

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 123]

Standards for Contaminants; Mercury Emissions

The Environmental Quality Board (Board) amends Chapter 123 (relating to standards for contaminants) to read as set forth in Annex A. The purpose of this final-omitted rulemaking is to rescind the “state-specific” requirements to reduce mercury emissions from coal-fired electric generating units (EGUs) with a nameplate rated capacity of more than 25 megawatts that produce electricity for sale as set forth in §§ 123.201—123.215 (Pennsylvania Mercury Rule).

This final-omitted rulemaking rescinds §§ 123.201—123.215, which were approved as final rulemaking by the Board on October 16, 2006, and published at 37 Pa.B. 883 (February 17, 2007).

Notice of proposed rulemaking is omitted under section 204(3) of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204(3)), known as the Commonwealth Documents Law (CDL). Section 204(3) of the CDL provides that an agency may omit the notice of proposed rulemaking if the agency for good cause finds that the notice of proposed rulemaking procedure is in the circumstances impracticable, unnecessary or contrary to the public interest. Omission of notice of proposed rulemaking for the rescission of the Pennsylvania Mercury Rule is appropriate because the notice of proposed rulemaking procedure in sections 201 and 202 of the CDL (45 P. S. §§ 1201 and 1202) is, in this instance, impracticable, unnecessary and contrary to the public interest. As more fully explained as follows, on December 23, 2009, the Pennsylvania Supreme Court upheld an order which declared the Pennsylvania Mercury Rule invalid. See *PPL Generation, LLC v. Department of Environmental Protection*, 986 A.2d 48.

This rescission of the regulations was adopted by order of the Board at its meeting of August 30, 2010.

A. Effective Date

This final-omitted rulemaking is effective upon publication in the *Pennsylvania Bulletin*.

B. Contact Persons and Information

For further information, contact Krishnan Ramamurthy, Chief, Division of Permits, Bureau of Air Quality, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 783-9476; or Robert “Bo” Reiley, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the Pennsylvania AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-omitted rulemaking is available electronically through the Department of Environmental Protection’s (Department) web site at www.depweb.state.pa.us (Keyword: Public Participation).

C. Statutory Authority

The final-omitted rulemaking is being made under the authority of section 5 of the Air Pollution Control Act

(APCA) (35 P. S. § 4005). Section 5(a) of the APCA grants the Board the authority to adopt rules and regulations for the prevention, control, reduction and abatement of air pollution in this Commonwealth.

D. Background of the Amendments

Under section 112(n)(1)(A) of the Clean Air Act (CAA) (42 U.S.C.A. § 7412(n)(1)(A)), Congress directed the United States Environmental Protection Agency (EPA) to perform a study of the hazards to public health reasonably anticipated to occur as a result of emissions of hazardous air pollutants (HAPs) by EGUs. Under this same subparagraph, the EPA is further directed to regulate EGUs if the EPA finds that regulation is appropriate and necessary after considering the results of the study.

On February 28, 1998, the EPA fulfilled its statutory obligation, under section 112(n)(1)(A) of the CAA, when it released its “Study of Hazardous Air Pollutant Emissions from Electric Steam Generating Units—Final Report to Congress.”

On December 20, 2000, the EPA concluded, based upon the findings of its 1998 report and on information subsequently obtained, that in accordance with section 112(n)(1)(A) of the CAA, the regulation of mercury emissions from electric utilities was “appropriate and necessary.” See 65 FR 79825. As a result of these findings, the EPA added these units to the list of source categories to be regulated under section 112(c) of the CAA. The EPA was then required to establish emission standards for this source category under section 112(d) of the CAA.

On August 9, 2004, Citizens for Pennsylvania’s Future, PennEnvironment, Pennsylvania Federation of Sportsmen’s Clubs, Pennsylvania NOW, Pennsylvania State Building and Construction Trades Council, Pennsylvania Trout, Planned Parenthood Pennsylvania Advocates, Sierra Club Pennsylvania Chapter, Women’s Law Project and WomenVote PA filed a petition for rulemaking under Chapter 23 (relating to Environmental Quality Board policy for processing petitions—statement of policy) requesting that the Board adopt regulations to reduce mercury emissions from EGUs in this Commonwealth.

On March 29, 2005, the EPA published a final rule entitled “Revision of December 2000 Regulatory Finding on the Emissions of Hazardous Air Pollutants From Electric Utility Steam Generating Units and the Removal of Coal- and Oil-Fired Electric Utility Steam Generating Units From the Section 112(c) List.” See 70 FR 15994. As a result of this conclusion, the EPA removed coal- and oil-fired EGUs from the section 112(c) list.

