or before Monday, February 10, 2014. In accordance with 52 Pa. Code §§ 5.61 and 5.74 (relating to answers to com-

plaints, petitions, motions and preliminary objections; and filing of petitions to intervene), 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. The documents filed in support of the petition are available for inspection and copying at the Pennsylvania Public Utility Commission's (Commission) Secretary's Bureau between 8 a.m. and 4:30 p.m., Monday through Friday, on the Commission's web site at www.puc.pa.gov, and at the petitioner's business address.

Petitioner: Pennsylvania Electric Company

Through and By Counsel: Tori L. Giesler, Esquire, FirstEnergy Service Company, 2800 Pottsville Pike, P. O. Box 16001, Reading, PA 19612-6001

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 14-266. Filed for public inspection January 31, 2014, 9:00 a.m.]

Transfer of Control

A-2014-2401755 and A-2014-2401851. Peerless Network, Inc., its certified subsidiary Peerless Networks of Pennsylvania, LLC and IntelePeer, Inc. Joint application of Peerless Network, Inc., its certificated subsidiary Peerless Networks of Pennsylvania, LLC and IntelePeer, Inc. for approval of a transfer of control of IntelePeer, Inc. to Peerless Network, Inc.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the

applicant, on or before February 18, 2014. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.state.pa.us, and at the applicant's business address.

Applicants: Peerless Network, Inc., Peerless Networks of Pennsylvania, LLC, IntelePeer, Inc.

Through and By Counsel: Winafred Brantl, Esquire, Barbara A. Miller, Esquire, Kelley Drye and Warren, LLP, 3050 K Street NW, Washington, DC 20007.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 14-267. Filed for public inspection January 31, 2014, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority will accept sealed bids for Project No. 14-003.1, Tioga Marine Terminal Landside Infrastructure Upgrades, until 2 p.m. on Thursday, March 6, 2014. Information (including mandatory prebid information) can be obtained from the web site www.philaport.com under Procurement or call (215) 426-2600.

JAMES T. McDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 14-268. Filed for public inspection January 31, 2014, 9:00 a.m.]

