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Agencies in this issue

The General Assembly
The Courts
Board of Coal Mine Safety
Department of Banking and Securities
Department of Environmental Protection
Department of Health
Department of Human Services
Department of Revenue
Executive Board
Fish and Boat Commission
Insurance Department
Legislative Reference Bureau
Patient Safety Authority
Pennsylvania Public Utility Commission
Philadelphia Parking Authority
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No. 588, November 2023

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Pennsylvania Bulletin

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published weekly. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. It is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations, Statewide court rules, and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, rescission, repeal or emergency action, must be published in the *Pennsylvania Bulletin*.

The following documents are published in the *Pennsylvania Bulletin*: Governor's Executive Orders; 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 rescind regulations must first publish in the *Pennsylvania Bulletin* a Proposed Rulemaking. There are limited instances when the agency may omit the proposal step; it still must publish the adopted version.

The 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. A Final Rulemaking must be published in the *Pennsylvania Bulletin* before the changes can take effect. If the agency wishes to adopt changes to the 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, Statewide court rules and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes when they are adopted. 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.

How to Find Rules and Regulations

Search for your area of interest in the *Pennsylvania Code*. The *Pennsylvania Code* is available at www.pacodeandbulletin.gov.

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

A chronological table of the history of *Pennsylvania Code* sections may be found at www.legis.state.pa.us/cfdocs/legis/CH/Public/pcde_index.cfm.

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

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Rules, Regulations and Statements of Policy in Titles 1—107 of the Pennsylvania Code

Text proposed to be added is printed in **underscored bold face**. Text proposed to be deleted is enclosed in brackets [] and printed in **bold face**.

Proposed new chapters and sections are printed in regular type to enhance readability. Final rulemakings and statements of policy are printed in regular type.

Ellipses, a series of five asterisks, indicate text that is not amended.

In Proposed Rulemakings and proposed Statements of Policy, existing text corresponds to the official codified text in the *Pennsylvania Code*.

Court Rules in Titles 201—246 of the Pennsylvania Code

Added text in proposed and adopted court rules is printed in **underscored bold face**. Deleted text in proposed and adopted court rules is enclosed in brackets [] and printed in **bold face**.

Proposed new chapters and rules are printed in regular type to enhance readability.

Ellipses, a series of five asterisks, indicate text that is not amended.

Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires the Governor's Budget Office to prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions and authorities receiving money from the State Treasury. The fiscal note states whether the action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions. The fiscal note is required to be published in the *Pennsylvania Bulletin* at the same time as the change is advertised.

A fiscal note provides the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the 5 succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the 5 succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; and (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

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, 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 item (8) the recommendation, if any, made by the Secretary of the Budget is published with the fiscal note. "No fiscal impact" means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended. See 4 Pa. Code Chapter 7, Subchapter R (relating to fiscal notes).

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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 2023.

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THE GENERAL ASSEMBLY

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

COMMISSION ON SENTENCING PART VIII. CRIMINAL SENTENCING [204 PA. CODE CH. 303a]

Adopted 8th Edition Sentencing Guidelines; Correction

Several errors occurred in Annex B published at 53 Pa.B. 5361 (August 26, 2023). Annex B is corrected as follows, with ellipses referring to the balance of the text as it appeared at 53 Pa.B. 5361. The remainder of Annex B was accurate as published.

Annex B TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS PART VIII. CRIMINAL SENTENCING CHAPTER 303a. SENTENCING GUIDELINES, 8TH EDITION

§ 303a.4. Prior record score.

* * * * *

(e)(7)(ii). A charge which is nolle [**prosed**] **prossed**, dismissed, or on which a demurrer is sustained.

* * * * *

§ 303a.9. Offense listing (OGS/POG assignments).

18 Pa.C.S. §	Description	Statutory Class	Offense Gravity Score (OGS)	Prior Offense Group (POG)	Mandatory/Enhancements
* * * * *					
PART I					
908.1(a)(2)	Possess electric incapacitation device (no intent to commit felony)	M-1	6	POG1	
[908.1(c)]	Use/possess electric incapacitation device (prohibited possession)	M-1	7	POG1]	
910(a)(1)(i)	Manufacture/etc.-device for theft of telecommunications (>50 devices)	F-2	12	POG3	
* * * * *					
PART II	ARTICLE B				
* * * * *					
3011(a)(3)	Trafficking in individuals-knows or recklessly disregards	F-2	13	[POG4] POG3	
3011(a)(4)	Trafficking in individuals-knowingly benefits financially	F-2	13	[POG4] POG3	
* * * * *					
PART II	ARTICLE C				
* * * * *					
3503(b)(1)(iv)	Criminal trespass-defiant (notice posted/ school grounds)	M-3	5	POG1	E
3503(b)(1)(v)	Criminal trespass-defiant (communication/leave school grounds)	M-1	7	POG1	E
3503(b.2)(1)(i)	Criminal trespass-agricultural trespass (posted land)	M-3	2	POG1	E
3503(b.2)(1)(ii)	Criminal trespass-agricultural trespass (defies order)	M-2	7	POG1	E
* * * * *					

18 Pa.C.S. §	Description	Statutory Class	Offense Gravity Score (OGS)	Prior Offense Group (POG)	Mandatory/Enhancements
PART II	ARTICLE E				
* * * * *					
5741(a)(1)	Unlawf[.]ul access stored communications-access w/o authority-for gain (2nd/subsq off)	M-2	5	POG1	
5741(a)(1)	Unlawf[.]ul access stored communications-exceed authorization-for gain (2nd/subsq off)	M-2	5	POG1	
* * * * *					

35 Pa.C.S. § 780-113	Description	Statutory Class	Offense Gravity Score (OGS)	Prior Offense Group (POG)	Mandatory/Enhancements
* * * * *					
(a)(38)[(II)](ii)	Unlawful manufacture-methamphetamine (BI of child <18)	F-2	13	POG3	
(a)(38)[(I)](i)	Unlawful manufacture-methamphetamine (child <18 present)	F-3	10	POG2	
* * * * *					

75 Pa.C.S. §	Description	Statutory Class	Offense Gravity Score (OGS)	Prior Offense Group (POG)	Mandatory/Enhancements
* * * * *					
3808(a)(2)	Illegally operating motor vehicle not equipped with ignition interlock-BAC >=.025	M-3	9	POG1	M
[7122	Altered, forged, or counterfeit documents and plates	M-1	7	POG1]	

* * * * *

§ 303a.10. BUI/DUI offense listing (OGS/POG assignments).

* * * * *

	Description	Statutory Class	Offense Gravity Score (OGS)	Prior Offense Group (POG)	Enhancements
75 Pa.C.S. §	All offenses contained within this section (related to driving under the influence of alcohol or controlled substances) are subject to a mandatory penalty under Title 75 § 3804 (penalties).				
* * * * *					
3802(a)(1)	DUI-incapable of safe driving: refused testing (prior conviction 75-3735) (1st off)	F-3	[7] 9	POG2	
* * * * *					

§ 303a.12. OGS enhancements table.

Pa.C.S.	Description	OGS Subcategorization	OGS Adjustment	Guideline Section and Additional Details
<i>General enhancements (§ 303a.3(b)(5))</i>				
* * * * *				
42-9720.4	Sentencing for offenses committed in association with a criminal gang.			§ 303a.3(b)(5)(iii)
	Murder-3rd degree	x		

<i>Pa.C.S.</i>	<i>Description</i>	<i>OGS Subcategorization</i>	<i>OGS Adjustment</i>	<i>Guideline Section and Additional Details</i>
	Crimes of violence (42-9714(g)) or a violation of section (a)(30) of the Drug Act (35-780-11[4]3) if knowingly committed at the direction of or for the purpose of benefiting, promoting, or furthering the interests of a criminal gang.		+2	
42-9720.8	Sentencing for offenses involving domestic violence.			§ 303a.3(b)(5)(iv)
	Murder-3rd degree	x		
	Offense under Title 18, Chapters 25, 27, 29, 30, 31, or 49 against a family or household member (23-6102).		+2	
	Defendant knew crime was witnessed, either through sight or sound, by a minor who is also a family or household member[s] of the defendant [to] or the victim.			Payment of costs or fees for assessment and treatment of the minor.
* * * * *				
<i>General enhancements (§ 303a.3(b)(6))</i>				
* * * * *				
18-3502	Burglary (as provided in part in 42-9720.7)			§ 303a.3(b)(6)(vi)
	Occupied structure, person present, bodily injury crime	x		
<i>Unless otherwise included in OGS description:</i>				
18-3502(d.1)	Domestic animal harmed [of] or killed		+1	
18-3503	Criminal trespass			§ 303a.3(b)(6)(vii)
<i>Unless otherwise included in OGS description:</i>				
18-3503(e.2)	Domestic animal harmed [of] or killed		+1	
* * * * *				

[Pa.B. Doc. No. 23-1576. Filed for public inspection November 17, 2023, 9:00 a.m.]

COMMISSION ON SENTENCING

Meetings Scheduled

The Commission on Sentencing announces the following meetings to be held in Harrisburg, PA and by means of Zoom:

Wednesday, December 6, 2023	6 p.m.	Dinner Meeting	Harrisburg Hilton and Towers Hotel One North Second Street Harrisburg, PA
Thursday, December 7, 2023	9 a.m.	Policy Meeting	523 Irvis Building Capitol Complex Harrisburg, PA Zoom Webinar: https://bit.ly/PCSDec072023

	11 a.m.	Quarterly Business Meeting	523 Irvis Building Capitol Complex Harrisburg, PA Zoom Webinar: https://bit.ly/PCSDec072023
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MARK H. BERGSTROM,
Executive Director

[Pa.B. Doc. No. 23-1577. Filed for public inspection November 17, 2023, 9:00 a.m.]

THE GENERAL ASSEMBLY

Recent Actions during the 2023 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2023 Regular Session:

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2023 General Acts of Regular Session Enacted—Act 008—019					
008	Oct 4	S0829	PN1014	Immediately	Conveyance—multiple conveyances in multiple counties and repeals
009	Oct 11	H1407	PN1572	Immediately*	Tobacco Settlement Agreement Act—definitions
010	Oct 11	S0836	PN0925	60 days	Municipalities (53 Pa.C.S.)—powers and duties of commission
011	Oct 11	H1209	PN1279	Immediately*	Tobacco Product Manufacturer Directory Act—omnibus amendments
012	Oct 11	H1171	PN1236	60 days	Combustible and Flammable Liquids Act—regulations
013	Oct 23	H0404	PN1301	60 days	Military and Veterans Code (51 Pa.C.S.)—retention of licenses and certifications of persons entering military service
014	Oct 23	H0804	PN1305	60 days	Military Personnel—Residency Status for Students—residency of students
015	Oct 23	H1351	PN2159	Immediately	Human Services Code—omnibus amendments
016	Oct 23	S0141	PN0017	Immediately	Military and Veterans Code (51 Pa.C.S.)—authorized decorations, medals, badges and awards
017	Oct 23	S0621	PN1149	60 days	Conveyance—multiple conveyances in multiple counties and repeals
018	Oct 23	S0746	PN0915	90 days	Dog Law—omnibus amendments
019	Oct 23	S0851	PN1158	Immediately*	Vehicle Code (75 Pa.C.S.)—enforcement of failure to stop for school bus with flashing red lights, imposing a penalty and editorial change

*denotes an effective date with exceptions

Effective Dates of Statutes

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

Advance Copies of Statutes

Section 1106 of 1 Pa.C.S. (relating to prothonotaries to keep files of advance copies of statutes) provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the *Laws of Pennsylvania* are generally available.

One-time purchases of the advance copies of statutes can be purchased through the State Bookstore’s web site at www.shoppaheritage.com.

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

[Pa.B. Doc. No. 23-1578. Filed for public inspection November 17, 2023, 9:00 a.m.]

THE COURTS

Title 201—RULES OF JUDICIAL ADMINISTRATION

[201 PA. CODE CH. 1]

Order Adopting Rules 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, and 115 of the Pennsylvania Rules of Judicial Administration; No. 600 Judicial Administration Docket

Order

Per Curiam

And Now, this 3rd day of November, 2023, upon the recommendation of the Civil Procedural Rules Committee, the proposal having been published for public comment at 51 Pa.B. 5532 (September 4, 2021):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, and 115 of the Pennsylvania Rules of Judicial Administration are adopted in the attached form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective on January 1, 2024.

Annex A

TITLE 201. RULES OF JUDICIAL ADMINISTRATION

CHAPTER 1. GENERAL PROVISIONS

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

Rule 104. Principles of Construction.

In the construction of procedural or evidentiary rules adopted by the Supreme Court, the principles set forth in Rules 105 to 115 shall be observed, unless the application of such principles would result in a construction inconsistent with the manifest intent of the Supreme Court.

Rule 105. Number. Tense.

The singular shall include the plural, and the plural, the singular. Words used in the past or present tense shall include the future.

Rule 106. Words and Phrases.

(a) Words and phrases shall be construed according to rules of grammar and according to their common and approved usage; but technical words and phrases and such others as have acquired a peculiar and appropriate meaning or as are expressly defined by rule shall be construed according to such peculiar and appropriate or express meaning or definition.

(b) General words shall be construed to take their meanings and be restricted by preceding particular words.

Comment:

A word or phrase's common meaning may be discerned through examination of its dictionary definition and its legal meaning may be gleaned from its use in the *corpus juris*. See *Commonwealth v. Wardlaw*, 249 A.3d 937, 946-47 (Pa. 2021).

Rule 107. Computation of Time.

(a) *Days*. When any period of time is referred to in any rule, such period, except as otherwise provided in subdivisions (c) and (d), shall be computed to exclude the first and include the last day of such period.

(b) *Omitted Days*. Whenever the last day of any such period shall fall on Saturday or Sunday, or on any day made a legal holiday by the laws of this Commonwealth or of the United States, such day shall be omitted from the computation.

(c) *Successive Weeks*. Whenever in any rule providing for the publishing of notices, the phrase "successive weeks" is used, weeks shall be construed as calendar weeks. The publication upon any day of such weeks shall be sufficient publication for that week, but at least five days shall elapse between each publication. At least the number of weeks specified in "successive weeks" shall elapse between the first publication and the day for the happening of the event for which publication shall be made.

(d) *Months*. Whenever in any rule the lapse of a number of months after or before a certain day is required, such number of months shall be computed by counting the months from such day, excluding the calendar month in which such day occurs, and shall include the day of the month in the last month so counted having the same numerical order as the day of the month from which the computation is made, unless there are not so many days in the last month so counted, in which case the period computed shall expire with the last day of such month.

Rule 108. Construction of Rules. Intent of Supreme Court Controls.

(a) The object of all interpretation and construction of rules is to ascertain and effectuate the intention of the Supreme Court.

(b) Every rule shall be construed, if possible, to give effect to all its provisions. When the words of a rule are clear and free from all ambiguity, the letter of it is not to be disregarded under the pretext of pursuing its spirit.

(c) When the words of a rule are not explicit, the intention of the Supreme Court may be ascertained by considering, among other matters:

- (1) precedent of the Supreme Court interpreting the current rule;
- (2) the commentary accompanying the rule;
- (3) the rulemaking history;
- (4) other procedures governing the same or similar subjects;
- (5) the practice followed under the rule;
- (6) the consequences of a particular interpretation; and
- (7) the prior practice, if any, including other rules and Acts of Assembly, upon the same or similar subjects.

Comment:

For "commentary accompanying the rule," see Pa.R.J.A. 103, Comment. Concerning subdivision (c)(3), consideration of the rulemaking history may include the occasion and necessity for a rule, circumstances under which it was promulgated, prior practice, and the objective to be attained. Such information may be found in Rules Com-

mittees' reports. See Pa.R.J.A. 103, cmt. Statements contained in these reports have not been adopted by the Supreme Court and should only be consulted for the limited purpose of understanding the history of a rule. For subdivision (c)(6), see Pa.R.J.A. 109 (Presumptions in Ascertaining the Intent of the Supreme Court).

Rule 109. Presumptions in Ascertaining the Intent of the Supreme Court.

Ascertaining the Supreme Court's intention in the adoption or amendment of a rule may be guided by the following presumptions among others:

- (a) The Supreme Court does not intend a result that is absurd, impossible of execution, or unreasonable;
- (b) The Supreme Court intends a rule to be construed to secure the just, speedy, and inexpensive determination of every action or proceeding to which it is applicable;
- (c) The Supreme Court intends the entire rule or chapter of rules to be effective and certain;
- (d) The Supreme Court does not intend to violate the Constitution of the United States or of this Commonwealth;
- (e) If the Supreme Court has construed the language used in a rule or statute, the Supreme Court in promulgating a rule on the same subject matter which employs the same language intends the same construction to be placed upon such language;
- (f) The Supreme Court intends to favor the public interest as against any private interest; and
- (g) No rule shall be construed to confer a right to trial by jury where such right does not otherwise exist.

Rule 110. Titles, Conditions, Exceptions, and Headings.

- (a) The title or heading of a rule may be considered in construing the rule.
- (b) Conditions shall be construed to limit rather than to extend the operation of the clauses to which they refer.
- (c) Exceptions expressed in a rule shall be construed to exclude all others.
- (d) The title or heading prefixed to a chapter of rules shall not be considered to control but may be used in construing the rules.

Rule 111. Rules in Derogation of the Common Law.

The principle that laws in derogation of the common law are to be strictly construed shall have no application to the rules promulgated by the Supreme Court.

Rule 112. Rules *In Pari Materia*.

Rules or parts of rules within a particular body of rules are *in pari materia* when they relate to the same proceedings or class of proceedings. Rules *in pari materia* in the same body of rules shall be construed together, if possible, as one rule or one chapter of rules.

Rule 113. Particular Controls General.

Whenever a general provision in a rule shall be in conflict with a particular provision in the same or another rule, the two shall be construed, if possible, so that effect may be given to both. If the conflict between the two provisions is irreconcilable, the particular provisions shall prevail and shall be construed as an exception to the general provision, unless the general provision shall be promulgated later and it shall be the manifest intention of the Supreme Court that such general provision shall prevail.

Rule 114. Construction of Rule Amendments.

(a) *Textual Indicators.* Amended text indicated by the text in bold font within brackets shall be omitted, and the text in bold font and underscored shall be read as part of the rule.

(b) *Amendments.* Whenever a rule or part of a rule is amended, the amendment shall be construed to merge into the original rule, become a part thereof, and replace the part amended. The remainder of the original rule and amendment shall be read together and viewed as one rule promulgated at one time; but the portions of the rule which were not altered by the amendment shall be construed as effective from the time of their original promulgation and the new provisions shall be construed as effective only from the date when the amendment became effective.

(c) *Merger of Subsequent Amendments.* Whenever a rule has been more than once amended, the latest amendment shall be read into the original rule as previously amended and not into such rule as originally promulgated.

Rule 115. Procedures Inconsistent with Rules.

All laws shall be suspended to the extent that they are inconsistent with rules prescribed under the Constitution of 1968. Procedures set forth in statute or local rule shall be inapplicable to the extent that they are inconsistent with rules prescribed by the Supreme Court governing proceedings on the same subject matter.

Comment:

See Pa. Const. art. V, § 10(c); 42 Pa.C.S. § 1722(a)(1); see also Pa.R.J.A. 103(d)(2); *Appeal of Gibbons*, 104 Pa. 587, 591 (1884) (court of common pleas cannot adopt rules inconsistent with Supreme Court rules).

**SUPREME COURT OF PENNSYLVANIA
APPELLATE COURT PROCEDURAL RULES
COMMITTEE**

**COMMITTEE ON RULES OF EVIDENCE
CIVIL PROCEDURAL RULES COMMITTEE
ORPHANS' COURT PROCEDURAL RULES
COMMITTEE**

**CRIMINAL PROCEDURAL RULES COMMITTEE
JUVENILE COURT PROCEDURAL RULES
COMMITTEE**

MINOR COURT RULES COMMITTEE

ADOPTION REPORT

Adoption of Pa.R.J.A. 104—115; Rescission of Pa.R.Civ.P. 101—104, 106—108, and 127—153; Amendment of Pa.R.Civ.P. 126, 237.1, 1007.1, 1020, 1601, and 2225, Pa.R.O.C.P. 1.2, Pa.R.Crim.P. 101 and 600, Pa.R.J.C.P. 101 and 1101, Pa.R.A.P. 105, 107, and 903, Pa.R.Civ.P.M.D.J. 204, and Pa.R.E. 101, 102, and 103

On November 3, 2023, the Supreme Court approved the extraction of rules of construction from the Pennsylvania Rules of Civil Procedure and their placement in the Pennsylvania Rules of Judicial Administration through the rescission of Pennsylvania Rules of Civil Procedure 101—104, 106—108, and 127—153, amendment of Pennsylvania Rules of Civil Procedure 126, 237.1, 1007.1, 1020, 1601, and 2225, and the adoption of Pennsylvania Rules of Judicial Administration 104—115. The Court also amended Pennsylvania Rule of Orphans' Court Procedure 1.2, Pennsylvania Rules of Criminal Procedure 101 and

600, Pennsylvania Rules of Juvenile Court Procedure 101 and 1101, Pennsylvania Rules of Appellate Procedure 105, 107, and 903, Pennsylvania Rule of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges 204, and Pennsylvania Rules of Evidence 101, 102, and 103 to establish and reference the rules of construction for the Court's procedural and evidentiary bodies of rules. The Rules Committees have prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. See Pa.R.J.A. 103, cmt. The statements contained herein are those of the Rules Committees, not the Court.

Background

Procedural rules adopted by the Supreme Court have the force of statute. See, e.g., *Dombrowski v. City of Philadelphia*, 245 A.2d 238, 241 n.4 (Pa. 1968). Proce-

dural rules, like statutes, may be subject to interpretation based upon their language and the circumstances in which they apply. To guide the interpretation of rules, courts have relied upon rules of construction used for the interpretation of statutes. See 1 Pa.C.S. §§ 1901—1957; see also, e.g., *Commonwealth v. McClelland*, 233 A.3d 717 (Pa. 2020) (interpreting Pa.R.Crim.P.); *Commonwealth v. Wardlaw*, 249 A.3d 937 (Pa. 2021) (interpreting Pa.R.A.P.).

In 1939, rules of construction were added to the Pennsylvania Rules of Civil Procedure based largely on language contained in sections of the Statutory Construction Act of May 28, 1937, P.L. 1019, with modification to reflect their intended application to rules of court. Over time, the Statutory Construction Act, as well as the procedural rules of construction, have been amended to their present form:

Subject	1937 Statute	1939 Rule	Present Statute	Present Rule
Title/Citation	—	—	—	Pa.R.Civ.P. 51
Effective Date	—	Pa.R.Civ.P. 51	—	Pa.R.Civ.P. 52
Definitions	46 P.S. § 601	Pa.R.Civ.P. 76	1 Pa.C.S. § 1991	Pa.R.Civ.P. 76
Principles	46 P.S. § 531	Pa.R.Civ.P. 101	1 Pa.C.S. § 1901	Pa.R.Civ.P. 101
Number/Tense	46 P.S. § 532	Pa.R.Civ.P. 102	1 Pa.C.S. § 1902	Pa.R.Civ.P. 102
Words/Phrases	46 P.S. § 533	Pa.R.Civ.P. 103	1 Pa.C.S. § 1903	Pa.R.Civ.P. 103
Numerals	46 P.S. § 534	Pa.R.Civ.P. 104	1 Pa.C.S. § 1904	Pa.R.Civ.P. 104
Bonds	46 P.S. § 536	Pa.R.Civ.P. 105	1 Pa.C.S. § 1906	Pa.R.Civ.P. 105
Comp Time	46 P.S. § 538	Pa.R.Civ.P. 106	1 Pa.C.S. § 1908	Pa.R.Civ.P. 106
Time—Weeks	46 P.S. § 539	Pa.R.Civ.P. 107	1 Pa.C.S. § 1909	Pa.R.Civ.P. 107
Time—Months	46 P.S. § 540	Pa.R.Civ.P. 108	1 Pa.C.S. § 1910	Pa.R.Civ.P. 108
Liberal Con	—	Pa.R.Civ.P. 126	—	Pa.R.Civ.P. 126
Court Intent	46 P.S. § 551	Pa.R.Civ.P. 127	1 Pa.C.S. § 1921	Pa.R.Civ.P. 127
Presumptions	46 P.S. § 552	Pa.R.Civ.P. 128	1 Pa.C.S. § 1922	Pa.R.Civ.P. 128
Grammar	46 P.S. § 553	Pa.R.Civ.P. 129	1 Pa.C.S. § 1923	—
Titles	46 P.S. § 554	Pa.R.Civ.P. 130	1 Pa.C.S. § 1924	Pa.R.Civ.P. 129
Common Law	46 P.S. § 558	Pa.R.Civ.P. 131	1 Pa.C.S. § 1928	Pa.R.Civ.P. 130
Pari Materia	46 P.S. § 562	Pa.R.Civ.P. 132	1 Pa.C.S. § 1932	Pa.R.Civ.P. 131
Inconsistent	—	—	—	Pa.R.Civ.P. 133
Controls	46 P.S. § 563	Pa.R.Civ.P. 133	1 Pa.C.S. § 1933	Pa.R.Civ.P. 132
Eff Date Amd	—	Pa.R.Civ.P. 151	—	Pa.R.Civ.P. 52
Amendatory	46 P.S. § 573	Pa.R.Civ.P. 152	1 Pa.C.S. § 1953	Pa.R.Civ.P. 152
Merger	46 P.S. § 574	Pa.R.Civ.P. 153	1 Pa.C.S. § 1954	Pa.R.Civ.P. 153

These rules of construction have guided the interpretation of the Rules of Civil Procedure. See, e.g., *Bruno v. Erie Ins. Co.*, 106 A.3d 48 (Pa. 2014); *Terra Technical Services, LLC v. River Station Land, L.P.*, 124 A.3d 289 (Pa. 2015).

Many of the other bodies of rules have rules of construction of varying degree. The Rules of Criminal Procedure, Rules of Juvenile Court Procedure, and Rules of Appellate Procedure simply reference the “rules of statutory construction” and address the consequence of procedural defect. The Rules of Orphans’ Court Procedure incorporate by reference Pa.R.Civ.P. 102—153 but exclude Pa.R.Civ.P. 126.

The Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges do not reference rules of construction but do contain rules based upon Pa.R.Civ.P. 106 and 108 for the computation of time. While users in this non-record forum may infrequently consult rules of construction, that does not eliminate the possibility of ambiguity arising from the application of procedural rules in ever-changing circumstances.

The Rules of Evidence do not reference rules of construction, relying instead on Pa.R.E. 102 (“These rules should be construed so as to administer every proceeding fairly, eliminate unjustifiable expense and delay, and promote the development of evidence law, to the end of

ascertaining the truth and securing a just determination.”) to guide the construction of the rules. Thus, the incorporation of rules of construction within the Rules of Evidence would be a new concept that does not appear in the Federal Rules of Evidence.