On March 15, 2005, the EPA finalized the Clean Air Mercury Rule (CAMR). The final rulemaking, published on May 18, 2005, established standards of performance for mercury for new and existing coal-fired EGUs, as defined in section 111 of the CAA (42 U.S.C.A. § 7411). See 70 FR 28606. The CAMR establishes a “cap-and-trade” program by which mercury emissions from new and existing coal-fired EGUs are capped at specified, Nationwide levels.

In response to CAMR and associated EPA actions, on May 18, 2005, petitions for review challenging these final EPA actions were filed with the United States Court of Appeals for the D.C. Circuit. In addition to the Commonwealth, state challengers included California, Connecticut, Delaware, Illinois, Maine, Massachusetts, New Hampshire, New Mexico, New Jersey, New York, Rhode Island, Vermont and Wisconsin. The petitions for review

asserted that the Delisting Rule did not follow the procedures in section 112(c)(9) of the CAA for removing a pollution source from section 112 of the CAA (namely, oil- and coal-fired EGUs).

Section 111(c) and (d) of the CAA requires each state to develop and submit to the EPA Administrator a procedure for implementing and enforcing the new source performance standards for new sources and emission guidelines for existing sources.

The proposed Pennsylvania Mercury Rule was published at 36 Pa.B. 3185 (June 24, 2006) for a 60-day comment period. The final Pennsylvania Mercury Rule was approved by the Board on October 16, 2006, and adopted as final on February 16, 2007, effective February 17, 2007. See 37 Pa.B. 883. The Commonwealth chose to implement the CAMR through the Pennsylvania Mercury Rule.

On February 8, 2008, in *New Jersey v. Environmental Protection Agency*, 517 F.3d 574, 380 (D.C. Cir. 2008), the D.C. Circuit Court agreed with the Commonwealth's position, finding that the plain language of section 112 of the CAA required that the EPA satisfy the requirements of section 112(c)(9) of the CAA prior to removing a pollution source from section 112 of the CAA. The D.C. Circuit Court further observed that the EPA conceded that it had never made the findings that section 112(c)(9) of the CAA would require it to delist oil- and coal-fired EGUs. Thus, the D.C. Circuit Court determined that the Delisting Rule was unlawful and vacated it, the effect of which was that EGUs remain listed under section 112 of the CAA. The D.C. Circuit Court also found that once the Delisting Rule was declared invalid, CAMR no longer had a legal basis and the Court vacated CAMR as well.

On September 15, 2008, PPL Generation, LLC, PPL Montour, LLC and PPL Brunner Island, LLC filed a petition for review in the Commonwealth Court's original jurisdiction, challenging the validity of the Pennsylvania Mercury Rule.

On January 30, 2009, the Commonwealth Court issued an order that invalidated the Pennsylvania Mercury Rule. The Commonwealth Court reasoned that because the D.C. Circuit Court found that the Delisting Rule and CAMR were void ab initio (from the beginning, rather than from when the D.C. Circuit Court had declared them void), EGUs will be deemed to have been always listed.

On February 6, 2009, the Acting United States Solicitor General filed a motion on behalf of the EPA to dismiss a petition for certiorari pending before the United States Supreme Court, which appealed the D.C. Circuit Court decision in *New Jersey*. That motion to dismiss stated that after the certiorari petition was filed, the EPA decided to act in conformity with the D.C. Circuit Court's decision in *New Jersey* and to develop standards regulating power plant mercury emissions under section 112 of the CAA.

On appeal by the Commonwealth, on December 23, 2009, the Pennsylvania Supreme Court affirmed the Commonwealth Court order. The Pennsylvania Supreme Court noted that once the Delisting Rule was found to have no validity, the authorization and legal predicate for the Pennsylvania Mercury Rule ceased to exist.

On April 15, 2010, the United States District Court for the District of Columbia approved a consent decree that requires the EPA to propose technology-based standards to control emissions of mercury and other air toxics from fossil fuel-fired EGUs by March 2011 (*American Nurses Ass'n v. Jackson*, D.D.C., No. 08-02198, consent decree

entered April 15, 2010). A final rule must be issued by November 16, 2011. This final rule will take the place of CAMR, which was vacated by the D.C. Circuit Court of Appeals. Additionally, the requirements under this final rule will be adopted in their entirety and incorporated by reference in Chapter 122 (relating to national standards of performance for new stationary sources). Therefore, at a minimum, fossil-fuel-fired EGUs operating in this Commonwealth will be subject to those standards.