Evidentiary rules are not limited to the Rules of Evidence; there is a rich source of evidentiary rules contained in statutes. *See, e.g.*, 42 Pa.C.S. §§ 6101–6160; 42 Pa.C.S. § 5985.1, § 5986, and § 5993. Those statutory-based evidentiary rules are subject to the rules of statutory construction set forth in Title 1 of Pennsylvania’s Consolidated Statutes. Therefore, it would be consistent that rule-based evidentiary rules be subject to similar rules of construction. Additionally, the Court has previously applied the rules of statutory construction to a rule of evidence found in the Pennsylvania Rules of Criminal Procedure. *See Commonwealth v. McClelland*, 233 A.3d 717, 734 (Pa. 2020) (discussing Pa.R.Crim.P. 542(E) and the admissibility of hearsay evidence at a preliminary hearing). This application is informative insofar as the Court has used rules of construction to guide the interpretation of a rule of evidence notwithstanding that the rule was not located in the Rules of Evidence.

To provide for uniform rules of construction for all procedural and evidentiary bodies of rules, the detailed rules of construction were removed from the Rules of Civil Procedure, revised if merited, and relocated to the Rules of Judicial Administration to immediately follow the rules governing the rulemaking process. Having one set of rules of construction for all bodies of rules will permit readers to understand their application across all rules rather than a particular body of rules. Further, replicating the same rules of construction within each body of rules seemed unnecessarily duplicative and may invite inconsistency in the application of identically worded rules. Therefore, any rules of construction organic to a body of rules have been removed with each body of rules thereafter containing a reference to the Rules of Judicial Administration concerning the rules of construction. Additionally, insofar as practicable, the title to the rule within each body of rules referencing the Rules of Judicial Administration includes the term “Construction” as a common signal.

However, not every rule of construction found in the Rules of Civil Procedure has been relocated to the Rules of Judicial Administration. Pa.R.Civ.P. 105 concerning bonds would remain in the Pennsylvania Rules of Civil Procedure because that rule is specific to civil proceedings. Application of that guidance to other bodies of rules may unintentionally conflict with existing provisions. *See, e.g.*, Pa.R.Crim.P. 525 (bail bond).

Pa.R.Civ.P. 104 concerning Roman numerals and Arabic numerals being deemed parts of the English language has been omitted from the newly established rules of construction. Such an anachronistic provision appeared unnecessary for the modern construction of judicial rules. There is a dearth of Pennsylvania cases litigating the meaning of numerals within the rules based simply on the fact that they are expressed as numbers rather than stated in English, *e.g.*, “VII” v. “7” v. “seven.” While that may owe to the existence of Pa.R.Civ.P. 104 and 1 Pa.C.S. § 1904, it is submitted that any ambiguity may be resolved by the context in which the numerals are used and not whether numerals are or are not part of the English language. For example, “1/2” can be an expression of a mathematical operation or a date, which may be

an ambiguity resolved by examining its context, but its existence cannot be ignored because Arabic numbers were used. The rejected need for such a rule is exemplified by the discontinued use of the *numero* sign, *i.e.*, “No.,” in the citation of the rules.

Consideration was given to whether the rules of construction should be further modified to improve readability and applicability to rules, as opposed to statutes. As observed, the Rules of Civil Procedure’s rules of construction were largely based on the rules of statutory construction. Therefore, there was merit in preserving the operative text to the extent it was feasible. This approach allows the application of the statutory rules of construction to inform the application of the judicial rules of construction given that both are similarly worded. Further, this maintains consistency with prior Court interpretations of rules citing the statutory rules of construction. Additionally, this consistency reduces the complexity for the reader to understand and employ two different rules of construction. Notwithstanding the goal of maintaining existing language, there were some aspects of the rules of construction that were revised to clarify their application.

A proposal was published for comment, see 51 Pa.B. 5532 (September 4, 2021). A commenter supporting the proposal suggested that a provision similar to Pa.R.Civ.P. 126 be added to the proposed rules of construction. That rule states:

The rules shall be liberally construed to secure the just, speedy and inexpensive determination of every action or proceeding to which they are applicable. The court at every stage of any such action or proceeding may disregard any error or defect of procedure which does not affect the substantial rights of the parties.

Pa.R.Civ.P. 126. A similar provision is contained in Pa.R.O.C.P. 1.2(a).¹

The Pennsylvania Rules of Juvenile Court Procedure contain a provision similar to the first sentence of Pa.R.Civ.P. 126, see Pa.R.J.C.P. 101(A)-(B); 1101(A)-(B), as do the Pennsylvania Rules of Criminal Procedure, see Pa.R.Crim.P. 101(A)-(B), as do the Pennsylvania Rules of Evidence, see Pa.R.E. 102 (“These rules should be construed so as to administer every proceeding fairly, eliminate unjustifiable expense and delay, and promote the development of evidence law, to the end of ascertaining the truth and securing a just determination.”). Similarly, the Pennsylvania Rules of Appellate Procedure contain a “just, speedy, and inexpensive” provision. *See* Pa.R.A.P. 105(a). There is no analogue to Pa.R.Civ.P. 126 in the Pennsylvania Rules of Civil Procedure Before Magisterial District Judges.²

The first sentence of Pa.R.Civ.P. 126, and similar provisions in the other bodies of rules, will aid the construction of the rules. Pa.R.J.A. 109 sets forth the presumptions in ascertaining the Supreme Court’s intention in the adoption or amendment of a rule. That rule has been revised to set forth the following in subdivision

¹ Similar provisions exist in the federal rules. *See, e.g.*, Fed.R.Civ.P. 1 (“They should be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding.”); Fed.R.Crim.P. 2 (“These rules are to be interpreted to provide for the just determination of every criminal proceeding, to secure simplicity in procedure and fairness in administration, and to eliminate unjustifiable expense and delay.”).

² The absence of such a provision is likely due to factors including court-driven scheduling, court-directed service, jurisdictional limits, lack of discovery, non-record proceedings, and ability for a *de novo* appeal, which contribute to timely and efficient proceedings notwithstanding a provision.

(b): “The Supreme Court intends a rule to be construed to secure the just, speedy, and inexpensive determination of every action or proceeding to which it is applicable.” This presumption is only one of several presumptions in ascertaining intent. For example, the presumption of a “just, speedy, and inexpensive determination” must be balanced by the presumptions that the Court did not intend to violate the United States or Pennsylvania Constitutions.

Omitted from this presumption is any mention of “strict” or “liberal” because using those adjectives to describe the manner of construction may displace the very purpose of the other rules of construction or create an internal inconsistency within the rules of construction. Those adjectives are more appropriate for application of the rules, not their construction.

Concomitantly with the post-publication revision of Pa.R.J.A. 109 to add the language similar to the first sentence of Pa.R.Civ.P. 126 for the construction of rules, the existing “just, speedy, and inexpensive” provisions within the Rules of Civil Procedure, Rules of Orphans’ Court Procedure, Rules of Criminal Procedure, Rules of Juvenile Court Procedure, Rules of Appellate Procedure, and Rules of Evidence have been retained with clarification that those provisions are to be used when *applying* the rules.

The second sentence of Pa.R.Civ.P. 126 informs the reader how the rules should be *applied* in light of procedural non-compliance: “The court at every stage of any such action or proceeding may disregard any error or defect of procedure which does not affect the substantial rights of the parties.” *See also Womer v. Hilliker*, 908 A.2d 269, 276 (Pa. 2006) (“[W]e incorporated equitable considerations in the form of a doctrine of substantial compliance into Rule 126, giving the trial courts the latitude to overlook any ‘procedural defect’ that does not prejudice a party’s rights.”). This authority can be used to determine whether “near misses” may result in procedural default. *See, e.g., Deek Investment, L.P. v. Murray*, 157 A.3d 491, 494 (Pa. Super. 2017).

A rule governing the application of the rules was not included as part of the rules of construction. The rules of construction are intended for the interpretation of ambiguous rules. *See also Bruno v. Erie Ins. Co.*, 106 A.3d 48, 74 n.21 (Pa. 2014) (noting there is no need to resort to rules of construction when the language of rule is unambiguous). Rules like the second sentence of Pa.R.Civ.P. 126 guide the *application* of the rules regardless of the presence of ambiguity. Further, there is a varied practice based upon rule and case law concerning what type of error may be disregarded or result in procedural default. Hence, the authority of certain courts to disregard procedural errors and defects remains within the individual bodies of rules where those provisions currently exist.

Further revisions to the procedural and evidentiary bodies of rules include:

- Retitling Pa.R.Civ.P. 126 as “Application and Construction of Rules”; adding titles to the subdivisions; replacing “construed” with “applied” in subdivision (a); changing “substantial” to “substantive”; and updating the disposition table in the Comment.

- Retitling Pa.R.O.C.P. 1.2 as “Purpose, Application, and Construction of Rules”; adding titles to the subdivisions; and moving the operative language from subdivision (a) to subdivision (b), including the replacement of “construed” with “applied.”

- Retitling Pa.R.Crim.P. 101 as “Purpose, Application, and Construction of Rules”; adding titles to the subdivisions; and replacing “construed” with “applied” in subdivision (b).

- Retitling Pa.R.J.C.P. 101 and 1101 as “Purpose, Application, and Construction of Rules”; adding titles to the subdivisions; merging subdivision (c) into subdivision (a); renumbering subdivision (D) as subdivision (c); and replacing “construed” with “applied” in subdivision (b).

- Retitling Pa.R.A.P. 105 as “Application of Rules and Enlargement of Time”; retitling subdivision (a); and replacing “construed” with “applied” in subdivision (a).

- Retitling Pa.R.E. 102 as “Application of Rules”; and replacing “construed” with “applied.”

- Corollary revisions have been made to Pa.R.Civ.P. 237.1(a)(2), 1007.1, 1020, 1601, and 2225, Pa.R.Crim.P. 600, cmt., Pa.R.A.P. 107 and 903, Pa.R.Civ.P.M.D.J. 204, and Pa.R.E. 101 and 103.

The current rules of construction have been removed from Pa.R.Civ.P. 101—104, 106—108, and 127—153, and are now located in Pa.R.J.A. 104—115. Differences between the two bodies of rules as they relate to this rulemaking include:

Pa.R.J.A. 104. Principles of Interpretation.—Formerly Pa.R.Civ.P. 101

The title has been revised from “Principles of Interpretation” to “Principles of Construction” to reflect existing rule text. Additionally, “any rule” has been revised to specify that the rules of construction are only intended to apply to procedural or evidentiary rules adopted by the Court. Other rules adopted by the Court and rules adopted by other authorities may be subject to construction, but these rules are not mandated in their construction.

Pa.R.J.A. 105. Number. Tense.—Formerly Pa.R.Civ.P. 102

No revisions were made to the existing language. This rule differs from 1 Pa.C.S. § 1902 insofar as the provision regarding gender was removed from Pa.R.Civ.P. 102 in rulemaking dated April 12, 1999.

Pa.R.J.A. 106. Words and Phrases.—Formerly Pa.R.Civ.P. 103

A Comment has been added to the rule.

Pa.R.J.A. 107. Computation of Time.—Formerly Pa.R.Civ.P. 106, 107, and 108

This rule is a consolidation of Pa.R.Civ.P. 106—108 and reflects the Court’s prior use of 1 Pa.C.S. § 1908 for the computation of time. *See, e.g., City of Philadelphia v. F.A. Realty Investors Corp.*, 256 A.3d 429 (Pa. 2021) (granting petition for allowance of appeal, vacating the intermediate appellate court’s order, and remanding for further proceedings after concluding petitioners filed a timely Pa.R.A.P. 1925(b) statement, citing 1 Pa.C.S. § 1908). The text of Pa.R.Civ.P.M.D.J. 203, which is largely reiterative of Pa.R.J.A. 107(a)-(b), (d), was retained in that body of rules so that unrepresented parties are not required to consult another body of rules for the computation of time.

Pa.R.J.A. 108. Construction of Rules. Intent of Supreme Court Controls.—Formerly Pa.R.Civ.P. 127

Some of the factors that may be considered in determining the intention of the Supreme Court have been replaced to include specific sources of information germane to rulemaking. From these sources, the reader can

understand the Supreme Court's intent. A Comment has also been added to assist the reader and reference limits placed on certain sources.

The factors contained in Pa.R.Civ.P. 127 that were retained include: 1) the contemporaneous history of the rule, *i.e.*, "rulemaking history"; 2) the practice followed under the rule; and 3) the consequences of a particular interpretation. Factors added are: 1) the Court's precedent; and 2) commentary accompanying the rule. These new factors are based upon *Touloumes v. E.S.C.*, 899 A.2d 343, 348 (Pa. 2006) (relying upon prior Court opinions involving same rule for purposes of construction), and Pa.R.J.A. 103, Comment ("Effective October 1, 2021, "rule" includes the rule text and any accompanying commentary such as a note or comment. Such commentary, while not binding, may be used to construe or apply the rule text.").

The factors removed were: 1) the occasion and necessity for the rule; 2) the circumstances under which it was promulgated; 3) the mischief to be remedied; and 4) the object to be attained. These factors require the reader to consider "why" the rule exists, which is subsumed within the "rulemaking history" and discussed within the Comment to Pa.R.J.A. 108. *See also* Pa.R.J.A. 103(a)(1) (requiring Rules Committees to include a publication report containing the rationale for proposed rulemaking); *Touloumes, supra* (relying upon Committee reports for purposes of construction).

To retain these specific factors suggests to the reader that any source describing "why" a rule exists may be indicative of the Supreme Court's intent. This raises a concern that sources outside of the rulemaking process may be relied upon, including periodicals, journals, trade publications, interviews, and newspapers. There is no assurance that these other sources are trustworthy, reliable, accurate, and not self-serving. Instead, the reader is directed to "the rulemaking history" within Pa.R.J.A. 108 with the Comment referencing Pa.R.J.A. 103 and Rules Committees' reports. *See also* *Laudenberger v. Port Auth. of Allegheny Cty.*, 436 A.2d 147, 151 (Pa. 1981) (the Supreme Court stating that such reports "indicate the spirit and motivation behind the drafting of the rule, and they serve as guidelines for understanding the purpose for which the rule was drafted").

Post-publication, the current factor of "the prior practice, if any, including other rules and Acts of Assembly upon the same or similar subjects" was retained as subdivision (c)(7). The prior practice, especially if giving rise to subsequent rulemaking, may inform the construction of the present rule.

Rule 109. Presumptions in Ascertaining the Intent of the Supreme Court.—Formerly Pa.R.Civ.P. 128

Stylistic revisions have been made, but the substance of Pa.R.Civ.P. 128 is preserved.

Rule 110. Titles, Conditions, Exceptions, and Headings.—Formerly Pa.R.Civ.P. 129

The term "provisos" has been replaced with "conditions" to reflect current rulemaking terminology. Additionally, reference to "use of notes and explanatory comments" has been removed from the title and rule. That reference can now be found at Pa.R.J.A. 108(c)(2) as "commentary."

Rule 111. Rules in Derogation of the Common Law.—Formerly Pa.R.Civ.P. 130

No revisions were made to the existing language.

Rule 112. Rules *In Pari Materia*.—Formerly Pa.R.Civ.P. 131

Post-publication, language was inserted into the rule to limit the application of the *in pari materia* concept to the single body of rules being interpreted.

Rule 113. Particular Controls General.—Formerly Pa.R.Civ.P. 132

No revisions were made to the existing language.

Rule 114. Construction of Rule Amendments.—Formerly Pa.R.Civ.P. 152 & 153

This rule consolidates former Pa.R.Civ.P. 152 (Construction of Amendatory Rules) and 153 (Merger of Subsequent Amendments) as separate subdivisions. Subdivision (a) was added to describe the significance of textual indicators when reading amended rule text.

Rule 115. Procedures Inconsistent with Rules.—Formerly Pa.R.Civ.P. 133

Pa.R.J.A. 115 is intended to assist the reader in the construction of statewide procedural rules when there may be conflicting statutory procedures or local rules of procedure. Notably, the rule references "procedures," which is intended to exclude substantive rules of evidence that may be enacted by statute. *See Commonwealth v. Olivo*, 127 A.3d 769, 780 (Pa. 2015) (concluding the statutory rule of evidence does not violate the Supreme Court's authority over procedural rules). It should also be noted that some bodies of rules have savings clauses for statutory procedures. *See, e.g.*, Pa.R.Civ.P. 1910.45; Pa.R.A.P. 5102. This rule would not displace the operation of those statutory procedures because they would not be "inconsistent" with the rules; rather, they are "saved" by the rules.

Post-publication, the original text from Pa.R.Civ.P. 133 ("All laws shall be suspended to the extent that they are inconsistent with rules prescribed under the Constitution of 1968.") was retained and incorporated into this rule.

* * * * *

This rulemaking becomes effective January 1, 2024.

[Pa.B. Doc. No. 23-1579. Filed for public inspection November 17, 2023, 9:00 a.m.]

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART II. GENERAL ADMINISTRATION

[204 PA. CODE CH. 29]

Promulgation of Financial Regulations Pursuant to Act 22 of 2023; No. 601 Judicial Administration Docket

Order

Per Curiam

And Now, this 6th day of November, 2023, it is ordered, pursuant to Article V, Section 10(c) of the Constitution of Pennsylvania and 42 Pa.C.S. § 3502(a), that the attached amendments to the Financial Regulations are hereby adopted.

To the extent that notice of proposed rulemaking may be required by Pa.R.J.A. 103(a), the immediate promulgation of the regulations is hereby found to be in the interests of efficient administration. *See* Pa.R.J.A. 103(a)(3).

This Order is to be processed in accordance with Pa.R.J.A. 103(b), and the amendments shall be effective immediately.

Additions are shown in bold and are underlined.

Deletions are shown in bold and are bracketed.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART II. GENERAL ADMINISTRATION

CHAPTER 29. MISCELLANEOUS PROVISIONS

Subchapter I. BUDGET AND FINANCE

§ 29.351. Definitions.

(a) *Pennsylvania Supreme, Superior and Commonwealth Courts. Initial Filing.*

Except for the provisions of subsection (g)(1) below, for purposes of 42 Pa.C.S. §§ 3733(a.1) and 3733.1 and section 1795.1-E of The Fiscal Code (72 P.S. § 1795.1-E), a statutory fee of nineteen dollars (\$19.00) shall be imposed on all items enumerated in the fee schedules of the Appellate Courts for which a filing and service fee is collected, excluding the following:

- i. Second and Subsequent Filings for Extension of Time.
- ii. Reargument/Reconsideration.
- iii. Services in Connection with Appeals to or Writs of Certiorari from the United States Supreme Court.
- iv. Miscellaneous Fees.
- v. Subpoenas.

(b) *Court of Common Pleas. Prothonotary. Civil Actions and Legal Proceedings.*

1. Except for the provisions of subsection (g)(1) below, for purposes of 42 Pa.C.S. §§ 3733(a.1) and 3733.1 and section 1795.1-E of The Fiscal Code (72 P.S. § 1795.1-E), a statutory fee of nineteen dollars (\$19.00) shall be imposed on a civil action or legal proceeding in a Court of Common Pleas whenever it is initiated upon the filing of the first legal paper therein of record with the prothonotary. The first legal paper may be any of the following:

- i. Praecept for a Writ of Summons.
- ii. Complaint.
- iii. Deleted.
- iv. Petition.
- v. Notice of Appeal from a court of limited jurisdiction.
- vi. Petition or grant of any other legal paper commencing an action or proceeding authorized by Act of Assembly or rule of court.

2. For purposes of these regulations, the initiation of a civil action or legal proceeding shall include, but is not limited to:

i. Actions governed by or authorized under the Pennsylvania Rules of Civil Procedure, such as Civil Action Ejectment, Equity, Ground Rent, Mandamus, Mortgage Foreclosure, Partition of Real Property, Quiet Title, Quo Warranto, Replevin, and the Prevention of Waste.

ii. Actions pertaining to Dependency, Annulments, Divorce, Custody, Partial Custody, Alimony Pendente Lite, Support, and Paternity. With respect to Divorce actions, a separate statutory fee shall be imposed for each count in the complaint in addition to the count requesting divorce.

iii. Statutory actions such as Confirmation of Arbitration Awards, Conformation of Confessed Judgment, Declaratory Judgment, Opening or Striking Off a Judgment, Eminent Domain, Habeas Corpus, Proceedings on Liens (other than revival), Name Changes, Partition of Property Held by Husband and Wife as Tenants By the Entireties, Tax Sales of Real Property.

iv. Other actions not included in subsections (i), (ii) or (iii), such as: Appeals from Board of Elections, Appeals from Board of Viewers, Appeals from Zoning Boards, and Certiorari to Magisterial District Judges.

(c) *Court of Common Pleas. Orphans' Court Clerk, Register of Wills.*

Except for the provisions of subsection (g)(1) below, for purposes of 42 Pa.C.S. §§ 3733(a.1) and 3733.1 and 1795.1-E of The Fiscal Code (72 P.S. § 1795.1-E), a statutory fee of nineteen dollars (\$19.00) shall be imposed on all petitions for grant of letters, and first filings in petitions concerning adoptions, incapacitated persons' estates, minors' estates, and inter vivos trusts.

(d) *Court of Common Pleas. Clerk of Court.*

1. Except for the provisions of subsection (g)(1) below, for purposes of 42 Pa.C.S. §§ 3733(a.1) and 3733.1 and section 1795.1-E of The Fiscal Code (72 P.S. § 1795.1-E), a statutory fee of nineteen dollars (\$19.00) shall be imposed upon conviction, guilty plea, or when a defendant is granted entry into an Accelerated Rehabilitative Disposition (ARD) or other pretrial diversionary program based upon the initiation of any criminal proceeding. The initiation of a criminal proceeding shall include the following:

i. Cases commenced at the magisterial district judge level resulting in the issuance of a numbered docket transcript form (OTN), and subsequently waived or held to court.

ii. The appeal of a summary conviction to the Court of Common Pleas.

iii. Cases involving juvenile defendants where a petition alleging delinquency has been filed in the Court of Common Pleas.

iv. Cases involving juvenile defendants certified to the Court of Common Pleas, resulting in the issuance of a numbered docket transcript form (OTN).

v. Cases involving the severance of charges into separate cases resulting in the issuance of one or more additional numbered docket transcripts (OTNs).

2. Except for the provisions of subsection (g)(1) below, for purposes of 42 Pa.C.S. §§ 3733(a.1) and 3733.1 and section 1795.1-E of The Fiscal Code (72 P.S. § 1795.1-E), a statutory fee of nineteen dollars (\$19.00) shall be imposed for each filing of a deed, mortgage or property transfer for which a fee, charge or cost is now authorized. The documents identified as meeting the above conditions are listed below. The list is not exclusive; other filings for which a fee is imposed and that can be considered a property transfer are included, and the fee shall be imposed. Subject to later amendment, the following documents have been identified as meeting the statutory provisions:

- i. Deeds in any form.
- ii. Mortgages.
- iii. Mortgage assignments.
- iv. Mortgage releases.
- v. Mortgage satisfaction pieces.
- vi. Installment sales agreements.
- vii. Leases for a term of thirty (30) years or longer.
- viii. Easements.
- ix. Rights of Way.

(e) *Minor Judiciary. Civil and Criminal Proceedings.*

For purposes of 42 Pa.C.S. §§ 3733(a.1) and 3733.1, and section 1795.1-E of The Fiscal Code (72 P.S. § 1795.1-E), a statutory fee of nineteen dollars (\$19.00) shall be imposed on the initiation of a legal proceeding except as provided in subsection (iii). The initiation of a legal proceeding, in the following courts of the Minor Judiciary, shall include, but is not limited to, the following:

i. *Magisterial District Judge. Civil Actions.* Except for the provisions of subsection (g)(1) below, a statutory fee of nineteen dollars (\$19.00) shall be imposed in connection with the filing of a complaint in Trespass and Assumpsit or for the Recovery of Possession of Real Property (Landlord and Tenant Proceeding) or for any other Civil Action as provided in the Rules of Civil Procedure Governing Actions and Proceedings before Magisterial District Judges.

ii. *Magisterial District Judge. Criminal Actions.* Except for the provisions of subsection (g)(1) below, a statutory fee of nineteen dollars (\$19.00) shall be imposed upon a conviction, guilty plea or when a defendant is granted entry into an Accelerated Rehabilitative Disposition (ARD) or any other pretrial diversionary program based upon the filing of a criminal complaint or non-traffic citation charging an offense classified as misdemeanor or summary under a state statute or local ordinance as provided in the Pennsylvania Rules of Criminal Procedure.

iii. *Magisterial District Judge, Pittsburgh Municipal Court, and Philadelphia Municipal Court. Title 75 Summary Offenses Initiated by Traffic Citation.* Except for the provisions of subsection (g)(2) below, a statutory fee of twelve dollars (\$12.00) shall be imposed upon a conviction or guilty plea based upon the filing of a traffic citation charging a violation of Title 75 (relating to vehicles) offense classified as summary under a state statute or local ordinance as provided in the Pennsylvania Rules of Criminal Procedure.

iv. *Pittsburgh Municipal Court. Civil Actions.* Except for the provisions of subsection (g)(1) below, a statutory fee of nineteen dollars (\$19.00) shall be imposed in connection with the filing of a civil complaint seeking recovery of fines and penalties imposed by an ordinance of the City of Pittsburgh or by any ordinance or regulation relating to housing and health administered and enforced by the county health department where the violation occurs within the City of Pittsburgh.

v. *Pittsburgh Municipal Court. Criminal Actions.* Except for the provisions of subsection (g)(1) below, a statutory fee of nineteen dollars (\$19.00) shall be imposed upon a conviction, guilty plea or when a defendant is granted entry into an Accelerated Rehabilitative Disposition

(ARD) or any other pretrial diversionary program based upon the filing of a criminal complaint or non-traffic citation charging an offense classified as misdemeanor or summary under state statute or local ordinance as provided for in the Pennsylvania Rules of Criminal Procedure.

vi. *Philadelphia Municipal Court. Civil Actions.* Except for the provisions of subsection (g)(1) below, a statutory fee of nineteen dollars (\$19.00) shall be imposed in connection with the filing of a complaint for a Civil Action, as defined in the Philadelphia Municipal Court Rules of Civil Procedure.

vii. *Philadelphia Municipal Court. Criminal Actions.* Except for the provisions of subsection (g)(1) below, a statutory fee of nineteen dollars (\$19.00) shall be imposed upon conviction, guilty plea or when a defendant is granted entry into an Accelerated Rehabilitative Disposition (ARD) or any other pretrial diversionary program based upon the filing of a criminal complaint or non-traffic citation charging an offense classified as misdemeanor or summary under state statute or local ordinance as provided for in the Pennsylvania Rules of Criminal Procedure.

(f) *Recorders of Deeds.*

Except for the provisions of subsection (g)(1) below, for purposes of 42 Pa.C.S. §§ 3733(a.1) and 3733.1 and section 1795.1-E of The Fiscal Code (72 P.S. § 1795.1-E), a statutory fee of nineteen dollars (\$19.00) shall be imposed for each filing of a deed, mortgage or property transfer for which a fee, charge or cost is now authorized. The documents identified as meeting the above conditions are listed below. The list is not exclusive; other filings for which a fee is imposed and that can be considered a property transfer are included, and the fee shall be imposed. Subject to later amendment, the following documents have been identified as meeting the statutory provisions:

- i. Deeds in any form.
- ii. Mortgages.
- iii. Mortgage assignments.
- iv. Mortgage releases.
- v. Mortgage satisfaction pieces.
- vi. Installment sales agreements.
- vii. Leases for a term of thirty (30) years or longer.
- viii. Easements.
- ix. Rights of Way.

(g) *Temporary Surcharge.*

1. Beginning [**July 11, 2022**] **November 1, 2023**, and until July 31, [**2023**] **2025**, for purposes of section [**1795.1-E of The Fiscal Code (72 P.S. § 1795.1-E)**] **2802-E of the Administrative Code of 1929 (71 P.S. § 720.102)**, a temporary surcharge of twenty-one dollars and twenty-five cents (\$21.25) shall be collected by all collectors of the JCS/ATJ/CJEA fee to supplement the nineteen dollars (\$19.00) statutory fee described above. This temporary surcharge may not be imposed upon a conviction or guilty plea based upon the filing of a traffic citation charging a Title 75 (relating to vehicles) offense classified as summary under a state statute or local ordinance as provided in the Pennsylvania Rules of Criminal Procedure.

2. *Magisterial District Judge, Pittsburgh Municipal Court, and Philadelphia Municipal Court. Title 75 Summary Offenses Initiated by Traffic Citation.* Beginning [July 11, 2022] **November 1, 2023**, and until July 31, [2023] **2025**, for purposes of section [**1795.1-E of The Fiscal Code (72 P.S. § 1795.1-E)**] **2802-E of the Administrative Code of 1929 (71 P.S. § 720.102)**, a temporary surcharge of [**ten dollars (\$10.00)**] **twenty one dollars and twenty-five cents (\$21.25)** shall be collected to supplement the twelve dollars (\$12.00) statutory fee imposed upon a conviction or guilty plea based upon the filing of a traffic citation charging a violation of Title 75 (relating to vehicles) offense classified as summary under a state statute or local ordinance as provided in the Pennsylvania Rules of Criminal Procedure.

[Pa.B. Doc. No. 23-1580. Filed for public inspection November 17, 2023, 9:00 a.m.]

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CHS. 1 AND 9]

Order Amending Rules 105, 107, and 903 of the Pennsylvania Rules of Appellate Procedure; No. 309 Appellate Procedural Rules Docket

Order

Per Curiam

And Now, this 3rd day of November, 2023, upon the recommendation of the Appellate Court Procedural Rules Committee, the proposal having been published for public comment at 51 Pa.B. 5532 (September 4, 2021):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 105, 107, and 903 of the Pennsylvania Rules of Appellate Procedure are amended in the attached form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective on January 1, 2024.

Additions to the rule are shown in bold and are underlined.

Deletions from the rule are shown in bold and brackets.

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE I. PRELIMINARY PROVISIONS

CHAPTER 1. GENERAL PROVISIONS

IN GENERAL

Rule 105. [**Waiver and Modification of Rules**] Application of Rules and Enlargement of Time.

(a) [*Liberal construction and modification of rules*] Application. [—] These rules shall be liberally [**construed**] **applied** to secure the just, speedy, and inexpensive determination of every matter to which they are applicable. In the interest of expediting decision, or for other good cause shown, an appellate court may,

except as otherwise provided in [**paragraph**] subdivision (b) [**of this rule**], disregard the requirements or provisions of any of these rules in a particular case on application of a party or on its own motion and may order proceedings in accordance with its direction.

(b) *Enlargement of [time] Time.* [—] An appellate court for good cause shown may upon application enlarge the time prescribed by these rules or by its order for doing any act, or may permit an act to be done after the expiration of such time, but the court may not enlarge the time for filing a notice of appeal, a petition for allowance of appeal, a petition for permission to appeal, a petition for review, or a petition for specialized review.

[**Official Note**] Comment:

42 Pa.C.S. § 5504 provides that the time limited by, *inter alia*, Chapter 55D of the Judicial Code shall not be extended by order, rule, or otherwise, except that the time limited may be extended to relieve fraud or its equivalent, but there will be no extension of time as a matter of indulgence or with respect to any criminal proceeding. However, under 42 Pa.C.S. § 5571(a), statutory time limits under Chapter 55D do not apply to appeals to or other judicial review by the Supreme, Superior, or Commonwealth Courts.

[**Paragraph**] Subdivision (b) of this rule is not intended to affect the power of a court to grant relief in the case of fraud or breakdown in the processes of a court.

Rule 107. [**Rules of**] Construction of Rules.

[**Chapter 19 of Title 1 of the Pennsylvania Consolidated Statutes (rules of construction)** so far as **not inconsistent with any express provision of these rules, shall be applicable to the interpretation of these rules and all amendments hereto to the same extent as if these rules were enactments of the General Assembly.**] In the construction of the Pennsylvania Rules of Appellate Procedure, the principles set forth in Pa.R.J.A. 104 to 115 shall be observed.

[**Official Note:** The effect of this rule is substantially the same as Pa.R.Civ.P. 76 to 153, which were in turn patterned after the Statutory Construction Act. See also former Commonwealth Court Rules 120 and 121.]

ARTICLE II. APPELLATE PROCEDURE

CHAPTER 9. APPEALS FROM LOWER COURTS

Rule 903. Time for Appeal.

* * * * *

[**Official Note**] Comment:

* * * * *

Rule of Appellate Procedure 107 incorporates by reference the rules of construction [**of the Statutory Construction Act of 1972, 1 Pa.C.S. §§ 1901—1991**] in the Pennsylvania Rules of Judicial Administration, Pa.R.J.A. 104—115. See [**1 Pa.C.S. § 1908**] Pa.R.J.A. 107(a)-(b) relating to computation of time for the rule of construction relating to (1) the exclusion of the first day and inclusion of the last day of a time period and (2) the omission of the last day of a time period which falls on Saturday, Sunday or legal holiday.

* * * * *

**SUPREME COURT OF PENNSYLVANIA
APPELLATE COURT PROCEDURAL RULES
COMMITTEE**

**COMMITTEE ON RULES OF EVIDENCE
CIVIL PROCEDURAL RULES COMMITTEE**

**ORPHANS' COURT PROCEDURAL RULES
COMMITTEE**

CRIMINAL PROCEDURAL RULES COMMITTEE

**JUVENILE COURT PROCEDURAL RULES
COMMITTEE**

MINOR COURT RULES COMMITTEE

ADOPTION REPORT

Adoption of Pa.R.J.A. 104—115; Rescission of Pa.R.Civ.P. 101—104, 106—108, and 127—153; Amendment of Pa.R.Civ.P. 126, 237.1, 1007.1, 1020, 1601, and 2225, Pa.R.O.C.P. 1.2, Pa.R.Crim.P. 101 and 600, Pa.R.J.C.P. 101 and 1101, Pa.R.A.P. 105, 107, and 903, Pa.R.Civ.P.M.D.J. 204, and Pa.R.E. 101, 102, and 103

On November 3, 2023, the Supreme Court approved the extraction of rules of construction from the Pennsylvania Rules of Civil Procedure and their placement in the Pennsylvania Rules of Judicial Administration through the rescission of Pennsylvania Rules of Civil Procedure 101—104, 106—108, and 127—153, amendment of Pennsylvania Rules of Civil Procedure 126, 237.1, 1007.1, 1020, 1601, and 2225, and the adoption of Pennsylvania Rules of Judicial Administration 104—115. The Court also amended Pennsylvania Rule of Orphans' Court Procedure 1.2, Pennsylvania Rules of Criminal Procedure 101 and 600, Pennsylvania Rules of Juvenile Court Procedure 101

and 1101, Pennsylvania Rules of Appellate Procedure 105, 107, and 903, Pennsylvania Rule of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges 204, and Pennsylvania Rules of Evidence 101, 102, and 103 to establish and reference the rules of construction for the Court's procedural and evidentiary bodies of rules. The Rules Committees have prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. See Pa.R.J.A. 103, cmt. The statements contained herein are those of the Rules Committees, not the Court.

Background

Procedural rules adopted by the Supreme Court have the force of statute. See, e.g., *Dombrowski v. City of Philadelphia*, 245 A.2d 238, 241 n.4 (Pa. 1968). Procedural rules, like statutes, may be subject to interpretation based upon their language and the circumstances in which they apply. To guide the interpretation of rules, courts have relied upon rules of construction used for the interpretation of statutes. See 1 Pa.C.S. §§ 1901—1957; see also, e.g., *Commonwealth v. McClelland*, 233 A.3d 717 (Pa. 2020) (interpreting Pa.R.Crim.P.); *Commonwealth v. Wardlaw*, 249 A.3d 937 (Pa. 2021) (interpreting Pa.R.A.P.).

In 1939, rules of construction were added to the Pennsylvania Rules of Civil Procedure based largely on language contained in sections of the Statutory Construction Act of May 28, 1937, P.L. 1019, with modification to reflect their intended application to rules of court. Over time, the Statutory Construction Act, as well as the procedural rules of construction, have been amended to their present form:

Subject	1937 Statute	1939 Rule	Present Statute	Present Rule
Title/Citation	—		—	Pa.R.Civ.P. 51
Effective Date	—	Pa.R.Civ.P. 51	—	Pa.R.Civ.P. 52
Definitions	46 P.S. § 601	Pa.R.Civ.P. 76	1 Pa.C.S. § 1991	Pa.R.Civ.P. 76
Principles	46 P.S. § 531	Pa.R.Civ.P. 101	1 Pa.C.S. § 1901	Pa.R.Civ.P. 101
Number/Tense	46 P.S. § 532	Pa.R.Civ.P. 102	1 Pa.C.S. § 1902	Pa.R.Civ.P. 102
Words/Phrases	46 P.S. § 533	Pa.R.Civ.P. 103	1 Pa.C.S. § 1903	Pa.R.Civ.P. 103
Numerals	46 P.S. § 534	Pa.R.Civ.P. 104	1 Pa.C.S. § 1904	Pa.R.Civ.P. 104
Bonds	46 P.S. § 536	Pa.R.Civ.P. 105	1 Pa.C.S. § 1906	Pa.R.Civ.P. 105
Comp Time	46 P.S. § 538	Pa.R.Civ.P. 106	1 Pa.C.S. § 1908	Pa.R.Civ.P. 106
Time—Weeks	46 P.S. § 539	Pa.R.Civ.P. 107	1 Pa.C.S. § 1909	Pa.R.Civ.P. 107
Time—Months	46 P.S. § 540	Pa.R.Civ.P. 108	1 Pa.C.S. § 1910	Pa.R.Civ.P. 108
Liberal Con	—	Pa.R.Civ.P. 126	—	Pa.R.Civ.P. 126
Court Intent	46 P.S. § 551	Pa.R.Civ.P. 127	1 Pa.C.S. § 1921	Pa.R.Civ.P. 127
Presumptions	46 P.S. § 552	Pa.R.Civ.P. 128	1 Pa.C.S. § 1922	Pa.R.Civ.P. 128
Grammar	46 P.S. § 553	Pa.R.Civ.P. 129	1 Pa.C.S. § 1923	—
Titles	46 P.S. § 554	Pa.R.Civ.P. 130	1 Pa.C.S. § 1924	Pa.R.Civ.P. 129
Common Law	46 P.S. § 558	Pa.R.Civ.P. 131	1 Pa.C.S. § 1928	Pa.R.Civ.P. 130
Pari Materia	46 P.S. § 562	Pa.R.Civ.P. 132	1 Pa.C.S. § 1932	Pa.R.Civ.P. 131
Inconsistent	—	—	—	Pa.R.Civ.P. 133
Controls	46 P.S. § 563	Pa.R.Civ.P. 133	1 Pa.C.S. § 1933	Pa.R.Civ.P. 132
Eff Date Amd	—	Pa.R.Civ.P. 151	—	Pa.R.Civ.P. 52
Amendatory	46 P.S. § 573	Pa.R.Civ.P. 152	1 Pa.C.S. § 1953	Pa.R.Civ.P. 152
Merger	46 P.S. § 574	Pa.R.Civ.P. 153	1 Pa.C.S. § 1954	Pa.R.Civ.P. 153

These rules of construction have guided the interpretation of the Rules of Civil Procedure. *See, e.g., Bruno v. Erie Ins. Co.*, 106 A.3d 48 (Pa. 2014); *Terra Technical Services, LLC v. River Station Land, L.P.*, 124 A.3d 289 (Pa. 2015).

Many of the other bodies of rules have rules of construction of varying degree. The Rules of Criminal Procedure, Rules of Juvenile Court Procedure, and Rules of Appellate Procedure simply reference the “rules of statutory construction” and address the consequence of procedural defect. The Rules of Orphans’ Court Procedure incorporate by reference Pa.R.Civ.P. 102—153 but exclude Pa.R.Civ.P. 126.

The Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges do not reference rules of construction but do contain rules based upon Pa.R.Civ.P. 106 and 108 for the computation of time. While users in this non-record forum may infrequently consult rules of construction, that does not eliminate the possibility of ambiguity arising from the application of procedural rules in ever-changing circumstances.

The Rules of Evidence do not reference rules of construction, relying instead on Pa.R.E. 102 (“These rules should be construed so as to administer every proceeding fairly, eliminate unjustifiable expense and delay, and promote the development of evidence law, to the end of ascertaining the truth and securing a just determination.”) to guide the construction of the rules. Thus, the incorporation of rules of construction within the Rules of Evidence would be a new concept that does not appear in the Federal Rules of Evidence.

Evidentiary rules are not limited to the Rules of Evidence; there is a rich source of evidentiary rules contained in statutes. *See, e.g.,* 42 Pa.C.S. §§ 6101—6160; 42 Pa.C.S. § 5985.1, § 5986, and § 5993. Those statutory-based evidentiary rules are subject to the rules of statutory construction set forth in Title 1 of Pennsylvania’s Consolidated Statutes. Therefore, it would be consistent that rule-based evidentiary rules be subject to similar rules of construction. Additionally, the Court has previously applied the rules of statutory construction to a rule of evidence found in the Pennsylvania Rules of Criminal Procedure. *See Commonwealth v. McClelland*, 233 A.3d 717, 734 (Pa. 2020) (discussing Pa.R.Crim.P. 542(E) and the admissibility of hearsay evidence at a preliminary hearing). This application is informative insofar as the Court has used rules of construction to guide the interpretation of a rule of evidence notwithstanding that the rule was not located in the Rules of Evidence.

To provide for uniform rules of construction for all procedural and evidentiary bodies of rules, the detailed rules of construction were removed from the Rules of Civil Procedure, revised if merited, and relocated to the Rules of Judicial Administration to immediately follow the rules governing the rulemaking process. Having one set of rules of construction for all bodies of rules will permit readers to understand their application across all rules rather than a particular body of rules. Further, replicating the same rules of construction within each body of rules seemed unnecessarily duplicative and may invite inconsistency in the application of identically worded rules. Therefore, any rules of construction organic to a body of rules have been removed with each body of

rules thereafter containing a reference to the Rules of Judicial Administration concerning the rules of construction. Additionally, insofar as practicable, the title to the rule within each body of rules referencing the Rules of Judicial Administration includes the term “Construction” as a common signal.

However, not every rule of construction found in the Rules of Civil Procedure has been relocated to the Rules of Judicial Administration. Pa.R.Civ.P. 105 concerning bonds would remain in the Pennsylvania Rules of Civil Procedure because that rule is specific to civil proceedings. Application of that guidance to other bodies of rules may unintentionally conflict with existing provisions. *See, e.g.,* Pa.R.Crim.P. 525 (bail bond).

Pa.R.Civ.P. 104 concerning Roman numerals and Arabic numerals being deemed parts of the English language has been omitted from the newly established rules of construction. Such an anachronistic provision appeared unnecessary for the modern construction of judicial rules. There is a dearth of Pennsylvania cases litigating the meaning of numerals within the rules based simply on the fact that they are expressed as numbers rather than stated in English, *e.g.,* “VII” v. “7” v. “seven.” While that may owe to the existence of Pa.R.Civ.P. 104 and 1 Pa.C.S. § 1904, it is submitted that any ambiguity may be resolved by the context in which the numerals are used and not whether numerals are or are not part of the English language. For example, “1/2” can be an expression of a mathematical operation or a date, which may be an ambiguity resolved by examining its context, but its existence cannot be ignored because Arabic numbers were used. The rejected need for such a rule is exemplified by the discontinued use of the *numero* sign, *i.e.,* “No.,” in the citation of the rules.

Consideration was given to whether the rules of construction should be further modified to improve readability and applicability to rules, as opposed to statutes. As observed, the Rules of Civil Procedure’s rules of construction were largely based on the rules of statutory construction. Therefore, there was merit in preserving the operative text to the extent it was feasible. This approach allows the application of the statutory rules of construction to inform the application of the judicial rules of construction given that both are similarly worded. Further, this maintains consistency with prior Court interpretations of rules citing the statutory rules of construction. Additionally, this consistency reduces the complexity for the reader to understand and employ two different rules of construction. Notwithstanding the goal of maintaining existing language, there were some aspects of the rules of construction that were revised to clarify their application.

A proposal was published for comment, see 51 Pa.B. 5532 (September 4, 2021). A commenter supporting the proposal suggested that a provision similar to Pa.R.Civ.P. 126 be added to the proposed rules of construction. That rule states:

The rules shall be liberally construed to secure the just, speedy and inexpensive determination of every action or proceeding to which they are applicable. The court at every stage of any such action or proceeding may disregard any error or defect of procedure which does not affect the substantial rights of the parties.

Pa.R.Civ.P. 126. A similar provision is contained in Pa.R.O.C.P. 1.2(a).¹

The Pennsylvania Rules of Juvenile Court Procedure contain a provision similar to the first sentence of Pa.R.Civ.P. 126, see Pa.R.J.C.P. 101(A)-(B); 1101(A)-(B), as do the Pennsylvania Rules of Criminal Procedure, see Pa.R.Crim.P. 101(A)-(B), as do the Pennsylvania Rules of Evidence, see Pa.R.E. 102 (“These rules should be construed so as to administer every proceeding fairly, eliminate unjustifiable expense and delay, and promote the development of evidence law, to the end of ascertaining the truth and securing a just determination.”). Similarly, the Pennsylvania Rules of Appellate Procedure contain a “just, speedy, and inexpensive” provision. See Pa.R.A.P. 105(a). There is no analogue to Pa.R.Civ.P. 126 in the Pennsylvania Rules of Civil Procedure Before Magisterial District Judges.²

The first sentence of Pa.R.Civ.P. 126, and similar provisions in the other bodies of rules, will aid the construction of the rules. Pa.R.J.A. 109 sets forth the presumptions in ascertaining the Supreme Court’s intention in the adoption or amendment of a rule. That rule has been revised to set forth the following in subdivision (b): “The Supreme Court intends a rule to be construed to secure the just, speedy, and inexpensive determination of every action or proceeding to which it is applicable.” This presumption is only one of several presumptions in ascertaining intent. For example, the presumption of a “just, speedy, and inexpensive determination” must be balanced by the presumptions that the Court did not intend to violate the United States or Pennsylvania Constitutions.

Omitted from this presumption is any mention of “strict” or “liberal” because using those adjectives to describe the manner of construction may displace the very purpose of the other rules of construction or create an internal inconsistency within the rules of construction. Those adjectives are more appropriate for application of the rules, not their construction.

Concomitantly with the post-publication revision of Pa.R.J.A. 109 to add the language similar to the first sentence of Pa.R.Civ.P. 126 for the construction of rules, the existing “just, speedy, and inexpensive” provisions within the Rules of Civil Procedure, Rules of Orphans’ Court Procedure, Rules of Criminal Procedure, Rules of Juvenile Court Procedure, Rules of Appellate Procedure, and Rules of Evidence have been retained with clarification that those provisions are to be used when *applying* the rules.

The second sentence of Pa.R.Civ.P. 126 informs the reader how the rules should be *applied* in light of procedural non-compliance: “The court at every stage of any such action or proceeding may disregard any error or defect of procedure which does not affect the substantial rights of the parties.” See also *Womer v. Hilliker*, 908 A.2d 269, 276 (Pa. 2006) (“[W]e incorporated equitable considerations in the form of a doctrine of substantial compliance into Rule 126, giving the trial courts the latitude to overlook any ‘procedural defect’ that does not prejudice a party’s rights.”). This authority can be used to determine

¹ Similar provisions exist in the federal rules. See, e.g., Fed.R.Civ.P. 1 (“They should be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding.”); Fed.R.Crim.P. 2 (“These rules are to be interpreted to provide for the just determination of every criminal proceeding, to secure simplicity in procedure and fairness in administration, and to eliminate unjustifiable expense and delay.”).

² The absence of such a provision is likely due to factors including court-driven scheduling, court-directed service, jurisdictional limits, lack of discovery, non-record proceedings, and ability for a *de novo* appeal, which contribute to timely and efficient proceedings notwithstanding a provision.

whether “near misses” may result in procedural default. See, e.g., *Deek Investment, L.P. v. Murray*, 157 A.3d 491, 494 (Pa. Super. 2017).

A rule governing the application of the rules was not included as part of the rules of construction. The rules of construction are intended for the interpretation of ambiguous rules. See also *Bruno v. Erie Ins. Co.*, 106 A.3d 48, 74 n.21 (Pa. 2014) (noting there is no need to resort to rules of construction when the language of rule is unambiguous). Rules like the second sentence of Pa.R.Civ.P. 126 guide the *application* of the rules regardless of the presence of ambiguity. Further, there is a varied practice based upon rule and case law concerning what type of error may be disregarded or result in procedural default. Hence, the authority of certain courts to disregard procedural errors and defects remains within the individual bodies of rules where those provisions currently exist.

Further revisions to the procedural and evidentiary bodies of rules include:

- Retitling Pa.R.Civ.P. 126 as “Application and Construction of Rules”; adding titles to the subdivisions; replacing “construed” with “applied” in subdivision (a); changing “substantial” to “substantive”; and updating the disposition table in the Comment.
- Retitling Pa.R.O.C.P. 1.2 as “Purpose, Application, and Construction of Rules”; adding titles to the subdivisions; and moving the operative language from subdivision (a) to subdivision (b), including the replacement of “construed” with “applied.”
- Retitling Pa.R.Crim.P. 101 as “Purpose, Application, and Construction of Rules”; adding titles to the subdivisions; and replacing “construed” with “applied” in subdivision (b).
- Retitling Pa.R.J.C.P. 101 and 1101 as “Purpose, Application, and Construction of Rules”; adding titles to the subdivisions; merging subdivision (c) into subdivision (a); renumbering subdivision (D) as subdivision (c); and replacing “construed” with “applied” in subdivision (b).
- Retitling Pa.R.A.P. 105 as “Application of Rules and Enlargement of Time”; retitling subdivision (a); and replacing “construed” with “applied” in subdivision (a).
- Retitling Pa.R.E. 102 as “Application of Rules”; and replacing “construed” with “applied.”
- Corollary revisions have been made to Pa.R.Civ.P. 237.1(a)(2), 1007.1, 1020, 1601, and 2225, Pa.R.Crim.P. 600, cmt., Pa.R.A.P. 107 and 903, Pa.R.Civ.P.M.D.J. 204, and Pa.R.E. 101 and 103.

The current rules of construction have been removed from Pa.R.Civ.P. 101—104, 106—108, and 127—153, and are now located in Pa.R.J.A. 104—115. Differences between the two bodies of rules as they relate to this rulemaking include:

Pa.R.J.A. 104. Principles of Interpretation.—Formerly Pa.R.Civ.P. 101

The title has been revised from “Principles of Interpretation” to “Principles of Construction” to reflect existing rule text. Additionally, “any rule” has been revised to specify that the rules of construction are only intended to apply to procedural or evidentiary rules adopted by the Court. Other rules adopted by the Court and rules adopted by other authorities may be subject to construction, but these rules are not mandated in their construction.

Pa.R.J.A. 105. Number. Tense.—Formerly Pa.R.Civ.P. 102

No revisions were made to the existing language. This rule differs from 1 Pa.C.S. § 1902 insofar as the provision regarding gender was removed from Pa.R.Civ.P. 102 in rulemaking dated April 12, 1999.

Pa.R.J.A. 106. Words and Phrases.—Formerly Pa.R.Civ.P. 103

A Comment has been added to the rule.

Pa.R.J.A. 107. Computation of Time.—Formerly Pa.R.Civ.P. 106, 107, and 108

This rule is a consolidation of Pa.R.Civ.P. 106—108 and reflects the Court's prior use of 1 Pa.C.S. § 1908 for the computation of time. *See, e.g., City of Philadelphia v. F.A. Realty Investors Corp.*, 256 A.3d 429 (Pa. 2021) (granting petition for allowance of appeal, vacating the intermediate appellate court's order, and remanding for further proceedings after concluding petitioners filed a timely Pa.R.A.P. 1925(b) statement, citing 1 Pa.C.S. § 1908). The text of Pa.R.Civ.P.M.D.J. 203, which is largely reiterative of Pa.R.J.A. 107(a)-(b), (d), was retained in that body of rules so that unrepresented parties are not required to consult another body of rules for the computation of time.

Pa.R.J.A. 108. Construction of Rules. Intent of Supreme Court Controls.—Formerly Pa.R.Civ.P. 127

Some of the factors that may be considered in determining the intention of the Supreme Court have been replaced to include specific sources of information germane to rulemaking. From these sources, the reader can understand the Supreme Court's intent. A Comment has also been added to assist the reader and reference limits placed on certain sources.

The factors contained in Pa.R.Civ.P. 127 that were retained include: 1) the contemporaneous history of the rule, *i.e.*, "rulemaking history"; 2) the practice followed under the rule; and 3) the consequences of a particular interpretation. Factors added are: 1) the Court's precedent; and 2) commentary accompanying the rule. These new factors are based upon *Touloumes v. E.S.C.*, 899 A.2d 343, 348 (Pa. 2006) (relying upon prior Court opinions involving same rule for purposes of construction), and Pa.R.J.A. 103, Comment ("Effective October 1, 2021, "rule" includes the rule text and any accompanying commentary such as a note or comment. Such commentary, while not binding, may be used to construe or apply the rule text.").