E. *Benefits, Costs and Compliance*

Benefits

This final-omitted rulemaking merely complies with the Pennsylvania Supreme Court decision in *PPL Generation, LLC v. Department of Environmental Protection*.

Compliance Costs

This final-omitted rulemaking will not require additional costs for compliance.

Compliance Assistance Plan

This final-omitted rulemaking will not require a compliance assistance plan.

Paperwork Requirements

Additional paperwork will not be required as a result of this final-omitted rulemaking.

F. *Regulatory Review*

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on September 17, 2010, the Department submitted a copy of the final-omitted rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Environmental Resources and Energy Committees. On the same date, the final-omitted rulemaking was submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5.1(j.2) of the Regulatory Review Act, on October 20, 2010, the final-omitted rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on October 21, 2010, and approved the final-omitted rulemaking.

G. *Findings*

The Board finds that:

(1) The amendments as set forth in Annex A are appropriate to rescind the Pennsylvania Mercury Rule.

(2) Use of the omission of notice of proposed rulemaking procedure is appropriate because the notice of proposed rulemaking procedure in sections 201 and 202 of the CDL is, in this instance, impracticable, unnecessary and contrary to the public interest. The Pennsylvania Mercury Rule has been vacated by a State court order, necessitating prompt rescission.

(3) This final-omitted rulemaking is necessary and appropriate for administration and enforcement of the authorizing acts identified in section C of this preamble and in the public interest.

H. *Order*

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

(a) The regulations of the Department, 25 Pa. Code Chapter 123, are amended by deleting §§ 123.201—123.215 to read as set forth in Annex A.

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

(c) The Chairperson of the Board shall submit this order and Annex A to IRRC and the Senate and House Environmental Resources and Energy Committees as required by the Regulatory Review Act.

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

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

JOHN HANGER,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 40 Pa.B. 6487 (November 6, 2010).)

Fiscal Note: 7-465. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE III. AIR RESOURCES

CHAPTER 123. STANDARDS FOR CONTAMINANTS

MERCURY EMISSION STANDARDS FOR CONTAMINANTS

§§ 123.201—123.215. (Reserved).

[Pa.B. Doc. No. 10-2137. Filed for public inspection November 12, 2010, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CH. 147]

Special Permits; Falconry

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its October 5, 2010, meeting, amended §§ 147.101 and 147.103 (relating to definitions; and classes) to require that a sponsor for a new falconer be a general or master class falconer having at least 2 years experience as a general class falconer and expand the list of eligible species of eagles that a master class falconer may possess with additional written authorization to include eagles not covered by the Migratory Bird Treaty Act (act) (16 USCA §§ 703—711).

The final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 40 Pa.B. 4391 (August 7, 2010).

1. Purpose and Authority

On October 6, 2009, the Commission finally adopted comprehensive changes to the various standards and conditions concerning falconry permits within this Commonwealth. These amendments were primarily intended to bring the Commonwealth into compliance with new Federal permitting standards concerning falconry that becomes fully effective January 1, 2014. Since the adoption of these amendments, the Commission has come to the recognition that the standards concerning whom is eligible to sponsor new falconers are insufficient to ensure that sponsors themselves have enough experience to properly guide new falconers. To this end, the Commission amended § 147.101 to require that a sponsor for a new falconer be a general or master class falconer having at least 2 years experience as a general class falconer. The Commission also amended § 147.103 to expand the list of eligible species of eagles that a master class falconer may possess with additional written authorization to include eagles not covered by the act.

Section 2901(b) of the code (relating to authority to issue permits) provides “the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued.” The amendments to §§ 147.101 and 147.103 were adopted under this authority.

2. Regulatory Requirements

The final-form rulemaking amended §§ 147.101 and 147.103 by adding language to require that a sponsor for a new falconer be a general or master class falconer having at least 2 years experience as a general class falconer and expand the list of eligible species of eagles that a master class falconer may possess with additional written authorization to include eagles not covered by the act.

3. Persons Affected

Persons wishing to engage in falconry activities within this Commonwealth may be affected by the final-form rulemaking.

4. Comment and Response Summary

There were no official comments received regarding the final-form rulemaking.

5. Cost and Paperwork Requirements

The final-form rulemaking should not result in additional cost or paperwork.

6. Effective Date

The final-form rulemaking will be effective upon final publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. Contact Person

For further information regarding the final-form rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

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

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 147, are amended by amending §§ 147.101 and 147.103 to read as set forth at 40 Pa.B. 4391.