The factors removed were: 1) the occasion and necessity for the rule; 2) the circumstances under which it was promulgated; 3) the mischief to be remedied; and 4) the object to be attained. These factors require the reader to consider "why" the rule exists, which is subsumed within the "rulemaking history" and discussed within the Comment to Pa.R.J.A. 108. *See also* Pa.R.J.A. 103(a)(1) (requiring Rules Committees to include a publication report containing the rationale for proposed rulemaking); *Touloumes, supra* (relying upon Committee reports for purposes of construction).

To retain these specific factors suggests to the reader that any source describing "why" a rule exists may be indicative of the Supreme Court's intent. This raises a concern that sources outside of the rulemaking process may be relied upon, including periodicals, journals, trade publications, interviews, and newspapers. There is no assurance that these other sources are trustworthy, reliable, accurate, and not self-serving. Instead, the reader is directed to "the rulemaking history" within Pa.R.J.A. 108

with the Comment referencing Pa.R.J.A. 103 and Rules Committees' reports. *See also Laudenberger v. Port Auth. of Allegheny Cty.*, 436 A.2d 147, 151 (Pa. 1981) (the Supreme Court stating that such reports "indicate the spirit and motivation behind the drafting of the rule, and they serve as guidelines for understanding the purpose for which the rule was drafted").

Post-publication, the current factor of "the prior practice, if any, including other rules and Acts of Assembly upon the same or similar subjects" was retained as subdivision (c)(7). The prior practice, especially if giving rise to subsequent rulemaking, may inform the construction of the present rule.

Rule 109. Presumptions in Ascertaining the Intent of the Supreme Court.—Formerly Pa.R.Civ.P. 128

Stylistic revisions have been made, but the substance of Pa.R.Civ.P. 128 is preserved.

Rule 110. Titles, Conditions, Exceptions, and Headings.—Formerly Pa.R.Civ.P. 129

The term "provisos" has been replaced with "conditions" to reflect current rulemaking terminology. Additionally, reference to "use of notes and explanatory comments" has been removed from the title and rule. That reference can now be found at Pa.R.J.A. 108(c)(2) as "commentary."

Rule 111. Rules in Derogation of the Common Law.—Formerly Pa.R.Civ.P. 130

No revisions were made to the existing language.

Rule 112. Rules *In Pari Materia*.—Formerly Pa.R.Civ.P. 131

Post-publication, language was inserted into the rule to limit the application of the *in pari materia* concept to the single body of rules being interpreted.

Rule 113. Particular Controls General.—Formerly Pa.R.Civ.P. 132

No revisions were made to the existing language.

Rule 114. Construction of Rule Amendments.—Formerly Pa.R.Civ.P. 152 & 153

This rule consolidates former Pa.R.Civ.P. 152 (Construction of Amending Rules) and 153 (Merger of Subsequent Amendments) as separate subdivisions. Subdivision (a) was added to describe the significance of textual indicators when reading amended rule text.

Rule 115. Procedures Inconsistent with Rules.—Formerly Pa.R.Civ.P. 133

Pa.R.J.A. 115 is intended to assist the reader in the construction of statewide procedural rules when there may be conflicting statutory procedures or local rules of procedure. Notably, the rule references "procedures," which is intended to exclude substantive rules of evidence that may be enacted by statute. *See Commonwealth v. Olivo*, 127 A.3d 769, 780 (Pa. 2015) (concluding the statutory rule of evidence does not violate the Supreme Court's authority over procedural rules). It should also be noted that some bodies of rules have savings clauses for statutory procedures. *See, e.g.,* Pa.R.Civ.P. 1910.45; Pa.R.A.P. 5102. This rule would not displace the operation of those statutory procedures because they would not be "inconsistent" with the rules; rather, they are "saved" by the rules.

Post-publication, the original text from Pa.R.Civ.P. 133 ("All laws shall be suspended to the extent that they are

inconsistent with rules prescribed under the Constitution of 1968.”) was retained and incorporated into this rule.

* * * * *

This rulemaking becomes effective January 1, 2024.
[Pa.B. Doc. No. 23-1581. Filed for public inspection November 17, 2023, 9:00 a.m.]

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE [210 PA. CODE CH. 15]

Order Amending Rule 1512 of the Pennsylvania Rules of Appellate Procedure; No. 310 Appellate Procedural Rules Docket

Order

Per Curiam

And Now, this 6th day of November, 2023, upon the recommendation of the Appellate Court Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. 103(a)(3):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 1512 of the Pennsylvania Rules of Appellate Procedure is amended in the attached form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective January 1, 2024.

Additions to the rule are shown in bold and are underlined.

Deletions from the rule are shown in bold and brackets.

Annex A

TITLE 210. APPELLATE PROCEDURE PART I. RULES OF APPELLATE PROCEDURE ARTICLE II. APPELLATE PROCEDURE CHAPTER 15. JUDICIAL REVIEW OF GOVERNMENTAL DETERMINATIONS PETITION FOR REVIEW

(*Editor’s Note:* Rule 1512 as printed in 210 Pa. Code reads “Official Note” rather than “Note” and the explanatory comments are not currently codified in the *Pennsylvania Code*.)

Rule 1512. Time for Petitioning for Review.

(a) *Appeals* [**authorized by law.—**] **Authorized by Law.** Except as otherwise prescribed by [**paragraph**] **subdivision** (b) [**of this rule**]:

(1) A petition for review of a quasijudicial order, or an order appealable under 42 Pa.C.S. § 763(b) (awards of arbitrators) or under any other provision of law, shall be filed with the prothonotary of the appellate court within 30 days after the entry of the order.

(2) If a timely petition for review of such an order is filed by a party, any other party may file a cross-petition for review within 14 days of the date on which the first petition for review was served, or within the time other-

wise prescribed by [**subparagraph**] **subdivision** (a)(1) [**of this rule**], whichever period last expires.

(b) *Special* [**appellate provisions.—**] **Appellate Provisions.** A petition for review of **a determination by:**

(1) [**A determination of**] the Department of Community and Economic Development in any matter arising under 53 Pa.C.S. §§ 8001—8285 shall be filed within 15 days after entry of the order or the date the determination is deemed to have been made, when no order has been entered [**.**];

(2) [**A determination governed by Pa.R.A.P. 1571 (determinations of the Board of Finance and Revenue)**] **the Board of Finance and Revenue pursuant to Pa.R.A.P. 1571** shall be filed within the appropriate period therein specified [**.**];

(3) [**A determination of**] a Commonwealth agency under 62 Pa.C.S. § 1711.1(g) shall be filed within 15 days of the mailing date of a final determination denying a protest [**.**];

(4) **a criminal justice agency with statewide jurisdiction denying a request for dissemination of criminal history investigative information, in accordance with 18 Pa.C.S. § 9158.4, shall be filed within 45 days after service of the denial.**

(c) *Original* [**jurisdiction actions.—**] **Jurisdiction Actions.** A petition for review of a determination of a government unit within the scope of Chapter 15 but not within the scope of [**paragraphs**] **subdivisions** (a) or (b) [**of this rule**] may be filed with the prothonotary of the appellate court within the time, if any, limited by law.

[**Note:**] **Comment:**

The note to Pa.R.A.P. 903 (time for appeal) addresses the development of the standard 30-day appeal period. Pa.R.A.P. 102 defines a “quasijudicial order” as “an order of a government unit, made after notice and opportunity for hearing, which is by law reviewable solely upon the record made before the government unit, and not upon a record made in whole or in part before the reviewing court.”

Subdivision (b)(4) is limited to review of certain grounds for a denial. See 18 Pa.C.S. § 9158.3(a)(2). Section 9158.4(a) of the Criminal History Record Information Act sets forth certain content requirements for a petition for review. Those requirements are satisfied by Pa.R.A.P. 1513(d) and Pa.R.A.P. 1951.

[**Paragraph**] **Subdivision** (c) relates to matters addressed to the original jurisdiction of an appellate court. For example, equitable matters are governed by existing principles of laches, etc. Other matters, such as petitions for review raising issues formerly cognizable by action in mandamus or *quo warranto*, etc., are governed by the time limits, if any, applicable under the prior procedure. See generally 42 Pa.C.S. §§ 1702 (regarding the Supreme Court’s rulemaking procedures), 1722(c) (Time limitations), 5501—5574 (Limitations of time).

Historical Commentary

The following commentary is historical in nature and represents statements of the Committee at the time of rulemaking:

EXPLANATORY COMMENT—1976

The right to file a cross appeal from a quasi-judicial order of a government unit (*e.g.* an order of the Public Utility Commission approving a rate increase) is granted, to conform to Rules 901(b) and 1113(b).

EXPLANATORY COMMENT—2002

See Comment following Pa.R.A.P., Rule 511.

APPELLATE COURT PROCEDURAL RULES
COMMITTEE ADOPTION REPORT

Amendment of Pa.R.A.P. 1512

On November 6, 2023, the Supreme Court of Pennsylvania adopted amendments to Pennsylvania Rule of Appellate Procedure 1512. The Appellate Court Procedural Rules Committee has prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. *See* Pa.R.J.A. 103, cmt. The statements contained herein are those of the Committee, not the Court.

The Criminal History Record Information Act, 18 Pa.C.S. § 9101 *et seq.*, was recently amended to allow a requesting party or their legal representative to “obtain criminal history investigative information for use in or investigation of an actual or potential civil action in this Commonwealth relating to that criminal history investigative information.” 18 Pa.C.S. § 9158.1. Prior to the amendment, the Act contained strict confidentiality provisions that did not permit the disclosure of investigative information to the crime victim.

The Act contains provisions for the request to the criminal justice agency, service of the request, dissemination of the information, receipt of the information, grounds for the denial of the request, and judicial review of denials. *See* 18 Pa.C.S. §§ 9158.2—9158.4. To initiate judicial review, within 45 days after service of a denial, a requesting party must file a petition for review in the court of common pleas in any judicial district in which the criminal justice agency that issued the denial is located. However, if the criminal justice agency has statewide jurisdiction, the petition for review must be filed in Commonwealth Court. 18 Pa.C.S. § 9158.4(a)—(c). Notably, only specific grounds for a denial can be appealed. *See id.* §§ 9158.3(a), 9158.4(a). Section 9158.7(b) of the Act directs the Supreme Court to promulgate rules necessary to implement the Act.

To implement the new provisions of the Act, Pa.R.A.P. 1512(b) has been amended to include the Act’s 45-day appellate window as an exception to the default 30-day window set forth in subdivision (a). The Comment has been revised to include a reference to 18 Pa.C.S. § 9158.3(a)(2) to remind readers that appellate review is limited to certain grounds for a denial. Stylistic revisions to the rule text have also been made.

The Committee did not previously publish the amendments for comment because the amendments codify the current requirements of the Act into the Rules of Appellate Procedure.

The amendments become effective on January 1, 2024.

[Pa.B. Doc. No. 23-1582. Filed for public inspection November 17, 2023, 9:00 a.m.]

Title 225—RULES OF EVIDENCE

[225 PA. CODE ART. I]

Order Amending Rules 101, 102, and 103 of the
Pennsylvania Rules of Evidence; No. 964 Supreme Court Rules Docket

Order

Per Curiam

And Now, this 3rd day of November, 2023, upon the recommendation of the Committee on the Rules of Evidence; the proposal having been published for public comment at 51 Pa.B. 5532 (September 4, 2021):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 101, 102, and 103 of the Pennsylvania Rules of Evidence are amended in the attached form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective January 1, 2024.

Additions to the rule are shown in bold and are underlined.

Deletions from the rule are shown in bold and brackets.

Annex A

TITLE 225. RULES OF EVIDENCE

ARTICLE I. GENERAL PROVISIONS

Rule 101. Scope[;], Adoption and Citation, **and Construction of Rules.**

(a) *Scope.* These rules of evidence govern proceedings in all courts of the Commonwealth of Pennsylvania’s [u]Unified [j]Judicial [s]System, except as otherwise provided by law.

(b) *Adoption and Citation.* These rules of evidence are adopted by the Supreme Court of Pennsylvania under the authority of Article V § 10(c) of the Constitution of Pennsylvania, adopted April 23, 1968. They shall be known as the Pennsylvania Rules of Evidence and shall be cited as “Pa.R.E.”

(c) Construction. In the construction of the Pennsylvania Rules of Evidence, the principles set forth in Pa.R.J.A. 104 to 115 shall be observed.

Comment:

* * * * *

Rule 102. [Purpose] **Application of Rules.**

These rules should be [**construed**] **applied** so as to administer every proceeding fairly, eliminate unjustifiable expense and delay, and promote the development of evidence law, to the end of ascertaining the truth and securing a just determination.

Comment:

This rule is [**identical**] **similar** to F.R.E. 102.

[**Official Note: Adopted May 8, 1998, effective October 1, 1998; rescinded and replaced January 17, 2013, effective March 18, 2013.**

Committee Explanatory Reports:

Final Report explaining the January 17, 2013 rescission and replacement published with the Court’s Order at 43 Pa.B. 651 (February 2, 2013).]

Rule 103. Rulings on Evidence.

* * * * *

Comment:

Pa.R.E. 103(a) differs from F.R.E. 103(a). The Federal Rule says, “A party may claim error in a ruling to admit or exclude evidence only if the error affects a substantial right of the party. . . .” In Pennsylvania criminal cases, the accused is entitled to relief for an erroneous ruling unless the court finds beyond a reasonable doubt that the error is harmless. *See Commonwealth v. Story*, [476 Pa. 391,] 383 A.2d 155 (Pa. 1978). Civil cases are governed by Pa.R.Civ.P. [No. 126] 126(a) which permits the court to disregard an erroneous ruling “which does not affect the substantial rights of the parties.” Pa.R.E. 103(a) is consistent with Pennsylvania law.

* * * * *

[**Official Note: Adopted May 8, 1998, effective October 1, 1998; amended November 2, 2001, effective January 1, 2002; rescinded and replaced January 17, 2013, effective March 18, 2013.**

Committee Explanatory Reports:

Final Report explaining the November 2, 2001 amendments to paragraph (a) published with the Court’s Order at 31 Pa.B. 6384 (November 24, 2001).

Final Report explaining the January 17, 2013 rescission and replacement published with the Court’s Order at 43 Pa.B. 651 (February 2, 2013).]

SUPREME COURT OF PENNSYLVANIA

APPELLATE COURT PROCEDURAL RULES COMMITTEE

COMMITTEE ON RULES OF EVIDENCE

CIVIL PROCEDURAL RULES COMMITTEE

ORPHANS’ COURT PROCEDURAL RULES COMMITTEE

CRIMINAL PROCEDURAL RULES COMMITTEE

JUVENILE COURT PROCEDURAL RULES COMMITTEE

MINOR COURT RULES COMMITTEE

ADOPTION REPORT

Adoption of Pa.R.J.A. 104—115; Rescission of Pa.R.Civ.P. 101—104, 106—108, and 127—153; Amendment of Pa.R.Civ.P. 126, 237.1, 1007.1, 1020, 1601, and 2225, Pa.R.O.C.P. 1.2, Pa.R.Crim.P. 101 and 600, Pa.R.J.C.P. 101 and 1101, Pa.R.A.P. 105, 107, and 903, Pa.R.Civ.P.M.D.J. 204, and Pa.R.E. 101, 102, and 103

On November 3, 2023, the Supreme Court approved the extraction of rules of construction from the Pennsylvania Rules of Civil Procedure and their placement in the Pennsylvania Rules of Judicial Administration through the rescission of Pennsylvania Rules of Civil Procedure 101—104, 106—108, and 127—153, amendment of Pennsylvania Rules of Civil Procedure 126, 237.1, 1007.1, 1020, 1601, and 2225, and the adoption of Pennsylvania Rules of Judicial Administration 104—115. The Court also amended Pennsylvania Rule of Orphans’ Court Procedure 1.2, Pennsylvania Rules of Criminal Procedure 101 and 600, Pennsylvania Rules of Juvenile Court Procedure 101 and 1101, Pennsylvania Rules of Appellate Procedure 105, 107, and 903, Pennsylvania Rule of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges 204, and Pennsylvania Rules of Evidence 101, 102, and 103 to establish and reference the rules of construction for the Court’s procedural and evidentiary bodies of rules. The Rules Committees have prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. *See* Pa.R.J.A. 103, cmt. The statements contained herein are those of the Rules Committees, not the Court.

Background

Procedural rules adopted by the Supreme Court have the force of statute. *See, e.g., Dombrowski v. City of Philadelphia*, 245 A.2d 238, 241 n.4 (Pa. 1968). Procedural rules, like statutes, may be subject to interpretation based upon their language and the circumstances in which they apply. To guide the interpretation of rules, courts have relied upon rules of construction used for the interpretation of statutes. *See* 1 Pa.C.S. §§ 1901—1957; *see also, e.g., Commonwealth v. McClelland*, 233 A.3d 717 (Pa. 2020) (interpreting Pa.R.Crim.P.); *Commonwealth v. Wardlaw*, 249 A.3d 937 (Pa. 2021) (interpreting Pa.R.A.P.).

In 1939, rules of construction were added to the Pennsylvania Rules of Civil Procedure based largely on language contained in sections of the Statutory Construction Act of May 28, 1937, P.L. 1019, with modification to reflect their intended application to rules of court. Over time, the Statutory Construction Act, as well as the procedural rules of construction, have been amended to their present form:

Subject	1937 Statute	1939 Rule	Present Statute	Present Rule
Title/Citation	—		—	Pa.R.Civ.P. 51
Effective Date	—	Pa.R.Civ.P. 51	—	Pa.R.Civ.P. 52
Definitions	46 P.S. § 601	Pa.R.Civ.P. 76	1 Pa.C.S. § 1991	Pa.R.Civ.P. 76
Principles	46 P.S. § 531	Pa.R.Civ.P. 101	1 Pa.C.S. § 1901	Pa.R.Civ.P. 101
Number/Tense	46 P.S. § 532	Pa.R.Civ.P. 102	1 Pa.C.S. § 1902	Pa.R.Civ.P. 102
Words/Phrases	46 P.S. § 533	Pa.R.Civ.P. 103	1 Pa.C.S. § 1903	Pa.R.Civ.P. 103

Subject	1937 Statute	1939 Rule	Present Statute	Present Rule
Numerals	46 P.S. § 534	Pa.R.Civ.P. 104	1 Pa.C.S. § 1904	Pa.R.Civ.P. 104
Bonds	46 P.S. § 536	Pa.R.Civ.P. 105	1 Pa.C.S. § 1906	Pa.R.Civ.P. 105
Comp Time	46 P.S. § 538	Pa.R.Civ.P. 106	1 Pa.C.S. § 1908	Pa.R.Civ.P. 106
Time—Weeks	46 P.S. § 539	Pa.R.Civ.P. 107	1 Pa.C.S. § 1909	Pa.R.Civ.P. 107
Time—Months	46 P.S. § 540	Pa.R.Civ.P. 108	1 Pa.C.S. § 1910	Pa.R.Civ.P. 108
Liberal Con	—	Pa.R.Civ.P. 126	—	Pa.R.Civ.P. 126
Court Intent	46 P.S. § 551	Pa.R.Civ.P. 127	1 Pa.C.S. § 1921	Pa.R.Civ.P. 127
Presumptions	46 P.S. § 552	Pa.R.Civ.P. 128	1 Pa.C.S. § 1922	Pa.R.Civ.P. 128
Grammar	46 P.S. § 553	Pa.R.Civ.P. 129	1 Pa.C.S. § 1923	—
Titles	46 P.S. § 554	Pa.R.Civ.P. 130	1 Pa.C.S. § 1924	Pa.R.Civ.P. 129
Common Law	46 P.S. § 558	Pa.R.Civ.P. 131	1 Pa.C.S. § 1928	Pa.R.Civ.P. 130
Pari Materia	46 P.S. § 562	Pa.R.Civ.P. 132	1 Pa.C.S. § 1932	Pa.R.Civ.P. 131
Inconsistent	—	—	—	Pa.R.Civ.P. 133
Controls	46 P.S. § 563	Pa.R.Civ.P. 133	1 Pa.C.S. § 1933	Pa.R.Civ.P. 132
Eff Date Amd	—	Pa.R.Civ.P. 151	—	Pa.R.Civ.P. 52
Amendatory	46 P.S. § 573	Pa.R.Civ.P. 152	1 Pa.C.S. § 1953	Pa.R.Civ.P. 152
Merger	46 P.S. § 574	Pa.R.Civ.P. 153	1 Pa.C.S. § 1954	Pa.R.Civ.P. 153

These rules of construction have guided the interpretation of the Rules of Civil Procedure. *See, e.g., Bruno v. Erie Ins. Co.*, 106 A.3d 48 (Pa. 2014); *Terra Technical Services, LLC v. River Station Land, L.P.*, 124 A.3d 289 (Pa. 2015).

Many of the other bodies of rules have rules of construction of varying degree. The Rules of Criminal Procedure, Rules of Juvenile Court Procedure, and Rules of Appellate Procedure simply reference the “rules of statutory construction” and address the consequence of procedural defect. The Rules of Orphans’ Court Procedure incorporate by reference Pa.R.Civ.P. 102–153 but exclude Pa.R.Civ.P. 126.

The Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges do not reference rules of construction but do contain rules based upon Pa.R.Civ.P. 106 and 108 for the computation of time. While users in this non-record forum may infrequently consult rules of construction, that does not eliminate the possibility of ambiguity arising from the application of procedural rules in ever-changing circumstances.

The Rules of Evidence do not reference rules of construction, relying instead on Pa.R.E. 102 (“These rules should be construed so as to administer every proceeding fairly, eliminate unjustifiable expense and delay, and promote the development of evidence law, to the end of ascertaining the truth and securing a just determination.”) to guide the construction of the rules. Thus, the incorporation of rules of construction within the Rules of Evidence would be a new concept that does not appear in the Federal Rules of Evidence.

Evidentiary rules are not limited to the Rules of Evidence; there is a rich source of evidentiary rules contained in statutes. *See, e.g.*, 42 Pa.C.S. §§ 6101–6160; 42 Pa.C.S. § 5985.1, § 5986, and § 5993. Those statutory-based evidentiary rules are subject to the rules of statutory construction set forth in Title 1 of Pennsylvania’s Consolidated Statutes. Therefore, it would be consistent that rule-based evidentiary rules be subject to similar rules of construction. Additionally, the Court has previously applied the rules of statutory construction to a

rule of evidence found in the Pennsylvania Rules of Criminal Procedure. *See Commonwealth v. McClelland*, 233 A.3d 717, 734 (Pa. 2020) (discussing Pa.R.Crim.P. 542(E) and the admissibility of hearsay evidence at a preliminary hearing). This application is informative insofar as the Court has used rules of construction to guide the interpretation of a rule of evidence notwithstanding that the rule was not located in the Rules of Evidence.

To provide for uniform rules of construction for all procedural and evidentiary bodies of rules, the detailed rules of construction were removed from the Rules of Civil Procedure, revised if merited, and relocated to the Rules of Judicial Administration to immediately follow the rules governing the rulemaking process. Having one set of rules of construction for all bodies of rules will permit readers to understand their application across all rules rather than a particular body of rules. Further, replicating the same rules of construction within each body of rules seemed unnecessarily duplicative and may invite inconsistency in the application of identically worded rules. Therefore, any rules of construction organic to a body of rules have been removed with each body of rules thereafter containing a reference to the Rules of Judicial Administration concerning the rules of construction. Additionally, insofar as practicable, the title to the rule within each body of rules referencing the Rules of Judicial Administration includes the term “Construction” as a common signal.

However, not every rule of construction found in the Rules of Civil Procedure has been relocated to the Rules of Judicial Administration. Pa.R.Civ.P. 105 concerning bonds would remain in the Pennsylvania Rules of Civil Procedure because that rule is specific to civil proceedings. Application of that guidance to other bodies of rules may unintentionally conflict with existing provisions. *See, e.g., Pa.R.Crim.P. 525* (bail bond).

Pa.R.Civ.P. 104 concerning Roman numerals and Arabic numerals being deemed parts of the English language has been omitted from the newly established rules of construction. Such an anachronistic provision appeared unnecessary for the modern construction of judicial rules.

There is a dearth of Pennsylvania cases litigating the meaning of numerals within the rules based simply on the fact that they are expressed as numbers rather than stated in English, *e.g.*, “VII” v. “7” v. “seven.” While that may owe to the existence of Pa.R.Civ.P. 104 and 1 Pa.C.S. § 1904, it is submitted that any ambiguity may be resolved by the context in which the numerals are used and not whether numerals are or are not part of the English language. For example, “1/2” can be an expression of a mathematical operation or a date, which may be an ambiguity resolved by examining its context, but its existence cannot be ignored because Arabic numbers were used. The rejected need for such a rule is exemplified by the discontinued use of the *numero* sign, *i.e.*, “No.,” in the citation of the rules.

Consideration was given to whether the rules of construction should be further modified to improve readability and applicability to rules, as opposed to statutes. As observed, the Rules of Civil Procedure’s rules of construction were largely based on the rules of statutory construction. Therefore, there was merit in preserving the operative text to the extent it was feasible. This approach allows the application of the statutory rules of construction to inform the application of the judicial rules of construction given that both are similarly worded. Further, this maintains consistency with prior Court interpretations of rules citing the statutory rules of construction. Additionally, this consistency reduces the complexity for the reader to understand and employ two different rules of construction. Notwithstanding the goal of maintaining existing language, there were some aspects of the rules of construction that were revised to clarify their application.

A proposal was published for comment, see 51 Pa.B. 5532 (September 4, 2021). A commenter supporting the proposal suggested that a provision similar to Pa.R.Civ.P. 126 be added to the proposed rules of construction. That rule states:

The rules shall be liberally construed to secure the just, speedy and inexpensive determination of every action or proceeding to which they are applicable. The court at every stage of any such action or proceeding may disregard any error or defect of procedure which does not affect the substantial rights of the parties.

Pa.R.Civ.P. 126. A similar provision is contained in Pa.R.O.C.P. 1.2(a).¹

The Pennsylvania Rules of Juvenile Court Procedure contain a provision similar to the first sentence of Pa.R.Civ.P. 126, see Pa.R.J.C.P. 101(A)-(B); 1101(A)-(B), as do the Pennsylvania Rules of Criminal Procedure, see Pa.R.Crim.P. 101(A)-(B), as do the Pennsylvania Rules of Evidence, see Pa.R.E. 102 (“These rules should be construed so as to administer every proceeding fairly, eliminate unjustifiable expense and delay, and promote the development of evidence law, to the end of ascertaining

the truth and securing a just determination.”). Similarly, the Pennsylvania Rules of Appellate Procedure contain a “just, speedy, and inexpensive” provision. See Pa.R.A.P. 105(a). There is no analogue to Pa.R.Civ.P. 126 in the Pennsylvania Rules of Civil Procedure Before Magisterial District Judges.²

The first sentence of Pa.R.Civ.P. 126, and similar provisions in the other bodies of rules, will aid the construction of the rules. Pa.R.J.A. 109 sets forth the presumptions in ascertaining the Supreme Court’s intention in the adoption or amendment of a rule. That rule has been revised to set forth the following in subdivision (b): “The Supreme Court intends a rule to be construed to secure the just, speedy, and inexpensive determination of every action or proceeding to which it is applicable.” This presumption is only one of several presumptions in ascertaining intent. For example, the presumption of a “just, speedy, and inexpensive determination” must be balanced by the presumptions that the Court did not intend to violate the United States or Pennsylvania Constitutions.

Omitted from this presumption is any mention of “strict” or “liberal” because using those adjectives to describe the manner of construction may displace the very purpose of the other rules of construction or create an internal inconsistency within the rules of construction. Those adjectives are more appropriate for application of the rules, not their construction.

Concomitantly with the post-publication revision of Pa.R.J.A. 109 to add the language similar to the first sentence of Pa.R.Civ.P. 126 for the construction of rules, the existing “just, speedy, and inexpensive” provisions within the Rules of Civil Procedure, Rules of Orphans’ Court Procedure, Rules of Criminal Procedure, Rules of Juvenile Court Procedure, Rules of Appellate Procedure, and Rules of Evidence have been retained with clarification that those provisions are to be used when *applying* the rules.

The second sentence of Pa.R.Civ.P. 126 informs the reader how the rules should be *applied* in light of procedural non-compliance: “The court at every stage of any such action or proceeding may disregard any error or defect of procedure which does not affect the substantial rights of the parties.” See also *Womer v. Hilliker*, 908 A.2d 269, 276 (Pa. 2006) (“[W]e incorporated equitable considerations in the form of a doctrine of substantial compliance into Rule 126, giving the trial courts the latitude to overlook any ‘procedural defect’ that does not prejudice a party’s rights.”). This authority can be used to determine whether “near misses” may result in procedural default. See, *e.g.*, *Deek Investment, L.P. v. Murray*, 157 A.3d 491, 494 (Pa. Super. 2017).

A rule governing the application of the rules was not included as part of the rules of construction. The rules of construction are intended for the interpretation of ambiguous rules. See also *Bruno v. Erie Ins. Co.*, 106 A.3d 48, 74 n.21 (Pa. 2014) (noting there is no need to resort to rules of construction when the language of rule is unambiguous). Rules like the second sentence of Pa.R.Civ.P. 126 guide the *application* of the rules regardless of the

¹ Similar provisions exist in the federal rules. See, *e.g.*, Fed.R.Civ.P. 1 (“They should be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding.”); Fed.R.Crim.P. 2 (“These rules are to be interpreted to provide for the just determination of every criminal proceeding, to secure simplicity in procedure and fairness in administration, and to eliminate unjustifiable expense and delay.”).

² The absence of such a provision is likely due to factors including court-driven scheduling, court-directed service, jurisdictional limits, lack of discovery, non-record proceedings, and ability for a *de novo* appeal, which contribute to timely and efficient proceedings notwithstanding a provision.

presence of ambiguity. Further, there is a varied practice based upon rule and case law concerning what type of error may be disregarded or result in procedural default. Hence, the authority of certain courts to disregard procedural errors and defects remains within the individual bodies of rules where those provisions currently exist.

Further revisions to the procedural and evidentiary bodies of rules include:

- Retitling Pa.R.Civ.P. 126 as “Application and Construction of Rules”; adding titles to the subdivisions; replacing “construed” with “applied” in subdivision (a); changing “substantial” to “substantive”; and updating the disposition table in the Comment.

- Retitling Pa.R.O.C.P. 1.2 as “Purpose, Application, and Construction of Rules”; adding titles to the subdivisions; and moving the operative language from subdivision (a) to subdivision (b), including the replacement of “construed” with “applied.”

- Retitling Pa.R.Crim.P. 101 as “Purpose, Application, and Construction of Rules”; adding titles to the subdivisions; and replacing “construed” with “applied” in subdivision (b).

- Retitling Pa.R.J.C.P. 101 and 1101 as “Purpose, Application, and Construction of Rules”; adding titles to the subdivisions; merging subdivision (c) into subdivision (a); renumbering subdivision (D) as subdivision (c); and replacing “construed” with “applied” in subdivision (b).

- Retitling Pa.R.A.P. 105 as “Application of Rules and Enlargement of Time”; retitling subdivision (a); and replacing “construed” with “applied” in subdivision (a).

- Retitling Pa.R.E. 102 as “Application of Rules”; and replacing “construed” with “applied.”

- Corollary revisions have been made to Pa.R.Civ.P. 237.1(a)(2), 1007.1, 1020, 1601, and 2225, Pa.R.Crim.P. 600, cmt., Pa.R.A.P. 107 and 903, Pa.R.Civ.P.M.D.J. 204, and Pa.R.E. 101 and 103.

The current rules of construction have been removed from Pa.R.Civ.P. 101—104, 106—108, and 127—153, and are now located in Pa.R.J.A. 104—115. Differences between the two bodies of rules as they relate to this rulemaking include:

Pa.R.J.A. 104. Principles of Interpretation.—Formerly Pa.R.Civ.P. 101

The title has been revised from “Principles of Interpretation” to “Principles of Construction” to reflect existing rule text. Additionally, “any rule” has been revised to specify that the rules of construction are only intended to apply to procedural or evidentiary rules adopted by the Court. Other rules adopted by the Court and rules adopted by other authorities may be subject to construction, but these rules are not mandated in their construction.

Pa.R.J.A. 105. Number. Tense.—Formerly Pa.R.Civ.P. 102

No revisions were made to the existing language. This rule differs from 1 Pa.C.S. § 1902 insofar as the provision regarding gender was removed from Pa.R.Civ.P. 102 in rulemaking dated April 12, 1999.

Pa.R.J.A. 106. Words and Phrases.—Formerly Pa.R.Civ.P. 103

A Comment has been added to the rule.

Pa.R.J.A. 107. Computation of Time.—Formerly Pa.R.Civ.P. 106, 107, and 108

This rule is a consolidation of Pa.R.Civ.P. 106—108 and reflects the Court’s prior use of 1 Pa.C.S. § 1908 for the computation of time. *See, e.g., City of Philadelphia v. F.A. Realty Investors Corp.*, 256 A.3d 429 (Pa. 2021) (granting petition for allowance of appeal, vacating the intermediate appellate court’s order, and remanding for further proceedings after concluding petitioners filed a timely Pa.R.A.P. 1925(b) statement, citing 1 Pa.C.S. § 1908). The text of Pa.R.Civ.P.M.D.J. 203, which is largely reiterative of Pa.R.J.A. 107(a)-(b), (d), was retained in that body of rules so that unrepresented parties are not required to consult another body of rules for the computation of time.

Pa.R.J.A. 108. Construction of Rules. Intent of Supreme Court Controls.—Formerly Pa.R.Civ.P. 127

Some of the factors that may be considered in determining the intention of the Supreme Court have been replaced to include specific sources of information germane to rulemaking. From these sources, the reader can understand the Supreme Court’s intent. A Comment has also been added to assist the reader and reference limits placed on certain sources.

The factors contained in Pa.R.Civ.P. 127 that were retained include: 1) the contemporaneous history of the rule, *i.e.*, “rulemaking history”; 2) the practice followed under the rule; and 3) the consequences of a particular interpretation. Factors added are: 1) the Court’s precedent; and 2) commentary accompanying the rule. These new factors are based upon *Touloumes v. E.S.C.*, 899 A.2d 343, 348 (Pa. 2006) (relying upon prior Court opinions involving same rule for purposes of construction), and Pa.R.J.A. 103, Comment (“Effective October 1, 2021, “rule” includes the rule text and any accompanying commentary such as a note or comment. Such commentary, while not binding, may be used to construe or apply the rule text.”).

The factors removed were: 1) the occasion and necessity for the rule; 2) the circumstances under which it was promulgated; 3) the mischief to be remedied; and 4) the object to be attained. These factors require the reader to consider “why” the rule exists, which is subsumed within the “rulemaking history” and discussed within the Comment to Pa.R.J.A. 108. *See also* Pa.R.J.A. 103(a)(1) (requiring Rules Committees to include a publication report containing the rationale for proposed rulemaking); *Touloumes, supra* (relying upon Committee reports for purposes of construction).

To retain these specific factors suggests to the reader that any source describing “why” a rule exists may be indicative of the Supreme Court’s intent. This raises a concern that sources outside of the rulemaking process may be relied upon, including periodicals, journals, trade publications, interviews, and newspapers. There is no assurance that these other sources are trustworthy, reliable, accurate, and not self-serving. Instead, the reader is directed to “the rulemaking history” within Pa.R.J.A. 108 with the Comment referencing Pa.R.J.A. 103 and Rules Committees’ reports. *See also* *Laudenberger v. Port Auth. of Allegheny Cty.*, 436 A.2d 147, 151 (Pa. 1981) (the Supreme Court stating that such reports “indicate the spirit and motivation behind the drafting of the rule, and

they serve as guidelines for understanding the purpose for which the rule was drafted”).

Post-publication, the current factor of “the prior practice, if any, including other rules and Acts of Assembly upon the same or similar subjects” was retained as subdivision (c)(7). The prior practice, especially if giving rise to subsequent rulemaking, may inform the construction of the present rule.

Rule 109. Presumptions in Ascertaining the Intent of the Supreme Court.—Formerly Pa.R.Civ.P. 128

Stylistic revisions have been made, but the substance of Pa.R.Civ.P. 128 is preserved.

Rule 110. Titles, Conditions, Exceptions, and Headings.—Formerly Pa.R.Civ.P. 129

The term “provisos” has been replaced with “conditions” to reflect current rulemaking terminology. Additionally, reference to “use of notes and explanatory comments” has been removed from the title and rule. That reference can now be found at Pa.R.J.A. 108(c)(2) as “commentary.”

Rule 111. Rules in Derogation of the Common Law.—Formerly Pa.R.Civ.P. 130

No revisions were made to the existing language.

Rule 112. Rules *In Pari Materia*.—Formerly Pa.R.Civ.P. 131

Post-publication, language was inserted into the rule to limit the application of the *in pari materia* concept to the single body of rules being interpreted.

Rule 113. Particular Controls General.—Formerly Pa.R.Civ.P. 132

No revisions were made to the existing language.

Rule 114. Construction of Rule Amendments.—Formerly Pa.R.Civ.P. 152 & 153

This rule consolidates former Pa.R.Civ.P. 152 (Construction of Amendatory Rules) and 153 (Merger of Subsequent Amendments) as separate subdivisions. Subdivision (a) was added to describe the significance of textual indicators when reading amended rule text.

Rule 115. Procedures Inconsistent with Rules.—Formerly Pa.R.Civ.P. 133

Pa.R.J.A. 115 is intended to assist the reader in the construction of statewide procedural rules when there may be conflicting statutory procedures or local rules of procedure. Notably, the rule references “procedures,” which is intended to exclude substantive rules of evidence that may be enacted by statute. *See Commonwealth v. Olivo*, 127 A.3d 769, 780 (Pa. 2015) (concluding the statutory rule of evidence does not violate the Supreme Court’s authority over procedural rules). It should also be noted that some bodies of rules have savings clauses for statutory procedures. *See, e.g.*, Pa.R.Civ.P. 1910.45; Pa.R.A.P. 5102. This rule would not displace the operation of those statutory procedures because they would not be “inconsistent” with the rules; rather, they are “saved” by the rules.

Post-publication, the original text from Pa.R.Civ.P. 133 (“All laws shall be suspended to the extent that they are

inconsistent with rules prescribed under the Constitution of 1968.”) was retained and incorporated into this rule.

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This rulemaking becomes effective January 1, 2024.

[Pa.B. Doc. No. 23-1583. Filed for public inspection November 17, 2023, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CHS. 100, 200, 1000, 1600 AND 2200]

Order Rescinding Rules 101, 102, 103, 104, 106, 107, 108, 127, 128, 129, 130, 131, 132, 133, 152, and 153, and Amending Rules 126, 237.1, 1007.1, 1020, 1601, and 2225 of the Pennsylvania Rules of Civil Procedure; No. 747 Civil Procedural Rules Docket

Order

Per Curiam

And Now, this 3rd day of November, 2023, upon the recommendation of the Civil Procedural Rules Committee, the proposal having been published for public comment at 51 Pa.B. 5532 (September 4, 2021):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 101, 102, 103, 104, 106, 107, 108, 127, 128, 129, 130, 131, 132, 133, 152, and 153 of the Pennsylvania Rules of Civil Procedure are rescinded, and Rules 126, 237.1, 1007.1, 1020, 1601, and 2225 of the Pennsylvania Rules of Civil Procedure are amended, in the attached form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective on January 1, 2024.

Additions to the rule are shown in bold and are underlined.

Deletions from the rule are shown in bold and brackets.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 100. RULES OF CONSTRUCTION

Rule 101. [**Principles of Interpretation**] [**Rescinded**].

[**In the construction of any rule, the principles set forth in Rules 102 to 108 shall be observed, unless the application of such principles would result in a construction inconsistent with the manifest intent of the Supreme Court.**]

Rule 102. [**Number. Tense**] [**Rescinded**].

[**The singular shall include the plural, and the plural, the singular. Words used in the past or present tense shall include the future.**]

Rule 103. [**Words and Phrases**] [**Rescinded**].

[**(a) Words and phrases shall be construed according to rules of grammar and according to their**

common and approved usage; but technical words and phrases and such others as have acquired a peculiar and appropriate meaning or as are expressly defined by rule shall be construed according to such peculiar and appropriate or express meaning or definition.

(b) General words shall be construed to take their meanings and be restricted by preceding particular words.]

Rule 104. [Numerals] [Rescinded].

[The Roman numerals and Arabic numerals shall be deemed parts of the English language.]

Rule 106. [Computation of Time] [Rescinded].

[(a) When any period of time is referred to in any rule, such period in all cases, except as otherwise provided in Rules 107 and 108, shall be so computed as to exclude the first and include the last day of such period.

(b) Whenever the last day of any such period shall fall on Saturday or Sunday, or on any day made a legal holiday by the laws of this Commonwealth or of the United States, such day shall be omitted from the computation.]

* * * * *

Rule 107. [Time. Publication for Successive Weeks] [Rescinded].

[Whenever in any rule providing for the publishing of notices, the phrase “successive weeks” is used, weeks shall be construed as calendar weeks. The publication upon any day of such weeks shall be sufficient publication for that week, but at least five days shall elapse between each publication. At least the number of weeks specified in “successive

weeks” shall elapse between the first publication and the day for the happening of the event for which publication shall be made.]

* * * * *

Rule 108. [Time. Computation of Months] [Rescinded].

[Whenever in any rule the lapse of a number of months after or before a certain day is required, such number of months shall be computed by counting the months from such day, excluding the calendar month in which such day occurs, and shall include the day of the month in the last month so counted having the same numerical order as the day of the month from which the computation is made, unless there are not so many days in the last month so counted, in which case the period computed shall expire with the last day of such month.]

* * * * *

Rule 126. [Liberal Construction and Application of Rules] Application and Construction of Rules.

(a) Application. The rules shall be liberally [construed] applied to secure the just, speedy, and inexpensive determination of every action or proceeding to which they are applicable. The court at every stage of any such action or proceeding may disregard any error or defect of procedure which does not affect the [substantial] substantive rights of the parties.

(b) Construction. In the construction of the Pennsylvania Rules of Civil Procedure, the principles set forth in Pa.R.J.A. 104 to 115 shall be observed.

Comment:

Former Pa.R.Civ.P. 101—104, 106—108, and 127—153 were rescinded and replaced as follows:

<u>Subject</u>	<u>Former Rule</u>	<u>Current Rule</u>
<u>Principles</u>	<u>Pa.R.Civ.P. 101</u>	<u>Pa.R.J.A. 104</u>
<u>Number/Tense</u>	<u>Pa.R.Civ.P. 102</u>	<u>Pa.R.J.A. 105</u>
<u>Words/Phrases</u>	<u>Pa.R.Civ.P. 103</u>	<u>Pa.R.J.A. 106</u>
<u>Numerals</u>	<u>Pa.R.Civ.P. 104</u>	—
<u>Computation of Time</u>	<u>Pa.R.Civ.P. 106</u>	<u>Pa.R.J.A. 107(a)-(b)</u>
<u>Time—Weeks</u>	<u>Pa.R.Civ.P. 107</u>	<u>Pa.R.J.A. 107(c)</u>
<u>Time—Months</u>	<u>Pa.R.Civ.P. 108</u>	<u>Pa.R.J.A. 107(d)</u>
<u>Liberal Construction</u>	<u>Pa.R.Civ.P. 126</u>	<u>Pa.R.J.A. 109(b)</u>
<u>Court Intent</u>	<u>Pa.R.Civ.P. 127</u>	<u>Pa.R.J.A. 108</u>
<u>Presumptions</u>	<u>Pa.R.Civ.P. 128</u>	<u>Pa.R.J.A. 109</u>
<u>Titles</u>	<u>Pa.R.Civ.P. 129</u>	<u>Pa.R.J.A. 110</u>
<u>Common Law</u>	<u>Pa.R.Civ.P. 130</u>	<u>Pa.R.J.A. 111</u>
<u>In Pari Materia</u>	<u>Pa.R.Civ.P. 131</u>	<u>Pa.R.J.A. 112</u>
<u>Inconsistent</u>	<u>Pa.R.Civ.P. 133</u>	<u>Pa.R.J.A. 115</u>
<u>Controls</u>	<u>Pa.R.Civ.P. 132</u>	<u>Pa.R.J.A. 113</u>
<u>Amendatory</u>	<u>Pa.R.Civ.P. 152</u>	<u>Pa.R.J.A. 114(b)</u>
<u>Merger</u>	<u>Pa.R.Civ.P. 153</u>	<u>Pa.R.J.A. 114(c)</u>

* * * * *

Rule 127. [Construction of Rules. Intent of Supreme Court Controls] [Rescinded].

[(a) The object of all interpretation and construction of rules is to ascertain and effectuate the intention of the Supreme Court.

(b) Every rule shall be construed, if possible, to give effect to all its provisions. When the words of a rule are clear and free from all ambiguity, the letter of it is not to be disregarded under the pretext of pursuing its spirit.

(c) When the words of a rule are not explicit, the intention of the Supreme Court may be ascertained by considering, among other matters:

- (1) the occasion and necessity for the rule;
- (2) the circumstances under which it was promulgated;
- (3) the mischief to be remedied;
- (4) the object to be attained;
- (5) the prior practice, if any, including other rules and Acts of Assembly upon the same or similar subjects;
- (6) the consequences of a particular interpretation;
- (7) the contemporaneous history of the rule; and
- (8) the practice followed under the rule.]

Rule 128. [Presumptions in Ascertaining the Intent of the Supreme Court] [Rescinded].

[In ascertaining the intention of the Supreme Court in the promulgation of a rule, the courts may be guided by the following presumptions among others:

- (a) That the Supreme Court does not intend a result that is absurd, impossible of execution or unreasonable;
- (b) That the Supreme Court intends the entire rule or chapter of rules to be effective and certain;
- (c) That the Supreme Court does not intend to violate the Constitution of the United States or of this Commonwealth;
- (d) That if the Supreme Court has construed the language used in a rule or statute, the Supreme Court in promulgating a rule on the same subject matter which employs the same language intends the same construction to be placed upon such language;
- (e) That the Supreme Court intends to favor the public interest as against any private interest;
- (f) That no rule shall be construed to confer a right to trial by jury where such right does not otherwise exist.]

* * * * *

Rule 129. [Construction of Rules. Titles, Provisos, Exceptions and Headings. Use of Notes and Comments] [Rescinded].

[(a) The title or heading of a rule may be considered in construing the rule.

(b) Provisos shall be construed to limit rather than to extend the operation of the clauses to which they refer.

(c) Exceptions expressed in a rule shall be construed to exclude all others.

(d) The title or heading prefixed to a chapter of rules shall not be considered to control but may be used in construing the rules.

(e) Commentary is not a part of the rule text but may be used in construing the rule text.

Comment:

Any statements contained in a publication or adoption report by the Civil Procedural Rules Committee and the Domestic Relations Procedural Rules Committee are for the benefit of those using the rules, but neither constitute part of the rule nor are adopted by the Supreme Court. See Pa.R.J.A. 103, Comment.]

* * * * *

Rule 130. [Rules in Derogation of the Common Law] [Rescinded].

[The principle that laws in derogation of the common law are to be strictly construed, shall have no application to the rules promulgated by the Supreme Court.]

* * * * *

Rule 131. [Rules in Pari Materia] [Rescinded].

[Rules or parts of rules are in pari materia when they relate to the same proceedings or class of proceedings. Rules in pari materia shall be construed together, if possible, as one rule or one chapter of rules.]

* * * * *

Rule 132. [Particular Controls General] [Rescinded].

[Whenever a general provision in a rule shall be in conflict with a particular provision in the same or another rule, the two shall be construed, if possible, so that effect may be given to both. If the conflict between the two provisions is irreconcilable, the particular provisions shall prevail and shall be construed as an exception to the general provision, unless the general provision shall be promulgated later and it shall be the manifest intention of the Supreme Court that such general provision shall prevail.]

* * * * *

(Editor's Note: Rule 133 as printed in 231 Pa. Code reads "Official Note" rather than "Note.")

Rule 133. [Rules Inconsistent with Laws] [Rescinded].

[All laws shall be suspended to the extent that they are inconsistent with rules prescribed under the Constitution of 1968.

Note: See Article V, Section 10(c) of the Constitution of 1968 and Section 1722(a)(1) of the Judicial Code, 42 Pa.C.S. § 1722(a)(1).]

Rule 152. [Construction of Amendatory Rules] [Rescinded].

[Whenever a rule or part of a rule is amended, the amendment shall be construed to merge into

the original rule, become a part thereof, and replace the part amended. The remainder of the original rule and amendment shall be read together and viewed as one rule promulgated at one time; but the portions of the rule which were not altered by the amendment shall be construed as effective from the time of their original promulgation and the new provisions shall be construed as effective only from the date when the amendment became effective.]

* * * * *

Rule 153. [Merger of Subsequent Amendments]
[Rescinded].

[Whenever a rule has been more than once amended, the latest amendment shall be read into the original rule as previously amended and not into such rule as originally promulgated.]

* * * * *

CHAPTER 200. BUSINESS OF COURTS

Rule 237.1. Notice of Praecept for Entry of Judgment of Non Pros for Failure to File Complaint or by Default for Failure to Plead.

(a) As used in this rule,

* * * * *

(2) No judgment of non pros for failure to file a complaint or by default for failure to plead shall be entered by the prothonotary unless the praecipe for entry includes a certification that a written notice of intention to file the praecipe was mailed or delivered:

(i) in the case of a judgment of non pros, after the failure to file a complaint and at least ten days prior to the date of the filing of the praecipe to the party's attorney of record or to the party if unrepresented, or

(ii) in the case of a judgment by default, after the failure to plead to a complaint and at least ten days prior to the date of the filing of the praecipe to the party against whom judgment is to be entered and to the party's attorney of record, if any.

The ten-day notice period in subdivision (a)(2)(i) and (a)(2)(ii) shall be calculated forward from the date of the mailing or delivery, in accordance with [**Rule 106**] Pa.R.J.A. 107.

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CHAPTER 1000. ACTIONS

Subchapter A. CIVIL ACTION VENUE AND PROCESS

(*Editor's Note:* Rule 1007.1 as printed in 231 Pa. Code reads "Official Note" rather than "Note.")

Rule 1007.1. Jury Trial. Demand. Waiver.

(a) ***Demand.*** In any action in which the right to jury trial exists, that right shall be deemed waived unless a party files and serves a written demand for a jury trial not later than twenty days after service of the last permissible pleading. The demand shall be made by endorsement on a pleading or by a separate writing.

[*Note:* Rule 1007.1(a) gives no specific guidance on the existence of a right to jury trial. It could not, in the face of Rule 128(f).]

(b) ***Arbitration Appeal.*** Where an appeal is taken from an award in compulsory arbitration and a jury trial has not theretofore been demanded, the right to a jury

trial shall be deemed waived unless the appellant endorses a demand for a jury trial on the appeal, or unless the appellee files and serves a written demand for a jury trial not later than ten days after being served with the notice of appeal.

[*Note:* Trial without jury shall be conducted in accordance with Rule 1038.]

(c) ***Withdraw of Demand.***

(1) A demand for trial by jury may not be withdrawn without the consent of all parties who have appeared in the action.

(2) A demand for a trial by jury on behalf of a party shall be deemed withdrawn if at the time a case is called for trial that party, without satisfactory excuse, fails to appear or appears but is not ready. Any other party appearing and ready who has not already demanded a trial by jury shall forthwith demand a trial by jury or shall be deemed to have waived the same.

Comment:

This rule provides no specific guidance on the existence of a right to jury trial. See Pa.R.J.A. 109(g). A trial without jury shall be conducted in accordance with Pa.R.Civ.P. 1038.

PLEADINGS

(*Editor's Note:* Rule 1020 as printed in 231 Pa. Code reads "Official Note" rather than "Note.")

Rule 1020. Pleading More Than One Cause of Action. Alternative Pleading. Failure to Join. Bar.

(a) ***Pleading More Than One Cause of Action.*** The plaintiff may state in the complaint more than one cause of action cognizable in a civil action against the same defendant. Each cause of action and any special damage related thereto shall be stated in a separate count containing a demand for relief.

[*Note:* Rule 102 provides that the singular includes the plural and the plural includes the singular.]

(b) ***Joinder.*** If persons join as plaintiffs under Rules 2228, 2229(a) or (e), the complaint shall state the cause of action, any special damage, and the demand for relief of each plaintiff in a separate count, preceded by a heading naming the parties to the cause of action therein set forth.

(c) ***Alternative Pleading.*** Causes of action and defenses may be pleaded in the alternative.

(d) ***Failure to Join—Waiver.*** If a transaction or occurrence gives rise to more than one cause of action heretofore asserted in assumpsit and trespass, against the same person, including causes of action in the alternative, they shall be joined in separate counts in the action against any such person. Failure to join a cause of action as required by this subdivision shall be deemed a waiver of that cause of action as against all parties to the action.

[*Note:*] **Comment:**

Regarding subdivision (a), the singular includes the plural, and the plural, the singular. See Pa.R.J.A. 105.

[**Mandatory**] **Regarding subdivision (b), mandatory joinder is limited to related causes of action heretofore asserted in assumpsit and trespass. There is no mandatory joinder of related causes of action in equity. See [Rule 2226 et seq.] Pa.R.Civ.P. 2226—2248 gov-**

erning joinder. See [**Rule 213(a) and (b)**] **Pa.R.Civ.P. 213(a)-(b)** governing the consolidation and severance of causes of action.

CHAPTER 1600. ACTION FOR DECLARATORY JUDGMENTS

(*Editor's Note:* Rule 1601 as printed in 231 Pa. Code reads "Official Note" rather than "Note.")