(b) The Executive Director of the Commission shall certify this order and 40 Pa.B. 4391 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,
Executive Director

Fiscal Note: Fiscal Note 48-309 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 10-2138. Filed for public inspection November 12, 2010, 9:00 a.m.]

PENNSYLVANIA GAMING CONTROL BOARD [58 PA. CODE CHS. 549 AND 561]

Blackjack and Pai Gow Poker; Temporary Regulations

The Pennsylvania Gaming Control Board (Board), under its general authority in 4 Pa.C.S. § 1303A (relating to temporary table game regulations) enacted by the act of January 7, 2010 (P.L. 1, No. 1) (Act 1) and the specific authority in 4 Pa.C.S. § 1302A(1) and (2) (relating to regulatory authority), amends temporary regulations in Chapters 549 and 561 (relating to Blackjack; and Pai Gow Poker) to read as set forth in Annex A. The Board's temporary regulations will be added to Part VII (relating to Gaming Control Board) as part of Subpart K (relating to table games).

Purpose of the Temporary Rulemaking

This temporary rulemaking amends the rules for Blackjack and Pai Gow Poker. These amendments were made in response to requests received from certificate holders and based on the Board's experience to date.

Explanation of Chapters 549 and 561

The Board received numerous requests for optional side wagers on games that are currently approved for play.

In Chapter 549, the Royal Match 21 Wager was added as an optional side wager. The requirements for table layouts were added in § 549.2(c)(7) (relating to Blackjack table; card reader device; physical characteristics; inspections). Section 549.20 (relating to Royal Match 21 Wager) is added to provide the rules of play and the payout odds on the Royal Match 21 Wager.

In Chapter 561, the Emperor's Treasure and Pai Gow Insurance Wagers were added as optional side wagers. Amendments were made to § 561.1 (relating to definitions) to account for the new side wagers. The requirements for table layouts were added in § 561.2(b)(6) and (7) (relating to Pai Gow Poker table; Pai Gow Poker shaker; physical characteristics). The ranking of cards for the Emperor's Treasure Wager was added to § 561.6(f)

(relating to Pai Gow Poker rankings; cards; poker hands) and a restriction on the use of the joker for the Pai Gow Insurance Wager was added as § 561.6(g).

Section 561.13b (relating to Emperor's Treasure Wager; Envy Bonus; payout odds; payout limitation) is added to provide the rules of the Emperor's Treasure Wager, the dealing procedure, the payout odds and additional bonus payout and the option for a maximum payout limitation on the Emperor's Treasure Wager.

Section 561.13c (relating to Pai Gow Insurance Wager; payout odds; payout limitation) is added to provide the rules of the Pai Gow Insurance Wager, the dealing procedure, the payout odds and the option for a maximum payout limit on the Pai Gow Insurance Wager.

Affected Parties

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

Fiscal Impact

Commonwealth

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

Political subdivisions

This temporary rulemaking will not have direct fiscal impact on political subdivisions of this Commonwealth. Eventually, host municipalities and counties will benefit from the local share funding mandated by Act 1.

Private sector

The amendments in this temporary rulemaking will give certificate holders some additional flexibility as to how they conduct table games. The addition of an optional side wager may increase the wagers in Blackjack and Pai Gow Poker.

General public

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

Paperwork requirements

If a certificate holder elects to offer additional side wagers, it will have to submit updated rules submissions for approval and will have to update gaming guides offered to the public to reflect the additional wagers available.

Effective Date

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

Public Comments

While this temporary rulemaking will be effective upon publication, the Board is seeking comments from the public and affected parties as to how this temporary regulation might be improved. Interested persons are invited to submit written comments, suggestions or objections regarding this temporary rulemaking within 30 days after the date of publication in the *Pennsylvania Bulletin* to Susan A. Yocum, Assistant Chief Counsel, Pennsylvania Gaming Control Board, P.O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation #125-134.

Contact Person

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

Regulatory Review

Under 4 Pa.C.S. § 1303A, the Board is authorized to adopt temporary regulations which are not subject to sections 201—205 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201—1208), known as the Commonwealth Documents Law (CDL), the Regulatory Review Act (71 P. S. §§ 745.1—745.12) and sections 204(b) and 301(10) of the Commonwealth Attorneys Act (71 P. S. §§ 732-204(b) and 732-301(10)). These temporary regulations expire 2 years after publication in the *Pennsylvania Bulletin*.

Findings

The Board finds that:

(1) Under 4 Pa.C.S. § 1303A, the temporary regulations are exempt from the requirements of the Regulatory Review Act, sections 201—205 of the CDL and sections 204(b) and 301(10) of the Commonwealth Attorneys Act.

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

Order

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

(1) The regulations of the Board, 58 Pa. Code Chapters 549 and 561, are amended by amending §§ 549.2, 561.1, 561.2 and 561.6 and by adding §§ 549.20, 561.13b and 561.13c to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(2) The temporary regulations are effective November 13, 2010.

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

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

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

GREGORY C. FAJT,
Chairperson

Fiscal Note: 125-134. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart K. TABLE GAMES

CHAPTER 549. BLACKJACK

§ 549.2. Blackjack table; card reader device; physical characteristics; inspections.

* * * * *

(c) The following must be inscribed on the Blackjack layout:

* * * * *

(7) If a certificate holder offers the Royal Match 21 Wager:

(i) A separate area designated for the placement of the Royal Match 21 Wager for each player.

(ii) Inscriptions that advise patrons of the payout odds for the Royal Match 21 Wager and the payout for the Crown Treasure Bonus, if offered. If the payout odds and amounts are not inscribed on the layout, a sign identifying the payout odds and amounts shall be posted at each Blackjack table.

* * * * *

§ 549.20. Royal Match 21 Wager.

(a) A certificate holder may, if specified in its Rules Submission under § 521.2 (relating to table games Rules Submissions), offer a player the option of placing a Royal Match 21 Wager with an optional Crown Treasure Bonus. The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

Crown Treasure Bonus—Additional payout when both the player and dealer have a Royal Match.

Royal Match—King and queen of the same suit.

Suited Match—Two cards of the same suit that are not a king and queen.

(b) Prior to the first card being dealt for each round of play, a player who has placed a basic wager required under § 549.4 (relating to wagers) may make an additional Royal Match 21 Wager, which shall have no bearing on any other wagers made by the player. The Royal Match 21 Wager of a player shall be in an amount not less than \$1 and may not exceed the lesser of:

(1) The amount of the wager made by the player under § 549.4(a).

(2) A maximum amount established by the certificate holder in the certificate holder's Rules Submission under § 521.2.

(c) A Royal Match 21 Wager shall be made by placing value chips on the appropriate area of the Blackjack layout.

(d) The Royal Match 21 Wager of a player shall win if the first two cards of the player are a Suited Match or a Royal Match. If a certificate holder offers the Crown Treasure Bonus, a player shall win a bonus payout if both the player and the dealer have a Royal Match.

(e) Except as provided in subsection (f), for certificate holders that offer the Crown Treasure Bonus, 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 to his far right and moving counterclockwise around the table, settle all Royal Match 21 Wagers by collecting the losing wagers and paying the winning wagers in accordance with subsection (g).

(f) If a certificate holder offers the Crown Treasure Bonus and:

(1) The dealer's up card is not a king or a queen, the dealer shall settle all Royal Match 21 Wagers in accordance with subsection (e).

(2) The dealer's up card is a king or a queen and:

(i) A player does not have Royal Match, the dealer shall settle the Royal Match 21 Wager in accordance with subsection (e).

(ii) A player has a Royal Match, that player's Royal Match 21 Wager shall be settled after the dealer's hole

card is exposed but prior to settling the player's basic wager required under § 549.4. If after exposing the hole card the dealer also has a Royal Match, the player shall be paid a Crown Treasure Bonus, in accordance with subsection (g), in addition to the payout for his Royal Match.

(g) The certificate holder shall pay out winning Royal Match 21 Wagers at the odds contained in one of the following payout tables selected by the certificate holder in its Rules Submission filed in accordance with § 521.2:

(1) If a single deck of cards is being used:

Hand	Payout A	Payout B
Royal Match	10 to 1	5 to 1
Suited Match	3 to 1	3 to 1
Crown Treasure	\$1,000	\$1,000

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

Hand	Payout C	Payout D	Payout E
Royal Match	30 to 1	25 to 1	25 to 1
Suited Match	2.5 to 1	2.5 to 1	3 to 1
Crown Treasure	\$1,000	\$1,000	\$1,000

CHAPTER 561. PAI GOW POKER

§ 561.1. Definitions.

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

Envy Bonus—An additional fixed sum payout made to a player who placed a Qualifying Fortune Bonus Wager or Qualifying Emperor's Treasure Wager when another player at the Pai Gow Poker table is the holder of a qualifying hand.

High hand—The five-card hand which is formed from the seven cards dealt at the game of Pai Gow Poker so as to rank equal to or higher than the two-card Low hand.