Rule 1601. Action for Declaratory Relief Alone. Jury Trial. Waiver.

(a) **Caption.** A plaintiff seeking only declaratory relief shall commence an action by filing a complaint captioned "Action for Declaratory Judgment." The practice and procedure shall follow, as nearly as may be, the rules governing the civil action.

(b) **Jury Trial Demand and Waiver.** If the right to trial by jury of disputed issues of fact exists in such an action, it shall be deemed waived unless demanded in the time and manner provided by Rule 1007.1.

[**Note:** Rule 1601(b) gives no specific guidance on the existence of a right to jury trial. It could not, in the face of Rule 128(f).]

Comment:

This rule provides no specific guidance on the existence of a right to jury trial. See Pa.R.J.A. 109(g).

Section 7539(b) of the Judicial Code provides:

(b) Jury trial.—When a proceeding under this subchapter involves the determination of an issue of fact, such issue may be tried and determined in the same manner as issues of fact are tried and determined in other civil actions in the court in which the proceeding is pending.

42 Pa.C.S. § 7539(b).

The existence of a right to jury trial on disputed issues of fact will be a matter of determination in each action where only declaratory relief is sought. If the right is claimed and disputed, the court must determine the question on the basis of the nature of the cause of action, the right to be enforced and the "other civil action" which would be brought to enforce it if declaratory judgment did not exist. The flexible Federal practice under Fed.R.Civ.P. 38, 39, and 57, including the procedure for the jury trial of selected issues, may be helpful. Pa.R.Civ.P. 1038.3 may also be applicable.

CHAPTER 2200. ACTIONS FOR WRONGFUL DEATH

(*Editor's Note:* Rule 2225 as printed in 231 Pa. Code reads "Official Note" rather than "Note.")

Rule 2225. [Rescinded].

[**Note**] **Comment:**

See [**Rule 133**] **Pa.R.J.A. 115** governing the suspension of inconsistent Acts of Assembly.

SUPREME COURT OF PENNSYLVANIA APPELLATE COURT PROCEDURAL RULES COMMITTEE

COMMITTEE ON RULES OF EVIDENCE CIVIL PROCEDURAL RULES COMMITTEE ORPHANS' COURT PROCEDURAL RULES COMMITTEE

CRIMINAL PROCEDURAL RULES COMMITTEE JUVENILE COURT PROCEDURAL RULES COMMITTEE

MINOR COURT RULES COMMITTEE ADOPTION REPORT

Adoption of Pa.R.J.A. 104—115; Rescission of Pa.R.Civ.P. 101—104, 106—108, and 127—153; Amendment of Pa.R.Civ.P. 126, 237.1, 1007.1, 1020, 1601, and 2225, Pa.R.O.C.P. 1.2, Pa.R.Crim.P. 101 and 600, Pa.R.J.C.P. 101 and 1101, Pa.R.A.P. 105, 107, and 903, Pa.R.Civ.P.M.D.J. 204, and Pa.R.E. 101, 102, and 103

On November 3, 2023, the Supreme Court approved the extraction of rules of construction from the Pennsylvania Rules of Civil Procedure and their placement in the Pennsylvania Rules of Judicial Administration through the rescission of Pennsylvania Rules of Civil Procedure 101—104, 106—108, and 127—153, amendment of Pennsylvania Rules of Civil Procedure 126, 237.1, 1007.1, 1020, 1601, and 2225, and the adoption of Pennsylvania Rules of Judicial Administration 104—115. The Court also amended Pennsylvania Rule of Orphans' Court Procedure 1.2, Pennsylvania Rules of Criminal Procedure 101 and 600, Pennsylvania Rules of Juvenile Court Procedure 101 and 1101, Pennsylvania Rules of Appellate Procedure 105, 107, and 903, Pennsylvania Rule of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges 204, and Pennsylvania Rules of Evidence 101, 102, and 103 to establish and reference the rules of construction for the Court's procedural and evidentiary bodies of rules. The Rules Committees have prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. See Pa.R.J.A. 103, cmt. The statements contained herein are those of the Rules Committees, not the Court.

Background

Procedural rules adopted by the Supreme Court have the force of statute. See, e.g., *Dombrowski v. City of Philadelphia*, 245 A.2d 238, 241 n.4 (Pa. 1968). Procedural rules, like statutes, may be subject to interpretation based upon their language and the circumstances in which they apply. To guide the interpretation of rules, courts have relied upon rules of construction used for the interpretation of statutes. See 1 Pa.C.S. §§ 1901—1957; see also, e.g., *Commonwealth v. McClelland*, 233 A.3d 717 (Pa. 2020) (interpreting Pa.R.Crim.P.); *Commonwealth v. Wardlaw*, 249 A.3d 937 (Pa. 2021) (interpreting Pa.R.A.P.).

In 1939, rules of construction were added to the Pennsylvania Rules of Civil Procedure based largely on language contained in sections of the Statutory Construction Act of May 28, 1937, P.L. 1019, with modification to reflect their intended application to rules of court. Over time, the Statutory Construction Act, as well as the procedural rules of construction, have been amended to their present form:

Subject	1937 Statute	1939 Rule	Present Statute	Present Rule
Title/Citation	—		—	Pa.R.Civ.P. 51
Effective Date	—	Pa.R.Civ.P. 51	—	Pa.R.Civ.P. 52
Definitions	46 P.S. § 601	Pa.R.Civ.P. 76	1 Pa.C.S. § 1991	Pa.R.Civ.P. 76
Principles	46 P.S. § 531	Pa.R.Civ.P. 101	1 Pa.C.S. § 1901	Pa.R.Civ.P. 101
Number/Tense	46 P.S. § 532	Pa.R.Civ.P. 102	1 Pa.C.S. § 1902	Pa.R.Civ.P. 102
Words/Phrases	46 P.S. § 533	Pa.R.Civ.P. 103	1 Pa.C.S. § 1903	Pa.R.Civ.P. 103
Numerals	46 P.S. § 534	Pa.R.Civ.P. 104	1 Pa.C.S. § 1904	Pa.R.Civ.P. 104
Bonds	46 P.S. § 536	Pa.R.Civ.P. 105	1 Pa.C.S. § 1906	Pa.R.Civ.P. 105
Comp Time	46 P.S. § 538	Pa.R.Civ.P. 106	1 Pa.C.S. § 1908	Pa.R.Civ.P. 106
Time—Weeks	46 P.S. § 539	Pa.R.Civ.P. 107	1 Pa.C.S. § 1909	Pa.R.Civ.P. 107
Time—Months	46 P.S. § 540	Pa.R.Civ.P. 108	1 Pa.C.S. § 1910	Pa.R.Civ.P. 108
Liberal Con	—	Pa.R.Civ.P. 126	—	Pa.R.Civ.P. 126
Court Intent	46 P.S. § 551	Pa.R.Civ.P. 127	1 Pa.C.S. § 1921	Pa.R.Civ.P. 127
Presumptions	46 P.S. § 552	Pa.R.Civ.P. 128	1 Pa.C.S. § 1922	Pa.R.Civ.P. 128
Grammar	46 P.S. § 553	Pa.R.Civ.P. 129	1 Pa.C.S. § 1923	—
Titles	46 P.S. § 554	Pa.R.Civ.P. 130	1 Pa.C.S. § 1924	Pa.R.Civ.P. 129
Common Law	46 P.S. § 558	Pa.R.Civ.P. 131	1 Pa.C.S. § 1928	Pa.R.Civ.P. 130
Pari Materia	46 P.S. § 562	Pa.R.Civ.P. 132	1 Pa.C.S. § 1932	Pa.R.Civ.P. 131
Inconsistent	—	—	—	Pa.R.Civ.P. 133
Controls	46 P.S. § 563	Pa.R.Civ.P. 133	1 Pa.C.S. § 1933	Pa.R.Civ.P. 132
Eff Date Amd	—	Pa.R.Civ.P. 151	—	Pa.R.Civ.P. 52
Amendatory	46 P.S. § 573	Pa.R.Civ.P. 152	1 Pa.C.S. § 1953	Pa.R.Civ.P. 152
Merger	46 P.S. § 574	Pa.R.Civ.P. 153	1 Pa.C.S. § 1954	Pa.R.Civ.P. 153

These rules of construction have guided the interpretation of the Rules of Civil Procedure. *See, e.g., Bruno v. Erie Ins. Co.*, 106 A.3d 48 (Pa. 2014); *Terra Technical Services, LLC v. River Station Land, L.P.*, 124 A.3d 289 (Pa. 2015).

Many of the other bodies of rules have rules of construction of varying degree. The Rules of Criminal Procedure, Rules of Juvenile Court Procedure, and Rules of Appellate Procedure simply reference the “rules of statutory construction” and address the consequence of procedural defect. The Rules of Orphans’ Court Procedure incorporate by reference Pa.R.Civ.P. 102–153 but exclude Pa.R.Civ.P. 126.

The Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges do not reference rules of construction but do contain rules based upon Pa.R.Civ.P. 106 and 108 for the computation of time. While users in this non-record forum may infrequently consult rules of construction, that does not eliminate the possibility of ambiguity arising from the application of procedural rules in ever-changing circumstances.

The Rules of Evidence do not reference rules of construction, relying instead on Pa.R.E. 102 (“These rules should be construed so as to administer every proceeding fairly, eliminate unjustifiable expense and delay, and promote the development of evidence law, to the end of ascertaining the truth and securing a just determination.”) to guide the construction of the rules. Thus, the incorporation of rules of construction within the Rules of Evidence would be a new concept that does not appear in the Federal Rules of Evidence.

Evidentiary rules are not limited to the Rules of Evidence; there is a rich source of evidentiary rules

contained in statutes. *See, e.g.*, 42 Pa.C.S. §§ 6101–6160; 42 Pa.C.S. § 5985.1, § 5986, and § 5993. Those statutory-based evidentiary rules are subject to the rules of statutory construction set forth in Title 1 of Pennsylvania’s Consolidated Statutes. Therefore, it would be consistent that rule-based evidentiary rules be subject to similar rules of construction. Additionally, the Court has previously applied the rules of statutory construction to a rule of evidence found in the Pennsylvania Rules of Criminal Procedure. *See Commonwealth v. McClelland*, 233 A.3d 717, 734 (Pa. 2020) (discussing Pa.R.Crim.P. 542(E) and the admissibility of hearsay evidence at a preliminary hearing). This application is informative insofar as the Court has used rules of construction to guide the interpretation of a rule of evidence notwithstanding that the rule was not located in the Rules of Evidence.

To provide for uniform rules of construction for all procedural and evidentiary bodies of rules, the detailed rules of construction were removed from the Rules of Civil Procedure, revised if merited, and relocated to the Rules of Judicial Administration to immediately follow the rules governing the rulemaking process. Having one set of rules of construction for all bodies of rules will permit readers to understand their application across all rules rather than a particular body of rules. Further, replicating the same rules of construction within each body of rules seemed unnecessarily duplicative and may invite inconsistency in the application of identically worded rules. Therefore, any rules of construction organic to a body of rules have been removed with each body of rules thereafter containing a reference to the Rules of Judicial Administration concerning the rules of construction. Additionally, insofar as practicable, the title to the

rule within each body of rules referencing the Rules of Judicial Administration includes the term “Construction” as a common signal.

However, not every rule of construction found in the Rules of Civil Procedure has been relocated to the Rules of Judicial Administration. Pa.R.Civ.P. 105 concerning bonds would remain in the Pennsylvania Rules of Civil Procedure because that rule is specific to civil proceedings. Application of that guidance to other bodies of rules may unintentionally conflict with existing provisions. *See, e.g.*, Pa.R.Crim.P. 525 (bail bond).

Pa.R.Civ.P. 104 concerning Roman numerals and Arabic numerals being deemed parts of the English language has been omitted from the newly established rules of construction. Such an anachronistic provision appeared unnecessary for the modern construction of judicial rules. There is a dearth of Pennsylvania cases litigating the meaning of numerals within the rules based simply on the fact that they are expressed as numbers rather than stated in English, *e.g.*, “VII” v. “7” v. “seven.” While that may owe to the existence of Pa.R.Civ.P. 104 and 1 Pa.C.S. § 1904, it is submitted that any ambiguity may be resolved by the context in which the numerals are used and not whether numerals are or are not part of the English language. For example, “1/2” can be an expression of a mathematical operation or a date, which may be an ambiguity resolved by examining its context, but its existence cannot be ignored because Arabic numbers were used. The rejected need for such a rule is exemplified by the discontinued use of the *numero* sign, *i.e.*, “No.” in the citation of the rules.

Consideration was given to whether the rules of construction should be further modified to improve readability and applicability to rules, as opposed to statutes. As observed, the Rules of Civil Procedure’s rules of construction were largely based on the rules of statutory construction. Therefore, there was merit in preserving the operative text to the extent it was feasible. This approach allows the application of the statutory rules of construction to inform the application of the judicial rules of construction given that both are similarly worded. Further, this maintains consistency with prior Court interpretations of rules citing the statutory rules of construction. Additionally, this consistency reduces the complexity for the reader to understand and employ two different rules of construction. Notwithstanding the goal of maintaining existing language, there were some aspects of the rules of construction that were revised to clarify their application.

A proposal was published for comment, see 51 Pa.B. 5532 (September 4, 2021). A commenter supporting the proposal suggested that a provision similar to Pa.R.Civ.P. 126 be added to the proposed rules of construction. That rule states:

The rules shall be liberally construed to secure the just, speedy and inexpensive determination of every action or proceeding to which they are applicable. The court at every stage of any such action or proceeding may disregard any error or defect of procedure which does not affect the substantial rights of the parties.

Pa.R.Civ.P. 126. A similar provision is contained in Pa.R.O.C.P. 1.2(a).¹

¹ Similar provisions exist in the federal rules. *See, e.g.*, Fed.R.Civ.P. 1 (“They should be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding.”); Fed.R.Crim.P. 2 (“These rules are to be interpreted to provide for the just determina-

The Pennsylvania Rules of Juvenile Court Procedure contain a provision similar to the first sentence of Pa.R.Civ.P. 126, see Pa.R.J.C.P. 101(A)-(B); 1101(A)-(B), as do the Pennsylvania Rules of Criminal Procedure, see Pa.R.Crim.P. 101(A)-(B), as do the Pennsylvania Rules of Evidence, see Pa.R.E. 102 (“These rules should be construed so as to administer every proceeding fairly, eliminate unjustifiable expense and delay, and promote the development of evidence law, to the end of ascertaining the truth and securing a just determination.”). Similarly, the Pennsylvania Rules of Appellate Procedure contain a “just, speedy, and inexpensive” provision. *See* Pa.R.A.P. 105(a). There is no analogue to Pa.R.Civ.P. 126 in the Pennsylvania Rules of Civil Procedure Before Magisterial District Judges.²

The first sentence of Pa.R.Civ.P. 126, and similar provisions in the other bodies of rules, will aid the construction of the rules. Pa.R.J.A. 109 sets forth the presumptions in ascertaining the Supreme Court’s intention in the adoption or amendment of a rule. That rule has been revised to set forth the following in subdivision (b): “The Supreme Court intends a rule to be construed to secure the just, speedy, and inexpensive determination of every action or proceeding to which it is applicable.” This presumption is only one of several presumptions in ascertaining intent. For example, the presumption of a “just, speedy, and inexpensive determination” must be balanced by the presumptions that the Court did not intend to violate the United States or Pennsylvania Constitutions.

Omitted from this presumption is any mention of “strict” or “liberal” because using those adjectives to describe the manner of construction may displace the very purpose of the other rules of construction or create an internal inconsistency within the rules of construction. Those adjectives are more appropriate for application of the rules, not their construction.

Concomitantly with the post-publication revision of Pa.R.J.A. 109 to add the language similar to the first sentence of Pa.R.Civ.P. 126 for the construction of rules, the existing “just, speedy, and inexpensive” provisions within the Rules of Civil Procedure, Rules of Orphans’ Court Procedure, Rules of Criminal Procedure, Rules of Juvenile Court Procedure, Rules of Appellate Procedure, and Rules of Evidence have been retained with clarification that those provisions are to be used when *applying* the rules.

The second sentence of Pa.R.Civ.P. 126 informs the reader how the rules should be *applied* in light of procedural non-compliance: “The court at every stage of any such action or proceeding may disregard any error or defect of procedure which does not affect the substantial rights of the parties.” *See also Womer v. Hilliker*, 908 A.2d 269, 276 (Pa. 2006) (“[W]e incorporated equitable considerations in the form of a doctrine of substantial compliance into Rule 126, giving the trial courts the latitude to overlook any ‘procedural defect’ that does not prejudice a party’s rights.”). This authority can be used to determine whether “near misses” may result in procedural default. *See, e.g., Deek Investment, L.P. v. Murray*, 157 A.3d 491, 494 (Pa. Super. 2017).

tion of every criminal proceeding, to secure simplicity in procedure and fairness in administration, and to eliminate unjustifiable expense and delay.”).

² The absence of such a provision is likely due to factors including court-driven scheduling, court-directed service, jurisdictional limits, lack of discovery, non-record proceedings, and ability for a *de novo* appeal, which contribute to timely and efficient proceedings notwithstanding a provision.

A rule governing the application of the rules was not included as part of the rules of construction. The rules of construction are intended for the interpretation of ambiguous rules. *See also Bruno v. Erie Ins. Co.*, 106 A.3d 48, 74 n.21 (Pa. 2014) (noting there is no need to resort to rules of construction when the language of rule is unambiguous). Rules like the second sentence of Pa.R.Civ.P. 126 guide the *application* of the rules regardless of the presence of ambiguity. Further, there is a varied practice based upon rule and case law concerning what type of error may be disregarded or result in procedural default. Hence, the authority of certain courts to disregard procedural errors and defects remains within the individual bodies of rules where those provisions currently exist.

Further revisions to the procedural and evidentiary bodies of rules include:

- Retitling Pa.R.Civ.P. 126 as “Application and Construction of Rules”; adding titles to the subdivisions; replacing “construed” with “applied” in subdivision (a); changing “substantial” to “substantive”; and updating the disposition table in the Comment.

- Retitling Pa.R.O.C.P. 1.2 as “Purpose, Application, and Construction of Rules”; adding titles to the subdivisions; and moving the operative language from subdivision (a) to subdivision (b), including the replacement of “construed” with “applied.”

- Retitling Pa.R.Crim.P. 101 as “Purpose, Application, and Construction of Rules”; adding titles to the subdivisions; and replacing “construed” with “applied” in subdivision (b).

- Retitling Pa.R.J.C.P. 101 and 1101 as “Purpose, Application, and Construction of Rules”; adding titles to the subdivisions; merging subdivision (c) into subdivision (a); renumbering subdivision (D) as subdivision (c); and replacing “construed” with “applied” in subdivision (b).

- Retitling Pa.R.A.P. 105 as “Application of Rules and Enlargement of Time”; retitling subdivision (a); and replacing “construed” with “applied” in subdivision (a).

- Retitling Pa.R.E. 102 as “Application of Rules”; and replacing “construed” with “applied.”

- Corollary revisions have been made to Pa.R.Civ.P. 237.1(a)(2), 1007.1, 1020, 1601, and 2225, Pa.R.Crim.P. 600, cmt., Pa.R.A.P. 107 and 903, Pa.R.Civ.P.M.D.J. 204, and Pa.R.E. 101 and 103.

The current rules of construction have been removed from Pa.R.Civ.P. 101—104, 106—108, and 127—153, and are now located in Pa.R.J.A. 104—115. Differences between the two bodies of rules as they relate to this rulemaking include:

Pa.R.J.A. 104. Principles of Interpretation.—Formerly Pa.R.Civ.P. 101

The title has been revised from “Principles of Interpretation” to “Principles of Construction” to reflect existing rule text. Additionally, “any rule” has been revised to specify that the rules of construction are only intended to apply to procedural or evidentiary rules adopted by the Court. Other rules adopted by the Court and rules adopted by other authorities may be subject to construction, but these rules are not mandated in their construction.

Pa.R.J.A. 105. Number. Tense.—Formerly Pa.R.Civ.P. 102

No revisions were made to the existing language. This rule differs from 1 Pa.C.S. § 1902 insofar as the provision

regarding gender was removed from Pa.R.Civ.P. 102 in rulemaking dated April 12, 1999.

Pa.R.J.A. 106. Words and Phrases.—Formerly Pa.R.Civ.P. 103

A Comment has been added to the rule.

Pa.R.J.A. 107. Computation of Time.—Formerly Pa.R.Civ.P. 106, 107, and 108

This rule is a consolidation of Pa.R.Civ.P. 106—108 and reflects the Court’s prior use of 1 Pa.C.S. § 1908 for the computation of time. *See, e.g., City of Philadelphia v. F.A. Realty Investors Corp.*, 256 A.3d 429 (Pa. 2021) (granting petition for allowance of appeal, vacating the intermediate appellate court’s order, and remanding for further proceedings after concluding petitioners filed a timely Pa.R.A.P. 1925(b) statement, citing 1 Pa.C.S. § 1908). The text of Pa.R.Civ.P.M.D.J. 203, which is largely reiterative of Pa.R.J.A. 107(a)-(b), (d), was retained in that body of rules so that unrepresented parties are not required to consult another body of rules for the computation of time.

Pa.R.J.A. 108. Construction of Rules. Intent of Supreme Court Controls.—Formerly Pa.R.Civ.P. 127

Some of the factors that may be considered in determining the intention of the Supreme Court have been replaced to include specific sources of information germane to rulemaking. From these sources, the reader can understand the Supreme Court’s intent. A Comment has also been added to assist the reader and reference limits placed on certain sources.

The factors contained in Pa.R.Civ.P. 127 that were retained include: 1) the contemporaneous history of the rule, *i.e.*, “rulemaking history”; 2) the practice followed under the rule; and 3) the consequences of a particular interpretation. Factors added are: 1) the Court’s precedent; and 2) commentary accompanying the rule. These new factors are based upon *Touloumes v. E.S.C.*, 899 A.2d 343, 348 (Pa. 2006) (relying upon prior Court opinions involving same rule for purposes of construction), and Pa.R.J.A. 103, Comment (“Effective October 1, 2021, “rule” includes the rule text and any accompanying commentary such as a note or comment. Such commentary, while not binding, may be used to construe or apply the rule text.”).

The factors removed were: 1) the occasion and necessity for the rule; 2) the circumstances under which it was promulgated; 3) the mischief to be remedied; and 4) the object to be attained. These factors require the reader to consider “why” the rule exists, which is subsumed within the “rulemaking history” and discussed within the Comment to Pa.R.J.A. 108. *See also* Pa.R.J.A. 103(a)(1) (requiring Rules Committees to include a publication report containing the rationale for proposed rulemaking); *Touloumes, supra* (relying upon Committee reports for purposes of construction).

To retain these specific factors suggests to the reader that any source describing “why” a rule exists may be indicative of the Supreme Court’s intent. This raises a concern that sources outside of the rulemaking process may be relied upon, including periodicals, journals, trade publications, interviews, and newspapers. There is no assurance that these other sources are trustworthy, reliable, accurate, and not self-serving. Instead, the reader is directed to “the rulemaking history” within Pa.R.J.A. 108 with the Comment referencing Pa.R.J.A. 103 and Rules

Committees' reports. *See also* *Laudenberger v. Port Auth. of Allegheny Cty.*, 436 A.2d 147, 151 (Pa. 1981) (the Supreme Court stating that such reports "indicate the spirit and motivation behind the drafting of the rule, and they serve as guidelines for understanding the purpose for which the rule was drafted").

Post-publication, the current factor of "the prior practice, if any, including other rules and Acts of Assembly upon the same or similar subjects" was retained as subdivision (c)(7). The prior practice, especially if giving rise to subsequent rulemaking, may inform the construction of the present rule.

Rule 109. Presumptions in Ascertaining the Intent of the Supreme Court.—Formerly Pa.R.Civ.P. 128

Stylistic revisions have been made, but the substance of Pa.R.Civ.P. 128 is preserved.

Rule 110. Titles, Conditions, Exceptions, and Headings.—Formerly Pa.R.Civ.P. 129

The term "provisos" has been replaced with "conditions" to reflect current rulemaking terminology. Additionally, reference to "use of notes and explanatory comments" has been removed from the title and rule. That reference can now be found at Pa.R.J.A. 108(c)(2) as "commentary."

Rule 111. Rules in Derogation of the Common Law.—Formerly Pa.R.Civ.P. 130

No revisions were made to the existing language.

Rule 112. Rules In Pari Materia.—Formerly Pa.R.Civ.P. 131

Post-publication, language was inserted into the rule to limit the application of the *in pari materia* concept to the single body of rules being interpreted.

Rule 113. Particular Controls General.—Formerly Pa.R.Civ.P. 132

No revisions were made to the existing language.

Rule 114. Construction of Rule Amendments.—Formerly Pa.R.Civ.P. 152 & 153

This rule consolidates former Pa.R.Civ.P. 152 (Construction of Amendatory Rules) and 153 (Merger of Subsequent Amendments) as separate subdivisions. Subdivision (a) was added to describe the significance of textual indicators when reading amended rule text.

Rule 115. Procedures Inconsistent with Rules.—Formerly Pa.R.Civ.P. 133

Pa.R.J.A. 115 is intended to assist the reader in the construction of statewide procedural rules when there may be conflicting statutory procedures or local rules of procedure. Notably, the rule references "procedures," which is intended to exclude substantive rules of evidence that may be enacted by statute. *See Commonwealth v. Olivo*, 127 A.3d 769, 780 (Pa. 2015) (concluding the statutory rule of evidence does not violate the Supreme Court's authority over procedural rules). It should also be noted that some bodies of rules have savings clauses for statutory procedures. *See, e.g.*, Pa.R.Civ.P. 1910.45; Pa.R.A.P. 5102. This rule would not displace the operation of those statutory procedures because they would not be "inconsistent" with the rules; rather, they are "saved" by the rules.

Post-publication, the original text from Pa.R.Civ.P. 133 ("All laws shall be suspended to the extent that they are inconsistent with rules prescribed under the Constitution of 1968.") was retained and incorporated into this rule.

* * * * *

This rulemaking becomes effective January 1, 2024.
[Pa.B. Doc. No. 23-1584. Filed for public inspection November 17, 2023, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART II. ORPHANS' COURT RULES

[231 PA. CODE PART II]

Order Amending Rule 1.2 of the Pennsylvania Rules of Orphans' Court Procedure; No. 966 Supreme Court Rules Docket

Order

Per Curiam

And Now, this 3rd day of November, 2023, upon the recommendation of the Orphans' Court Procedural Rules Committee; the proposal having been published for public comment at 51 Pa.B. 5532 (September 4, 2021):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 1.2 of the Pennsylvania Rules of Orphans' Court Procedure is amended in the attached form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective on January 1, 2024.

Additions to the rules are shown in bold and are underlined.