Low hand—The two-card hand which is formed from the seven cards dealt at the game of Pai Gow Poker so as to rank equal to or lower than the five-card High hand.

Pai Gow Hand—A seven card hand that does not contain a pair, straight or flush.

Qualifying Emperor's Treasure Wager—An Emperor's Treasure Wager of at least \$5.

Qualifying Fortune Bonus Wager—A Fortune Bonus Wager of at least \$5.

Qualifying hand—A Pai Gow Poker hand with a rank of four-of-a-kind or higher formed from the seven cards dealt to a player.

Rank or ranking—The relative position of a card or group of cards as set forth in § 561.6 (relating to Pai Gow Poker rankings; cards; poker hands)

Set or setting the hands—The process of forming a High hand and Low hand from the seven cards dealt.

§ 561.2. Pai Gow Poker table; Pai Gow Poker shaker; physical characteristics.

* * * * *

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

* * * * *

(6) If the certificate holder offers the Emperor's Treasure Wager:

(i) A separate designated area for each player, located to the right of the player's betting area, designed for the placement of the Emperor's Treasure Wager.

(ii) Inscriptions that advise patrons of the minimum and maximum wagers permitted. If the minimum and maximum wagers permitted are not inscribed on the layout, a sign identifying the minimum and maximum wagers permitted shall be posted at each Pai Gow Poker table.

(iii) Inscriptions that advise patrons of the payout odds and amounts for the Emperor's Treasure Wager and Envy Bonus. If the payout odds and amounts are not inscribed on the layout, a sign identifying the payout odds and amounts shall be posted at each Pai Gow Poker table.

(iv) Inscriptions that advise patrons of any payout limits as described in § 561.13b(f) (relating to Emperor's Treasure Wager; Envy Bonus; payout odds; payout limitation). If payout limits are not inscribed on the layout, a sign identifying the payout limits shall be posted at each Pai Gow Poker table.

(7) If a certificate holder offers the Pai Gow Insurance Wager:

(i) A separate designated area for each player, located to the left of the player's betting area, designed for the placement of the Pai Gow Insurance Wager.

(ii) Inscriptions that advise patrons of the minimum and maximum wagers permitted. If the minimum and maximum wagers permitted are not inscribed on the layout, a sign identifying the minimum and maximum wagers permitted shall be posted at each Pai Gow Poker table.

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

(iv) Inscriptions that advise patrons of any payout limits as described in § 561.13c(f) (relating to Pai Gow Insurance Wager; payout odds; payout limitation). If payout limits are not inscribed on the layout, a sign identifying the payout limits shall be posted at each Pai Gow Poker table.

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§ 561.6. Pai Gow Poker rankings; cards; poker hands.

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(f) If a certificate holder offers the optional Emperor's Treasure Wager under § 561.13b (relating to Emperor's Treasure Wager; Envy Bonus; payout odds; payout limitation), the following seven card hands, which shall have a rank higher than a five-card poker hand of five aces, shall be used to determine the amount of the Emperor's Treasure Wager payout or Envy Bonus payout to a winning player:

(1) Seven-card straight flush with no joker is a hand consisting of seven cards of the same suit in consecutive ranking, with no joker used to complete the straight flush.

(2) Royal flush plus ace and king suited is a seven card hand consisting of an ace, king, queen, jack and a 10 of the same suit, with or without a joker, and an additional ace and king of the same suit without a joker.

(3) Seven-card straight flush with joker is a hand consisting of seven cards of the same suit in consecutive ranking with a joker being used to complete the straight flush.

(g) If a certificate holder offers the optional Pai Gow Insurance Wager under § 561.13c (relating to Pai Gow Insurance Wager; payout odds; payout limitation), a joker, which is not used to complete a straight or a flush, is ranked as an ace for the purposes of determining the Pai Gow Insurance Wager.

§ 561.13b. Emperor's Treasure Wager; Envy Bonus; payout odds; payout limitation.

(a) A certificate holder may, if specified in its Rules Submission under § 521.2 (relating to table games Rules Submissions), offer a player the option of placing an Emperor's Treasure Wager on whether the player will be dealt a hand type as set forth in subsection (e). A player who makes a Qualifying Emperor's Treasure Wager shall also qualify to receive an Envy Bonus payout.

(b) Prior to the first card being dealt for each round of play, each player who has placed a wager in accordance with § 561.7 (relating to wagers), may make an Emperor's Treasure Wager by placing a value chip of at least \$1 into the separate area designated for that player. If a player makes a Qualifying Emperor's Treasure Wager, the dealer shall place an Envy lammer next to that player's wager.