Deletions from the rules are shown in bold and brackets.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART II. ORPHANS' COURT RULES

CHAPTER I. PRELIMINARY RULES

Rule 1.2. [Construction and Application of Rules] Purpose, Application, and Construction of Rules.

(a) [**The**] **Purpose.** **These** Rules adopted by the Supreme Court [**regulating**] **regulate** the practice and procedure of the Orphans' Court Divisions of this Commonwealth and the local rules adopted by such courts [**shall be liberally construed to secure the just, timely and efficient determination of every action or proceeding to which they are applicable**].

(b) **Application.** **These Rules shall be liberally applied to secure the just, timely, and efficient determination of every action or proceeding to which they are applicable.** The court at every stage of any action or proceeding may disregard any error or defect of procedure that does not affect the substantive rights of the parties in interest.

(c) [**The principles of interpretation and related matters set forth in Pa.R.C.P. Nos. 102 through 153 inclusive, with the exception of Pa.R.C.P. No. 126, shall apply to these Rules.**] **Construction.** **In the construction of the Pennsylvania Rules of Orphans' Court Procedure, the principles set forth in Pa.R.J.A. 104 to 115 shall be observed.**

[**Note:** Rule 1.2(a) is identical to former Rule 2.1. Rule 1.2(b) is new.

Explanatory] Comment:

The Orphans' Court Division exercises equitable powers and applies equitable principles. *Estate of Hahn*, 369 A.2d 1290, 1291-92 (Pa. 1977); *Estate of Freihofer*, 174 A.2d 282, 284 (Pa. 1961).

[The question frequently arises as to the effect and use of the notes and explanatory comments which are issued with the Orphans' Court Rules. Notes and explanatory comments are not part of the Rules but they may be used in construing the Rules. The Supreme Court of Pennsylvania has stated in *Laudenberger v. Port Authority of Allegheny County*, 436 A.2d 147, 151 (Pa. 1981):

These explanatory notes have not been officially adopted or promulgated by this Court, nor do they constitute part of the rule. However, they indicate the spirit and motivation behind the drafting of the rule, and they serve as guidelines for understanding the purpose for which the rule was drafted.]

**SUPREME COURT OF PENNSYLVANIA
APPELLATE COURT PROCEDURAL RULES
COMMITTEE**

**COMMITTEE ON RULES OF EVIDENCE
CIVIL PROCEDURAL RULES COMMITTEE
ORPHANS' COURT PROCEDURAL RULES
COMMITTEE**

**CRIMINAL PROCEDURAL RULES COMMITTEE
JUVENILE COURT PROCEDURAL RULES
COMMITTEE**

**MINOR COURT RULES COMMITTEE
ADOPTION REPORT**

Adoption of Pa.R.J.A. 104—115; Rescission of Pa.R.Civ.P. 101—104, 106—108, and 127—153; Amendment of Pa.R.Civ.P. 126, 237.1, 1007.1, 1020, 1601, and 2225, Pa.R.O.C.P. 1.2, Pa.R.Crim.P. 101 and 600, Pa.R.J.C.P. 101 and 1101, Pa.R.A.P. 105, 107, and 903, Pa.R.Civ.P.M.D.J. 204, and Pa.R.E. 101, 102, and 103

On November 3, 2023, the Supreme Court approved the extraction of rules of construction from the Pennsylvania

Rules of Civil Procedure and their placement in the Pennsylvania Rules of Judicial Administration through the rescission of Pennsylvania Rules of Civil Procedure 101—104, 106—108, and 127—153, amendment of Pennsylvania Rules of Civil Procedure 126, 237.1, 1007.1, 1020, 1601, and 2225, and the adoption of Pennsylvania Rules of Judicial Administration 104—115. The Court also amended Pennsylvania Rule of Orphans' Court Procedure 1.2, Pennsylvania Rules of Criminal Procedure 101 and 600, Pennsylvania Rules of Juvenile Court Procedure 101 and 1101, Pennsylvania Rules of Appellate Procedure 105, 107, and 903, Pennsylvania Rule of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges 204, and Pennsylvania Rules of Evidence 101, 102, and 103 to establish and reference the rules of construction for the Court's procedural and evidentiary bodies of rules. The Rules Committees have prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. See Pa.R.J.A. 103, cmt. The statements contained herein are those of the Rules Committees, not the Court.

Background

Procedural rules adopted by the Supreme Court have the force of statute. See, e.g., *Dombrowski v. City of Philadelphia*, 245 A.2d 238, 241 n.4 (Pa. 1968). Procedural rules, like statutes, may be subject to interpretation based upon their language and the circumstances in which they apply. To guide the interpretation of rules, courts have relied upon rules of construction used for the interpretation of statutes. See 1 Pa.C.S. §§ 1901—1957; see also, e.g., *Commonwealth v. McClelland*, 233 A.3d 717 (Pa. 2020) (interpreting Pa.R.Crim.P.); *Commonwealth v. Wardlaw*, 249 A.3d 937 (Pa. 2021) (interpreting Pa.R.A.P.).

In 1939, rules of construction were added to the Pennsylvania Rules of Civil Procedure based largely on language contained in sections of the Statutory Construction Act of May 28, 1937, P.L. 1019, with modification to reflect their intended application to rules of court. Over time, the Statutory Construction Act, as well as the procedural rules of construction, have been amended to their present form:

Subject	1937 Statute	1939 Rule	Present Statute	Present Rule
Title/Citation	—		—	Pa.R.Civ.P. 51
Effective Date	—	Pa.R.Civ.P. 51	—	Pa.R.Civ.P. 52
Definitions	46 P.S. § 601	Pa.R.Civ.P. 76	1 Pa.C.S. § 1991	Pa.R.Civ.P. 76
Principles	46 P.S. § 531	Pa.R.Civ.P. 101	1 Pa.C.S. § 1901	Pa.R.Civ.P. 101
Number/Tense	46 P.S. § 532	Pa.R.Civ.P. 102	1 Pa.C.S. § 1902	Pa.R.Civ.P. 102
Words/Phrases	46 P.S. § 533	Pa.R.Civ.P. 103	1 Pa.C.S. § 1903	Pa.R.Civ.P. 103
Numerals	46 P.S. § 534	Pa.R.Civ.P. 104	1 Pa.C.S. § 1904	Pa.R.Civ.P. 104
Bonds	46 P.S. § 536	Pa.R.Civ.P. 105	1 Pa.C.S. § 1906	Pa.R.Civ.P. 105
Comp Time	46 P.S. § 538	Pa.R.Civ.P. 106	1 Pa.C.S. § 1908	Pa.R.Civ.P. 106
Time—Weeks	46 P.S. § 539	Pa.R.Civ.P. 107	1 Pa.C.S. § 1909	Pa.R.Civ.P. 107
Time—Months	46 P.S. § 540	Pa.R.Civ.P. 108	1 Pa.C.S. § 1910	Pa.R.Civ.P. 108
Liberal Con	—	Pa.R.Civ.P. 126	—	Pa.R.Civ.P. 126
Court Intent	46 P.S. § 551	Pa.R.Civ.P. 127	1 Pa.C.S. § 1921	Pa.R.Civ.P. 127
Presumptions	46 P.S. § 552	Pa.R.Civ.P. 128	1 Pa.C.S. § 1922	Pa.R.Civ.P. 128

Subject	1937 Statute	1939 Rule	Present Statute	Present Rule
Grammar	46 P.S. § 553	Pa.R.Civ.P. 129	1 Pa.C.S. § 1923	—
Titles	46 P.S. § 554	Pa.R.Civ.P. 130	1 Pa.C.S. § 1924	Pa.R.Civ.P. 129
Common Law	46 P.S. § 558	Pa.R.Civ.P. 131	1 Pa.C.S. § 1928	Pa.R.Civ.P. 130
Pari Materia	46 P.S. § 562	Pa.R.Civ.P. 132	1 Pa.C.S. § 1932	Pa.R.Civ.P. 131
Inconsistent	—	—	—	Pa.R.Civ.P. 133
Controls	46 P.S. § 563	Pa.R.Civ.P. 133	1 Pa.C.S. § 1933	Pa.R.Civ.P. 132
Eff Date Amd	—	Pa.R.Civ.P. 151	—	Pa.R.Civ.P. 52
Amendatory	46 P.S. § 573	Pa.R.Civ.P. 152	1 Pa.C.S. § 1953	Pa.R.Civ.P. 152
Merger	46 P.S. § 574	Pa.R.Civ.P. 153	1 Pa.C.S. § 1954	Pa.R.Civ.P. 153

These rules of construction have guided the interpretation of the Rules of Civil Procedure. *See, e.g., Bruno v. Erie Ins. Co.*, 106 A.3d 48 (Pa. 2014); *Terra Technical Services, LLC v. River Station Land, L.P.*, 124 A.3d 289 (Pa. 2015).

Many of the other bodies of rules have rules of construction of varying degree. The Rules of Criminal Procedure, Rules of Juvenile Court Procedure, and Rules of Appellate Procedure simply reference the “rules of statutory construction” and address the consequence of procedural defect. The Rules of Orphans’ Court Procedure incorporate by reference Pa.R.Civ.P. 102–153 but exclude Pa.R.Civ.P. 126.

The Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges do not reference rules of construction but do contain rules based upon Pa.R.Civ.P. 106 and 108 for the computation of time. While users in this non-record forum may infrequently consult rules of construction, that does not eliminate the possibility of ambiguity arising from the application of procedural rules in ever-changing circumstances.

The Rules of Evidence do not reference rules of construction, relying instead on Pa.R.E. 102 (“These rules should be construed so as to administer every proceeding fairly, eliminate unjustifiable expense and delay, and promote the development of evidence law, to the end of ascertaining the truth and securing a just determination.”) to guide the construction of the rules. Thus, the incorporation of rules of construction within the Rules of Evidence would be a new concept that does not appear in the Federal Rules of Evidence.

Evidentiary rules are not limited to the Rules of Evidence; there is a rich source of evidentiary rules contained in statutes. *See, e.g.*, 42 Pa.C.S. §§ 6101–6160; 42 Pa.C.S. § 5985.1, § 5986, and § 5993. Those statutory-based evidentiary rules are subject to the rules of statutory construction set forth in Title 1 of Pennsylvania’s Consolidated Statutes. Therefore, it would be consistent that rule-based evidentiary rules be subject to similar rules of construction. Additionally, the Court has previously applied the rules of statutory construction to a rule of evidence found in the Pennsylvania Rules of Criminal Procedure. *See Commonwealth v. McClelland*, 233 A.3d 717, 734 (Pa. 2020) (discussing Pa.R.Crim.P. 542(E) and the admissibility of hearsay evidence at a preliminary hearing). This application is informative insofar as the Court has used rules of construction to guide the interpretation of a rule of evidence notwithstanding that the rule was not located in the Rules of Evidence.

To provide for uniform rules of construction for all procedural and evidentiary bodies of rules, the detailed rules of construction were removed from the Rules of

Civil Procedure, revised if merited, and relocated to the Rules of Judicial Administration to immediately follow the rules governing the rulemaking process. Having one set of rules of construction for all bodies of rules will permit readers to understand their application across all rules rather than a particular body of rules. Further, replicating the same rules of construction within each body of rules seemed unnecessarily duplicative and may invite inconsistency in the application of identically worded rules. Therefore, any rules of construction organic to a body of rules have been removed with each body of rules thereafter containing a reference to the Rules of Judicial Administration concerning the rules of construction. Additionally, insofar as practicable, the title to the rule within each body of rules referencing the Rules of Judicial Administration includes the term “Construction” as a common signal.

However, not every rule of construction found in the Rules of Civil Procedure has been relocated to the Rules of Judicial Administration. Pa.R.Civ.P. 105 concerning bonds would remain in the Pennsylvania Rules of Civil Procedure because that rule is specific to civil proceedings. Application of that guidance to other bodies of rules may unintentionally conflict with existing provisions. *See, e.g., Pa.R.Crim.P. 525* (bail bond).

Pa.R.Civ.P. 104 concerning Roman numerals and Arabic numerals being deemed parts of the English language has been omitted from the newly established rules of construction. Such an anachronistic provision appeared unnecessary for the modern construction of judicial rules. There is a dearth of Pennsylvania cases litigating the meaning of numerals within the rules based simply on the fact that they are expressed as numbers rather than stated in English, *e.g., “VII” v. “7” v. “seven.”* While that may owe to the existence of Pa.R.Civ.P. 104 and 1 Pa.C.S. § 1904, it is submitted that any ambiguity may be resolved by the context in which the numerals are used and not whether numerals are or are not part of the English language. For example, “1/2” can be an expression of a mathematical operation or a date, which may be an ambiguity resolved by examining its context, but its existence cannot be ignored because Arabic numbers were used. The rejected need for such a rule is exemplified by the discontinued use of the *numero* sign, *i.e., “No.”* in the citation of the rules.

Consideration was given to whether the rules of construction should be further modified to improve readability and applicability to rules, as opposed to statutes. As observed, the Rules of Civil Procedure’s rules of construction were largely based on the rules of statutory construction. Therefore, there was merit in preserving the operative text to the extent it was feasible. This approach allows the application of the statutory rules of construc-

tion to inform the application of the judicial rules of construction given that both are similarly worded. Further, this maintains consistency with prior Court interpretations of rules citing the statutory rules of construction. Additionally, this consistency reduces the complexity for the reader to understand and employ two different rules of construction. Notwithstanding the goal of maintaining existing language, there were some aspects of the rules of construction that were revised to clarify their application.

A proposal was published for comment, see 51 Pa.B. 5532 (September 4, 2021). A commenter supporting the proposal suggested that a provision similar to Pa.R.Civ.P. 126 be added to the proposed rules of construction. That rule states:

The rules shall be liberally construed to secure the just, speedy and inexpensive determination of every action or proceeding to which they are applicable. The court at every stage of any such action or proceeding may disregard any error or defect of procedure which does not affect the substantial rights of the parties.

Pa.R.Civ.P. 126. A similar provision is contained in Pa.R.O.C.P. 1.2(a).¹

The Pennsylvania Rules of Juvenile Court Procedure contain a provision similar to the first sentence of Pa.R.Civ.P. 126, see Pa.R.J.C.P. 101(A)-(B); 1101(A)-(B), as do the Pennsylvania Rules of Criminal Procedure, see Pa.R.Crim.P. 101(A)-(B), as do the Pennsylvania Rules of Evidence, see Pa.R.E. 102 (“These rules should be construed so as to administer every proceeding fairly, eliminate unjustifiable expense and delay, and promote the development of evidence law, to the end of ascertaining the truth and securing a just determination.”). Similarly, the Pennsylvania Rules of Appellate Procedure contain a “just, speedy, and inexpensive” provision. See Pa.R.A.P. 105(a). There is no analogue to Pa.R.Civ.P. 126 in the Pennsylvania Rules of Civil Procedure Before Magisterial District Judges.²

The first sentence of Pa.R.Civ.P. 126, and similar provisions in the other bodies of rules, will aid the construction of the rules. Pa.R.J.A. 109 sets forth the presumptions in ascertaining the Supreme Court’s intention in the adoption or amendment of a rule. That rule has been revised to set forth the following in subdivision (b): “The Supreme Court intends a rule to be construed to secure the just, speedy, and inexpensive determination of every action or proceeding to which it is applicable.” This presumption is only one of several presumptions in ascertaining intent. For example, the presumption of a “just, speedy, and inexpensive determination” must be balanced by the presumptions that the Court did not intend to violate the United States or Pennsylvania Constitutions.

Omitted from this presumption is any mention of “strict” or “liberal” because using those adjectives to describe the manner of construction may displace the very purpose of the other rules of construction or create an internal inconsistency within the rules of construction.

¹ Similar provisions exist in the federal rules. See, e.g., Fed.R.Civ.P. 1 (“They should be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding.”); Fed.R.Crim.P. 2 (“These rules are to be interpreted to provide for the just determination of every criminal proceeding, to secure simplicity in procedure and fairness in administration, and to eliminate unjustifiable expense and delay.”).

² The absence of such a provision is likely due to factors including court-driven scheduling, court-directed service, jurisdictional limits, lack of discovery, non-record proceedings, and ability for a *de novo* appeal, which contribute to timely and efficient proceedings notwithstanding a provision.

Those adjectives are more appropriate for application of the rules, not their construction.

Concomitantly with the post-publication revision of Pa.R.J.A. 109 to add the language similar to the first sentence of Pa.R.Civ.P. 126 for the construction of rules, the existing “just, speedy, and inexpensive” provisions within the Rules of Civil Procedure, Rules of Orphans’ Court Procedure, Rules of Criminal Procedure, Rules of Juvenile Court Procedure, Rules of Appellate Procedure, and Rules of Evidence have been retained with clarification that those provisions are to be used when *applying* the rules.

The second sentence of Pa.R.Civ.P. 126 informs the reader how the rules should be *applied* in light of procedural non-compliance: “The court at every stage of any such action or proceeding may disregard any error or defect of procedure which does not affect the substantial rights of the parties.” See also *Womer v. Hilliker*, 908 A.2d 269, 276 (Pa. 2006) (“[W]e incorporated equitable considerations in the form of a doctrine of substantial compliance into Rule 126, giving the trial courts the latitude to overlook any ‘procedural defect’ that does not prejudice a party’s rights.”). This authority can be used to determine whether “near misses” may result in procedural default. See, e.g., *Deek Investment, L.P. v. Murray*, 157 A.3d 491, 494 (Pa. Super. 2017).

A rule governing the application of the rules was not included as part of the rules of construction. The rules of construction are intended for the interpretation of ambiguous rules. See also *Bruno v. Erie Ins. Co.*, 106 A.3d 48, 74 n.21 (Pa. 2014) (noting there is no need to resort to rules of construction when the language of rule is unambiguous). Rules like the second sentence of Pa.R.Civ.P. 126 guide the *application* of the rules regardless of the presence of ambiguity. Further, there is a varied practice based upon rule and case law concerning what type of error may be disregarded or result in procedural default. Hence, the authority of certain courts to disregard procedural errors and defects remains within the individual bodies of rules where those provisions currently exist.

Further revisions to the procedural and evidentiary bodies of rules include:

- Retitling Pa.R.Civ.P. 126 as “Application and Construction of Rules”; adding titles to the subdivisions; replacing “construed” with “applied” in subdivision (a); changing “substantial” to “substantive”; and updating the disposition table in the Comment.
- Retitling Pa.R.O.C.P. 1.2 as “Purpose, Application, and Construction of Rules”; adding titles to the subdivisions; and moving the operative language from subdivision (a) to subdivision (b), including the replacement of “construed” with “applied.”
- Retitling Pa.R.Crim.P. 101 as “Purpose, Application, and Construction of Rules”; adding titles to the subdivisions; and replacing “construed” with “applied” in subdivision (b).
- Retitling Pa.R.J.C.P. 101 and 1101 as “Purpose, Application, and Construction of Rules”; adding titles to the subdivisions; merging subdivision (c) into subdivision (a); renumbering subdivision (D) as subdivision (c); and replacing “construed” with “applied” in subdivision (b).
- Retitling Pa.R.A.P. 105 as “Application of Rules and Enlargement of Time”; retitling subdivision (a); and replacing “construed” with “applied” in subdivision (a).
- Retitling Pa.R.E. 102 as “Application of Rules”; and replacing “construed” with “applied.”

• Corollary revisions have been made to Pa.R.Civ.P. 237.1(a)(2), 1007.1, 1020, 1601, and 2225, Pa.R.Crim.P. 600, cmt., Pa.R.A.P. 107 and 903, Pa.R.Civ.P.M.D.J. 204, and Pa.R.E. 101 and 103.

The current rules of construction have been removed from Pa.R.Civ.P. 101—104, 106—108, and 127—153, and are now located in Pa.R.J.A. 104—115. Differences between the two bodies of rules as they relate to this rulemaking include:

Pa.R.J.A. 104. Principles of Interpretation.—Formerly Pa.R.Civ.P. 101

The title has been revised from “Principles of Interpretation” to “Principles of Construction” to reflect existing rule text. Additionally, “any rule” has been revised to specify that the rules of construction are only intended to apply to procedural or evidentiary rules adopted by the Court. Other rules adopted by the Court and rules adopted by other authorities may be subject to construction, but these rules are not mandated in their construction.

Pa.R.J.A. 105. Number. Tense.—Formerly Pa.R.Civ.P. 102

No revisions were made to the existing language. This rule differs from 1 Pa.C.S. § 1902 insofar as the provision regarding gender was removed from Pa.R.Civ.P. 102 in rulemaking dated April 12, 1999.

Pa.R.J.A. 106. Words and Phrases.—Formerly Pa.R.Civ.P. 103

A Comment has been added to the rule.

Pa.R.J.A. 107. Computation of Time.—Formerly Pa.R.Civ.P. 106, 107, and 108

This rule is a consolidation of Pa.R.Civ.P. 106—108 and reflects the Court’s prior use of 1 Pa.C.S. § 1908 for the computation of time. *See, e.g., City of Philadelphia v. F.A. Realty Investors Corp.*, 256 A.3d 429 (Pa. 2021) (granting petition for allowance of appeal, vacating the intermediate appellate court’s order, and remanding for further proceedings after concluding petitioners filed a timely Pa.R.A.P. 1925(b) statement, citing 1 Pa.C.S. § 1908). The text of Pa.R.Civ.P.M.D.J. 203, which is largely reiterative of Pa.R.J.A. 107(a)-(b), (d), was retained in that body of rules so that unrepresented parties are not required to consult another body of rules for the computation of time.

Pa.R.J.A. 108. Construction of Rules. Intent of Supreme Court Controls.—Formerly Pa.R.Civ.P. 127

Some of the factors that may be considered in determining the intention of the Supreme Court have been replaced to include specific sources of information germane to rulemaking. From these sources, the reader can understand the Supreme Court’s intent. A Comment has also been added to assist the reader and reference limits placed on certain sources.

The factors contained in Pa.R.Civ.P. 127 that were retained include: 1) the contemporaneous history of the rule, *i.e.*, “rulemaking history”; 2) the practice followed under the rule; and 3) the consequences of a particular interpretation. Factors added are: 1) the Court’s precedent; and 2) commentary accompanying the rule. These new factors are based upon *Touloumes v. E.S.C.*, 899 A.2d 343, 348 (Pa. 2006) (relying upon prior Court opinions involving same rule for purposes of construction), and Pa.R.J.A. 103, Comment (“Effective October 1, 2021, “rule” includes the rule text and any accompanying commentary such as a note or comment. Such commentary, while not binding, may be used to construe or apply the rule text.”).

The factors removed were: 1) the occasion and necessity for the rule; 2) the circumstances under which it was promulgated; 3) the mischief to be remedied; and 4) the object to be attained. These factors require the reader to consider “why” the rule exists, which is subsumed within the “rulemaking history” and discussed within the Comment to Pa.R.J.A. 108. *See also* Pa.R.J.A. 103(a)(1) (requiring Rules Committees to include a publication report containing the rationale for proposed rulemaking); *Touloumes, supra* (relying upon Committee reports for purposes of construction).

To retain these specific factors suggests to the reader that any source describing “why” a rule exists may be indicative of the Supreme Court’s intent. This raises a concern that sources outside of the rulemaking process may be relied upon, including periodicals, journals, trade publications, interviews, and newspapers. There is no assurance that these other sources are trustworthy, reliable, accurate, and not self-serving. Instead, the reader is directed to “the rulemaking history” within Pa.R.J.A. 108 with the Comment referencing Pa.R.J.A. 103 and Rules Committees’ reports. *See also* *Laudenberger v. Port Auth. of Allegheny Cty.*, 436 A.2d 147, 151 (Pa. 1981) (the Supreme Court stating that such reports “indicate the spirit and motivation behind the drafting of the rule, and they serve as guidelines for understanding the purpose for which the rule was drafted”).

Post-publication, the current factor of “the prior practice, if any, including other rules and Acts of Assembly upon the same or similar subjects” was retained as subdivision (c)(7). The prior practice, especially if giving rise to subsequent rulemaking, may inform the construction of the present rule.

Rule 109. Presumptions in Ascertaining the Intent of the Supreme Court.—Formerly Pa.R.Civ.P. 128

Stylistic revisions have been made, but the substance of Pa.R.Civ.P. 128 is preserved.

Rule 110. Titles, Conditions, Exceptions, and Headings.—Formerly Pa.R.Civ.P. 129

The term “provisos” has been replaced with “conditions” to reflect current rulemaking terminology. Additionally, reference to “use of notes and explanatory comments” has been removed from the title and rule. That reference can now be found at Pa.R.J.A. 108(c)(2) as “commentary.”

Rule 111. Rules in Derogation of the Common Law.—Formerly Pa.R.Civ.P. 130

No revisions were made to the existing language.

Rule 112. Rules *In Pari Materia*.—Formerly Pa.R.Civ.P. 131

Post-publication, language was inserted into the rule to limit the application of the *in pari materia* concept to the single body of rules being interpreted.

Rule 113. Particular Controls General.—Formerly Pa.R.Civ.P. 132

No revisions were made to the existing language.

Rule 114. Construction of Rule Amendments.—Formerly Pa.R.Civ.P. 152 & 153

This rule consolidates former Pa.R.Civ.P. 152 (Construction of Amendatory Rules) and 153 (Merger of Subsequent Amendments) as separate subdivisions. Subdivision (a) was added to describe the significance of textual indicators when reading amended rule text.

**Rule 115. Procedures Inconsistent with Rules.—
Formerly Pa.R.Civ.P. 133**

Pa.R.J.A. 115 is intended to assist the reader in the construction of statewide procedural rules when there may be conflicting statutory procedures or local rules of procedure. Notably, the rule references “procedures,” which is intended to exclude substantive rules of evidence that may be enacted by statute. *See Commonwealth v. Olivo*, 127 A.3d 769, 780 (Pa. 2015) (concluding the statutory rule of evidence does not violate the Supreme Court’s authority over procedural rules). It should also be noted that some bodies of rules have savings clauses for statutory procedures. *See, e.g.*, Pa.R.Civ.P. 1910.45; Pa.R.A.P. 5102. This rule would not displace the operation of those statutory procedures because they would not be “inconsistent” with the rules; rather, they are “saved” by the rules.

Post-publication, the original text from Pa.R.Civ.P. 133 (“All laws shall be suspended to the extent that they are inconsistent with rules prescribed under the Constitution of 1968.”) was retained and incorporated into this rule.

* * * * *

This rulemaking becomes effective January 1, 2024.

[Pa.B. Doc. No. 23-1585. Filed for public inspection November 17, 2023, 9:00 a.m.]