(c) The dealer shall then announce "no more bets" and deal the cards in accordance with the dealing procedures in § 561.9, § 561.10 or § 561.11 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards by hand; and procedures for dealing the cards from an automated dealing shoe).

(d) If an Emperor's Treasure Wager has been made by one or more players, the dealer shall observe the procedures in § 561.13 (relating to procedures for completion of each round of play; setting of hands; payment and collection of wagers; payout odds; vigorish) with the following modifications:

(1) The dealer shall, starting from the dealer's right and moving counterclockwise around the table, settle the Pai Gow Poker wager of each player and collect any vigorish that is due, provided that:

(i) The cards of a player who has placed an Emperor's Treasure Wager shall remain on the layout regardless of the outcome of the player's Pai Gow Poker wager.

(ii) If a player has placed a Qualifying Emperor's Treasure Wager, the cards of all players shall remain on the table regardless of the outcome of any player's Pai Gow Poker wager.

(2) After settling the Pai Gow Poker wager of a player who has placed an Emperor's Treasure Wager, the dealer shall rearrange the seven cards of the player to form the best possible hand and shall be responsible for creating the hand for purposes of the Emperor's Treasure Wager. A joker may be used as any card to complete a straight, flush, straight flush or royal flush other than a seven-card straight flush with no joker. If any player at the table has placed a Qualifying Emperor's Treasure Wager, the dealer shall rearrange the cards of each player regardless of whether that player placed an Emperor's Treasure Wager. If a player:

(i) Does not have a straight or higher from the seven cards dealt to the player, the dealer shall collect the Emperor's Treasure Wager and place the cards of the player in the discard rack.

(ii) Has a straight or higher formed from the seven cards dealt to the player, the dealer shall pay the winning Emperor's Treasure Wager in accordance with subsection (e).

(iii) Has a Qualifying Hand, the dealer shall verbally acknowledge the Qualifying Hand and leave the Emperor's Treasure Wager, if applicable, and the cards of the player face up on the table.

(3) After all other Emperor's Treasure Wagers have been settled, the dealer shall, starting from the dealer's right and moving counterclockwise around the table, settle with each player who has an Envy Bonus lammer at the player's betting position or who has an Emperor's Treasure Wager and a Qualifying Hand. If a player:

(i) Has an Envy Bonus lammer, the dealer shall pay the player in accordance with subsection (e) and collect the Envy Bonus lammer.

(ii) Has an Emperor's Treasure Wager and a Qualifying Hand, the dealer shall pay the winning Emperor's Treasure Wager in accordance with subsection (e) and place the cards of the player in the discard rack. Players are entitled to multiple Envy Bonuses when another player at the same Pai Gow Poker table is the holder of an Envy Bonus; provided, however, that a player is not entitled to an Envy Bonus for his own hand or the hand of the dealer.

(iii) After all Envy Bonuses and Qualifying Hands have been paid, the dealer shall collect the cards of any player who had a Qualifying Hand but did not place an Emperor's Treasure Wager and shall place the cards of the player in the discard rack.

(e) The certificate holder shall pay out winning Emperor's Treasure Wagers and Envy Bonus payouts at the amounts contained in one of the following payout tables selected by the certificate holder in the certificate holder's Rules Submission filed in accordance with § 521.2:

Table A

Hand	Payout	Envy Bonus
7 card Straight Flush	8,000 to 1	\$5,000
Royal Flush and ace king suited	2,000 to 1	\$1,000
7 card Straight Flush with Joker	1,000 to 1	\$500
5 Aces	400 to 1	\$250
Royal Flush	150 to 1	\$50
Straight Flush	50 to 1	\$20
Four-of-a-Kind	25 to 1	\$5
Full House	5 to 1	
Flush	4 to 1	
Three-of-a-Kind	3 to 1	
Straight	2 to 1	

Table B

Hand	Payout	Envy Bonus
7 card Straight Flush	5,000 to 1	\$3,000
Royal Flush and ace king suited	2,000 to 1	\$1,000
7 card Straight Flush with Joker	1,000 to 1	\$500
5 Aces	400 to 1	\$250
Royal Flush	150 to 1	\$50
Straight Flush	50 to 1	\$20
Four-of-a-Kind	25 to 1	\$5

<i>Hand</i>	<i>Payout</i>	<i>Envy Bonus</i>
Full House	5 to 1	
Flush	4 to 1	
Three-of-a-Kind	3 to 1	
Straight	2 to 1	

Table C

<i>Hand</i>	<i>Payout</i>	<i>Envy Bonus</i>
7 card Straight Flush	5,000 to 1	\$2,500
Royal Flush and ace king suited	2,000 to 1	\$500
7 card Straight Flush with Joker	1,000 to 1	\$250
5 Aces	400 to 1	\$150
Royal Flush	150 to 1	\$55
Straight Flush	50 to 1	\$25
Four-of-a-Kind	25 to 1	\$6
Full House	5 to 1	
Flush	4 to 1	
Three-of-a-Kind	3 to 1	
Straight	2 to 1	

(f) Notwithstanding the payout odds in subsection (e), a certificate holder may establish a maximum payout for a winning Emperor's Treasure Wager that is payable for one round of play. The maximum payout amount shall be at least \$40,000 or the maximum amount that one player could win per round when betting the minimum possible wager, whichever is greater. Maximum payouts established by a certificate holder require the approval of the Board's Executive Director and shall be included in the certificate holder's Rules Submission filed in accordance with § 521.2. Any maximum payout limit established by a certificate holder shall apply only to Emperor's Treasure Wagers and shall not apply to Envy Bonus payouts.

§ 561.13c. Pai Gow Insurance Wager; payout odds; payout limitation.

(a) A certificate holder may, if specified in its Rules Submission under § 521.2 (relating to table games Rules Submissions), offer a player the option of placing a Pai Gow Insurance Wager on whether the player will be dealt a hand type as set forth in subsection (e).

(b) Prior to the first card being dealt for each round of play, each player who has placed a wager in accordance with § 561.7 (relating to wagers), may make a Pai Gow Insurance Wager by placing a value chip of at least \$1 into the separate area designated for that player.

(c) The dealer shall then announce "no more bets" and deal the cards in accordance with the dealing procedures in § 561.9, § 561.10 or § 561.11 (relating to procedures for dealing the cards from a manual dealing shoe; procedures for dealing the cards by hand; and procedures for dealing the cards from an automated dealing shoe).

(d) If a Pai Gow Insurance Wager has been made by one or more players, the dealer shall observe the procedures in § 561.13 (relating to procedures for completion

of each round of play; setting of hands; payment and collection of wagers; payout odds; vigorish) with the following modifications:

(1) The dealer shall, starting from the dealer's right and moving counterclockwise around the table, settle the Pai Gow Poker wager of each player and collect any vigorish that is due, provided that the cards of a player who has placed a Pai Gow Insurance Wager shall remain on the layout regardless of the outcome of the player's Pai Gow Poker wager.

(2) After settling the Pai Gow Poker wager of a player who has placed a Pai Gow Insurance Wager, the dealer shall rearrange the seven cards of the player to form the best possible hand and shall be responsible for creating the hand for purposes of the Pai Gow Insurance Wager. If a player:

(i) Does not have a Pai Gow Hand, the dealer shall collect the Pai Gow Insurance Wager and place the cards of the player in the discard rack.

(ii) Has a Pai Gow Hand, the dealer shall pay the winning Pai Gow Insurance Wager in accordance with subsection (e).

(e) The certificate holder shall pay out winning Pai Gow Insurance Wagers at the amounts contained in one of the following payout tables selected by the certificate holder in the certificate holder's Rules Submission filed in accordance with § 521.2:

Table A

<i>Hand</i>	<i>Payout</i>
Nine-High Pai Gow Hand	100 to 1
Ten-High Pai Gow Hand	25 to 1
Jack-High Pai Gow Hand	15 to 1
Queen-High Pai Gow Hand	6 to 1
King-High Pai Gow Hand	5 to 1
Ace-High Pai Gow Hand	3 to 1

Table B

<i>Hand</i>	<i>Payout</i>
Nine-High Pai Gow Hand	100 to 1
Ten-High Pai Gow Hand	25 to 1
Jack-High Pai Gow Hand	15 to 1
Queen-High Pai Gow Hand	7 to 1
King-High Pai Gow Hand	5 to 1
Ace-High Pai Gow Hand	3 to 1

(f) Notwithstanding the payout odds in subsection (e), a certificate holder may establish a maximum payout for a winning Pai Gow Insurance Wager that is payable for one round of play. The maximum payout amount shall be at least \$40,000 or the maximum amount that one player could win per round when betting the minimum possible wager, whichever is greater. Maximum payouts established by a certificate holder require the approval of the Board's Executive Director and shall be included in the certificate holder's Rules Submission filed in accordance with § 521.2.

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