**Title 231—RULES OF
CIVIL PROCEDURE**

PART II. ORPHANS’ COURT RULES

[231 PA. CODE PART II]

**Proposed Rescission and Replacement of Register
of Wills Forms RW-02 and RW-07**

The Orphans’ Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the rescission and replacement of Register of Wills Forms RW-02 (Petition for Grant of Letters) and RW-07 (Notice of Estate Administration). Pursuant to Pa.R.J.A. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any report accompanying this proposal was prepared by the Committee to indicate the rationale for the proposed rulemaking. It will neither constitute a part of the rules nor be officially adopted by the Supreme Court.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

Pamela S. Walker, Counsel
Orphans’ Court Procedural Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635
FAX: 717-231-9546
orphanscourtproceduralrules@pacourts.us

All communications in reference to the proposal should be received by January 18, 2024. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Orphans’ Court
Procedural Rules Committee*

JULIAN E. GRAY, Esq.,
Chair

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART II. ORPHANS’ COURT RULES

INDEX TO APPENDIX

ORPHANS’ COURT AND REGISTER OF WILLS
FORMS ADOPTED BY SUPREME COURT PURSUANT
TO Pa. O.C. Rule 1.8

Available as Fill-in Forms on Website of Administrative
Office of Pennsylvania Courts

[http://www.pacourts.us/forms/for-the-public/
orphans-court-forms](http://www.pacourts.us/forms/for-the-public/orphans-court-forms)

Orphans’ Court and Administration Forms

* * * * *

D. Register of Wills Forms

* * * * *

7. Notice of Estate Administration Pursuant to
[Pa. O.C. Rule] Pa.R.O.C.P. 10.5. RW-07

* * * * *

PETITION FOR GRANT OF LETTERS
REGISTER OF WILLS OF

Petitioner(s) named below, who is/are 18 years of age or older, apply(ies) for Letters as specified below, and in support thereof aver(s) the following and respectfully request(s) the grant of Letters in the appropriate form:

Decedent's Information

Name: File No: (Assigned by Register)
a/k/a:
a/k/a:
a/k/a:
Date of Death: Social Security No:
Age at death:

Decedent was domiciled at death in County, (State) with his/her last principal residence at
Street address, Post Office and Zip Code City, Township or Borough County

Decedent died at
Street address, Post Office and Zip Code City, Township or Borough County State

Estimate of value of decedent's property at death:
If domiciled in Pennsylvania... All personal property \$
If not domiciled in Pennsylvania... Personal property in Pennsylvania \$
If not domiciled in Pennsylvania... Personal property in County \$
Value of real estate in Pennsylvania... \$
TOTAL ESTIMATED VALUE... \$ 0.00

Real estate in Pennsylvania situated at:
(Attach additional sheets, if necessary.) Street address, Post Office and Zip Code City, Township or Borough County

Filed for litigation purposes only. No assets or assets unknown.
A. Petition for Probate and Grant of Letters Testamentary
Petitioner(s) aver(s) he/she/they is/are the Executor(s) named in the last Will of the Decedent, dated and Codicil(s) thereto dated
State relevant circumstances (e.g. renunciation, death of executor, etc.)

Except as follows: Decedent was neither the victim of a killing nor ever adjudicated to an incapacitated person; or after the execution of the instruments(s) offered for probate, Decedent did not marry, was not divorced, was not a party to a pending divorce proceeding wherein the grounds for divorce had been established as defined in 23 Pa. C.S. 3323(g), and did not have a child born or adopted.

NO EXCEPTIONS EXCEPTIONS

B. Petition for Grant of Letters of Administration (If applicable)
c.t.a., d.b.n., d.b.n.c.t.a., pendente lite, durante absentia, durante minoritate

If Administration, c.t.a. or d.b.n.c.t.a., enter date of Will in Section A above and complete list of heirs.

Except as follows: Decedent was not a party to a pending divorce proceeding wherein the grounds for divorce had been established as defined in 23 Pa. C.S. § 3323(g) and was neither the victim of a killing nor ever adjudicated an incapacitated person.

NO EXCEPTIONS EXCEPTIONS

Petitioner(s), after a proper search has/have ascertained that Decedent left no Will and was survived by the following spouse (if any) and heirs (attach additional sheets, if necessary):

Table with 3 columns: Name, Relationship, Address

Oath of Personal Representative

Official Use Only

COMMONWEALTH OF PENNSYLVANIA }
} SS:
COUNTY OF _____ }

Table with 2 columns: Petitioner(s) Printed Name, Petitioner(s) Printed Address

The Petitioner(s) above-named swear(s) or affirm(s) the statements in the foregoing Petition are true and correct to the best of the knowledge and belief of Petitioner(s) and that, as Personal Representative(s) of the Decedent, the Petitioner(s) will well and truly administer the estate according to law.

Sworn to or affirmed and subscribed before _____ Date _____
me this ____ day of _____, _____ Date _____
By: _____ Date _____
For the Register _____ Date _____

BOND Required: [] YES [] NO
FEES:

Letters \$ _____
() Short Certificate(s)..... _____
() Renunciation(s)..... _____
() Codicil(s)..... _____
() Affidavit(s)..... _____
Bond..... _____
Commission..... _____
Other _____
Automation Fee..... _____
JCS Fee..... _____
TOTAL..... \$ 0.00

To the Register of Wills:
Please enter my appearance by my signature below:

Attorney Signature:
Printed Name:
Supreme Court
ID Number:
Firm Name:
Address:
Phone:
Fax:
Email:

DECREE OF THE REGISTER

Estate of _____ File No: _____
a/k/a: _____

AND NOW, _____, _____, in consideration of the foregoing Petition,
satisfactory proof having been presented before me, IT IS DECREED that Letters _____
are hereby granted to _____ in the above estate and (if applicable) that
the instrument(s) dated _____
described in the Petition be admitted to probate and filed of record as the last Will (and Codicil(s)) of Decedent.

Register of Wills

IMPORTANT NOTICE

**NOTICE OF ESTATE ADMINISTRATION
PURSUANT TO Pa.R.O.C.P.10.5**

THIS NOTICE DOES NOT MEAN THAT YOU WILL RECEIVE ANY
MONEY OR PROPERTY FROM THIS ESTATE OR OTHERWISE

*Whether you will receive any money or property will be determined wholly or partly
by the decedent's will. If the decedent died without a will, whether you will receive
any money or property will be determined by the intestacy laws of Pennsylvania.*

BEFORE THE REGISTER OF WILLS.

IN RE: ESTATE OF _____, Deceased
File Number _____

TO: _____ (Addressee)
_____ (Address)

Please take notice of the death of the Decedent and the grant of Letters to the personal representative(s) named
below. The Decedent died on _____, a resident of _____.

The Decedent died: testate (with a Will) or intestate (without a Will).

You are receiving this notice because you may have a beneficial interest in the estate.

The name(s), address(es), and telephone number(s) of all personal representatives appointed are:

NAME	ADDRESS	TELEPHONE
_____	_____	_____
_____	_____	_____

If the Decedent died testate, the Will has been filed with the Office of the Register of Wills of _____
If the Decedent died intestate, a Petition for the Grant of Letters of Administration was filed with the Office of the Register
of Wills of _____.

The Register of Wills address is _____,
and telephone number is _____.

A copy of the Will or Petition may be obtained by contacting the Register of Wills and paying the charges for duplication.
Date _____ Capacity: Personal Representative Counsel

Corporate Fiduciary (if applicable)

Name of Corporate Fiduciary

Name of Person

Name of Representative and Title

Address

Address

Telephone

Telephone

Email

Email

Signature of Person

Signature of Officer/Representative

Form RW-07 rev. xx/xx/xxxx

PUBLICATION REPORT

Proposed Rescission and Replacement of Register of Wills Forms RW-02 and RW-07

The Orphans' Court Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the rescission and replacement of Register of Wills Forms RW-02 (Petition for Grant of Letters) and RW-07 (Notice of Estate Administration). This proposal would update the two forms to better reflect underlying statutory requirements, enhance clarity, and achieve consistent formatting.

Form RW-02 (Petition for Grant of Letters)

The Committee received correspondence suggesting the revision of form RW-02. The correspondent perceived that paragraph A of the form pertaining to exceptions reflected an inaccurate interpretation of the law. Paragraph A currently provides:

Except as follows: after the execution of the instrument(s) offered for probate Decedent did not marry, was not divorced, was not a party to a pending divorce proceeding wherein the grounds for divorce had been established as defined in 23 Pa.C.S. § 3323(g), and did not have a child born or adopted; and Decedent was neither the victim of a killing nor ever adjudicated an incapacitated person.

This language was added to the form in 2011 in response to Act 85 of 2010, which, among other things, amended 20 Pa.C.S. §§ 2106 and 2507 to add pending divorce actions as exclusionary circumstances from taking the spousal share or inheriting under a will absent clear language in the will that the decedent intended the bequest to survive the divorce. The Committee found that, as drafted, current paragraph A suggests that incapacity of the decedent need only be reported if it was adjudicated after the execution of the will. Therefore, the Committee drafted revisions to paragraph A intended to clarify the need to report incapacity or murder of the decedent regardless of temporal relation to execution of the will.

During its discussions, the Committee also discussed whether it would be helpful to include a checkbox on the Petition for Grant of Letters to indicate that the estate is being opened for litigation purposes only, particularly when the estate has no assets or the assets are unknown. A similar checkbox currently appears on the Pennsylvania Department of Revenue Estate Information Sheet, Form REV-346. The Committee believed adding the checkbox would have the benefit of making the Register of Wills aware that an inventory is not likely to be filed in the case of an estate without assets.

Form RW-07 (Notice of Estate Administration)

The Committee also received a request to examine Form RW-07, specifically the requirement for the person completing the form to identify the recipient's potential beneficial interest in the estate. Currently, the form provides "You [*i.e.*, the recipient] may have a beneficial interest in the estate as follows: _____." The correspondent found the language potentially confusing to recipients of the form in light of the disclaimer that "This Notice does not mean that you will receive money or property from the estate or otherwise". Further, while the writer did not find completing the form problematic when the relationship between the decedent and the beneficiary is readily apparent, there are occasional circumstances when relationships and, thus, the beneficial interests, are more difficult to discern. There is also a concern that beneficial interests could change during the period of

estate administration, *e.g.*, when a beneficiary disclaims. Finally, the correspondent queried whether identifying a potential beneficial interest could be considered legal advice to a non-client or invite a conflict with a client's interests.

The Committee believes the intent of Form RW-07 is to advise every person who could have an interest in the estate that one has been opened, who is the personal representative, and how to obtain a copy of the will or petition for grant of letters. This information enables the notice recipient to take steps to identify and secure his or her potential beneficial interest. The Committee agreed that the recipient of the notice should decide if he or she wants to investigate the potential beneficial interest, rather than being informed what the sender thinks the interest is. The Committee agreed it would be helpful to change the wording on the Notice to: "You are receiving this notice because you may have a beneficial interest in the estate." This change means that the recipient will learn an estate has been opened and not the exact nature of the potential interest.

The Committee proposes other stylistic changes to the notice, such as updating a citation, adding blank lines so the form has a consistent appearance, and changing a reference from "beneficiary" to "addressee."

* * * * *

The Committee invites all comments, concerns, and suggestions regarding this proposal.

[Pa.B. Doc. No. 23-1586. Filed for public inspection November 17, 2023, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CHS. 1 AND 6]

Order Amending Rules 101 and 600 of the Pennsylvania Rules of Criminal Procedure; No. 549 Criminal Procedural Rules Docket

Order

Per Curiam

And Now, this 3rd day of November, 2023, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published for public comment at 51 Pa.B. 5532 (September 4, 2021):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 101 and 600 of the Pennsylvania Rules of Criminal Procedure are amended in the attached form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective January 1, 2024.

Additions to the rule are shown in bold and are underlined.

Deletions from the rule are shown in bold and brackets.

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 1. SCOPE OF RULES, CONSTRUCTION AND DEFINITIONS, LOCAL RULES

Rule 101. Purpose, **Application**, and Construction **of Rules**.

[(A)] **(a) Purpose.** These rules are intended to provide for the just determination of every criminal proceeding.

[(B)] **(b) Application.** These rules shall be [construed] **applied** to secure simplicity in procedure, fairness in administration, and the elimination of unjustifiable expense and delay.

[(C)] **(c) Construction.** [To the extent practicable, these rules shall be construed in consonance with the rules of statutory construction.] **In the construction of the Pennsylvania Rules of Criminal Procedure, the principles set forth in Pa.R.J.A. 104 to 115 shall be observed.**

Comment:

These rules were adopted under the Act of July 11, 1957, P.L. 819, 17 P.S. § 2084 (Supp.), which was repealed by JARA, 42 P.S. § 20002(a), and replaced by 42 Pa.C.S. § 1722(a)(1).

[**Official Note:** Rule 2 adopted June 30, 1964, effective January 1, 1965; renumbered Rule 101 and amended March 1, 2000, effective April 1, 2001.

Committee Explanatory Reports:

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).]

CHAPTER 6. TRIAL PROCEDURES IN COURT CASES

PART A. General Provisions

Rule 600. Prompt Trial.

* * * * *

Comment:

* * * * *

When calculating the number of days set forth herein, see [the Statutory Construction Act, 1 Pa.C.S. § 1908] **Pa.R.J.A. 107.**

* * * * *

[**Official Note:** Rule 1100 adopted June 8, 1973, effective prospectively as set forth in paragraphs (A)(1) and (A)(2) of this rule; paragraph (E) amended December 9, 1974, effective immediately; paragraph (E) re-amended June 28, 1976, effective July 1, 1976; amended October 22, 1981, effective January 1, 1982. (The amendment to paragraph (C)(3)(b) excluding defense-requested continuances was specifically made effective as to continuances requested on or after January 1, 1982.) Amended December 31, 1987, effective immediately; amended September 30, 1988, effective immediately; amended September 3, 1993, effective January 1, 1994; Comment revised September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; the April 1, 1996 effective date extended to July 1, 1996; renumbered Rule 600 and amended March 1, 2000, effective April 1, 2001; Comment revised April 20, 2000, effective July 1, 2000; rescinded October 1, 2012, effective July 1, 2013. New Rule 600 adopted October 1, 2012, effective July 1, 2013.

Committee Explanatory Reports:

Report explaining the September 3, 1993 amendments published with the Court's Order at 23 Pa.B. 4492 (September 25, 1993).

Final Report explaining the September 13, 1995 Comment revision published with Court's Order at 25 Pa.B. 4116 (September 30, 1995).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

Final Report explaining the April 20, 2000 Comment revision concerning Commonwealth v. Hill and Commonwealth v. Cornell published with the Court's Order at 30 Pa.B. 2219 (May 6, 2000).

Final Report explaining the October 1, 2012 rescission of current Rule 600 and the provisions of new Rule 600 published with the Court's Order at 42 Pa.B. 6629 (October 20, 2012).]

**SUPREME COURT OF PENNSYLVANIA
APPELLATE COURT PROCEDURAL RULES
COMMITTEE**

**COMMITTEE ON RULES OF EVIDENCE
CIVIL PROCEDURAL RULES COMMITTEE
ORPHANS' COURT PROCEDURAL RULES
COMMITTEE**

**CRIMINAL PROCEDURAL RULES COMMITTEE
JUVENILE COURT PROCEDURAL RULES
COMMITTEE**

MINOR COURT RULES COMMITTEE

ADOPTION REPORT

Adoption of Pa.R.J.A. 104—115; Rescission of Pa.R.Civ.P. 101—104, 106—108, and 127—153; Amendment of Pa.R.Civ.P. 126, 237.1, 1007.1, 1020, 1601, and 2225, Pa.R.O.C.P. 1.2, Pa.R.Crim.P. 101 and 600, Pa.R.J.C.P. 101 and 1101, Pa.R.A.P. 105, 107, and 903, Pa.R.Civ.P.M.D.J. 204, and Pa.R.E. 101, 102, and 103

On November 3, 2023, the Supreme Court approved the extraction of rules of construction from the Pennsylvania Rules of Civil Procedure and their placement in the Pennsylvania Rules of Judicial Administration through the rescission of Pennsylvania Rules of Civil Procedure 101—104, 106—108, and 127—153, amendment of Pennsylvania Rules of Civil Procedure 126, 237.1, 1007.1, 1020, 1601, and 2225, and the adoption of Pennsylvania Rules of Judicial Administration 104—115. The Court also amended Pennsylvania Rule of Orphans' Court Procedure 1.2, Pennsylvania Rules of Criminal Procedure 101 and 600, Pennsylvania Rules of Juvenile Court Procedure 101 and 1101, Pennsylvania Rules of Appellate Procedure 105, 107, and 903, Pennsylvania Rule of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges 204, and Pennsylvania Rules of Evidence 101, 102, and 103 to establish and reference the rules of construction for the Court's procedural and evidentiary bodies of rules. The Rules Committees have prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. See Pa.R.J.A. 103, cmt. The statements contained herein are those of the Rules Committees, not the Court.

Background

Procedural rules adopted by the Supreme Court have the force of statute. *See, e.g., Dombrowski v. City of Philadelphia*, 245 A.2d 238, 241 n.4 (Pa. 1968). Procedural rules, like statutes, may be subject to interpretation based upon their language and the circumstances in which they apply. To guide the interpretation of rules, courts have relied upon rules of construction used for the interpretation of statutes. *See* 1 Pa.C.S. §§ 1901—1957; *see also, e.g., Commonwealth v. McClelland*, 233 A.3d 717 (Pa. 2020) (interpreting Pa.R.Crim.P.); *Commonwealth v.*

Wardlaw, 249 A.3d 937 (Pa. 2021) (interpreting Pa.R.A.P.).

In 1939, rules of construction were added to the Pennsylvania Rules of Civil Procedure based largely on language contained in sections of the Statutory Construction Act of May 28, 1937, P.L. 1019, with modification to reflect their intended application to rules of court. Over time, the Statutory Construction Act, as well as the procedural rules of construction, have been amended to their present form:

Subject	1937 Statute	1939 Rule	Present Statute	Present Rule
Title/Citation	—		—	Pa.R.Civ.P. 51
Effective Date	—	Pa.R.Civ.P. 51	—	Pa.R.Civ.P. 52
Definitions	46 P.S. § 601	Pa.R.Civ.P. 76	1 Pa.C.S. § 1991	Pa.R.Civ.P. 76
Principles	46 P.S. § 531	Pa.R.Civ.P. 101	1 Pa.C.S. § 1901	Pa.R.Civ.P. 101
Number/Tense	46 P.S. § 532	Pa.R.Civ.P. 102	1 Pa.C.S. § 1902	Pa.R.Civ.P. 102
Words/Phrases	46 P.S. § 533	Pa.R.Civ.P. 103	1 Pa.C.S. § 1903	Pa.R.Civ.P. 103
Numerals	46 P.S. § 534	Pa.R.Civ.P. 104	1 Pa.C.S. § 1904	Pa.R.Civ.P. 104
Bonds	46 P.S. § 536	Pa.R.Civ.P. 105	1 Pa.C.S. § 1906	Pa.R.Civ.P. 105
Comp Time	46 P.S. § 538	Pa.R.Civ.P. 106	1 Pa.C.S. § 1908	Pa.R.Civ.P. 106
Time—Weeks	46 P.S. § 539	Pa.R.Civ.P. 107	1 Pa.C.S. § 1909	Pa.R.Civ.P. 107
Time—Months	46 P.S. § 540	Pa.R.Civ.P. 108	1 Pa.C.S. § 1910	Pa.R.Civ.P. 108
Liberal Con	—	Pa.R.Civ.P. 126	—	Pa.R.Civ.P. 126
Court Intent	46 P.S. § 551	Pa.R.Civ.P. 127	1 Pa.C.S. § 1921	Pa.R.Civ.P. 127
Presumptions	46 P.S. § 552	Pa.R.Civ.P. 128	1 Pa.C.S. § 1922	Pa.R.Civ.P. 128
Grammar	46 P.S. § 553	Pa.R.Civ.P. 129	1 Pa.C.S. § 1923	—
Titles	46 P.S. § 554	Pa.R.Civ.P. 130	1 Pa.C.S. § 1924	Pa.R.Civ.P. 129
Common Law	46 P.S. § 558	Pa.R.Civ.P. 131	1 Pa.C.S. § 1928	Pa.R.Civ.P. 130
Pari Materia	46 P.S. § 562	Pa.R.Civ.P. 132	1 Pa.C.S. § 1932	Pa.R.Civ.P. 131
Inconsistent	—	—	—	Pa.R.Civ.P. 133
Controls	46 P.S. § 563	Pa.R.Civ.P. 133	1 Pa.C.S. § 1933	Pa.R.Civ.P. 132
Eff Date Amd	—	Pa.R.Civ.P. 151	—	Pa.R.Civ.P. 52
Amendatory	46 P.S. § 573	Pa.R.Civ.P. 152	1 Pa.C.S. § 1953	Pa.R.Civ.P. 152
Merger	46 P.S. § 574	Pa.R.Civ.P. 153	1 Pa.C.S. § 1954	Pa.R.Civ.P. 153

These rules of construction have guided the interpretation of the Rules of Civil Procedure. *See, e.g., Bruno v. Erie Ins. Co.*, 106 A.3d 48 (Pa. 2014); *Terra Technical Services, LLC v. River Station Land, L.P.*, 124 A.3d 289 (Pa. 2015).

Many of the other bodies of rules have rules of construction of varying degree. The Rules of Criminal Procedure, Rules of Juvenile Court Procedure, and Rules of Appellate Procedure simply reference the “rules of statutory construction” and address the consequence of procedural defect. The Rules of Orphans’ Court Procedure incorporate by reference Pa.R.Civ.P. 102—153 but exclude Pa.R.Civ.P. 126.

The Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges do not reference rules of construction but do contain rules based upon Pa.R.Civ.P. 106 and 108 for the computation of time. While users in this non-record forum may infrequently consult rules of construction, that does not eliminate the

possibility of ambiguity arising from the application of procedural rules in ever-changing circumstances.

The Rules of Evidence do not reference rules of construction, relying instead on Pa.R.E. 102 (“These rules should be construed so as to administer every proceeding fairly, eliminate unjustifiable expense and delay, and promote the development of evidence law, to the end of ascertaining the truth and securing a just determination.”) to guide the construction of the rules. Thus, the incorporation of rules of construction within the Rules of Evidence would be a new concept that does not appear in the Federal Rules of Evidence.

Evidentiary rules are not limited to the Rules of Evidence; there is a rich source of evidentiary rules contained in statutes. *See, e.g.,* 42 Pa.C.S. §§ 6101—6160; 42 Pa.C.S. § 5985.1, § 5986, and § 5993. Those statutory-based evidentiary rules are subject to the rules of statutory construction set forth in Title 1 of Pennsylvania’s Consolidated Statutes. Therefore, it would be consis-

tent that rule-based evidentiary rules be subject to similar rules of construction. Additionally, the Court has previously applied the rules of statutory construction to a rule of evidence found in the Pennsylvania Rules of Criminal Procedure. See *Commonwealth v. McClelland*, 233 A.3d 717, 734 (Pa. 2020) (discussing Pa.R.Crim.P. 542(E) and the admissibility of hearsay evidence at a preliminary hearing). This application is informative insofar as the Court has used rules of construction to guide the interpretation of a rule of evidence notwithstanding that the rule was not located in the Rules of Evidence.

To provide for uniform rules of construction for all procedural and evidentiary bodies of rules, the detailed rules of construction were removed from the Rules of Civil Procedure, revised if merited, and relocated to the Rules of Judicial Administration to immediately follow the rules governing the rulemaking process. Having one set of rules of construction for all bodies of rules will permit readers to understand their application across all rules rather than a particular body of rules. Further, replicating the same rules of construction within each body of rules seemed unnecessarily duplicative and may invite inconsistency in the application of identically worded rules. Therefore, any rules of construction organic to a body of rules have been removed with each body of rules thereafter containing a reference to the Rules of Judicial Administration concerning the rules of construction. Additionally, insofar as practicable, the title to the rule within each body of rules referencing the Rules of Judicial Administration includes the term “Construction” as a common signal.

However, not every rule of construction found in the Rules of Civil Procedure has been relocated to the Rules of Judicial Administration. Pa.R.Civ.P. 105 concerning bonds would remain in the Pennsylvania Rules of Civil Procedure because that rule is specific to civil proceedings. Application of that guidance to other bodies of rules may unintentionally conflict with existing provisions. See, e.g., Pa.R.Crim.P. 525 (bail bond).

Pa.R.Civ.P. 104 concerning Roman numerals and Arabic numerals being deemed parts of the English language has been omitted from the newly established rules of construction. Such an anachronistic provision appeared unnecessary for the modern construction of judicial rules. There is a dearth of Pennsylvania cases litigating the meaning of numerals within the rules based simply on the fact that they are expressed as numbers rather than stated in English, e.g., “VII” v. “7” v. “seven.” While that may owe to the existence of Pa.R.Civ.P. 104 and 1 Pa.C.S. § 1904, it is submitted that any ambiguity may be resolved by the context in which the numerals are used and not whether numerals are or are not part of the English language. For example, “1/2” can be an expression of a mathematical operation or a date, which may be an ambiguity resolved by examining its context, but its existence cannot be ignored because Arabic numbers were used. The rejected need for such a rule is exemplified by the discontinued use of the *numero* sign, i.e., “No.” in the citation of the rules.

Consideration was given to whether the rules of construction should be further modified to improve readability and applicability to rules, as opposed to statutes. As observed, the Rules of Civil Procedure’s rules of construction were largely based on the rules of statutory construction. Therefore, there was merit in preserving the operative text to the extent it was feasible. This approach allows the application of the statutory rules of construction to inform the application of the judicial rules of

construction given that both are similarly worded. Further, this maintains consistency with prior Court interpretations of rules citing the statutory rules of construction. Additionally, this consistency reduces the complexity for the reader to understand and employ two different rules of construction. Notwithstanding the goal of maintaining existing language, there were some aspects of the rules of construction that were revised to clarify their application.

A proposal was published for comment, see 51 Pa.B. 5532 (September 4, 2021). A commenter supporting the proposal suggested that a provision similar to Pa.R.Civ.P. 126 be added to the proposed rules of construction. That rule states:

The rules shall be liberally construed to secure the just, speedy and inexpensive determination of every action or proceeding to which they are applicable. The court at every stage of any such action or proceeding may disregard any error or defect of procedure which does not affect the substantial rights of the parties.

Pa.R.Civ.P. 126. A similar provision is contained in Pa.R.O.C.P. 1.2(a).¹

The Pennsylvania Rules of Juvenile Court Procedure contain a provision similar to the first sentence of Pa.R.Civ.P. 126, see Pa.R.J.C.P. 101(A)-(B); 1101(A)-(B), as do the Pennsylvania Rules of Criminal Procedure, see Pa.R.Crim.P. 101(A)-(B), as do the Pennsylvania Rules of Evidence, see Pa.R.E. 102 (“These rules should be construed so as to administer every proceeding fairly, eliminate unjustifiable expense and delay, and promote the development of evidence law, to the end of ascertaining the truth and securing a just determination.”). Similarly, the Pennsylvania Rules of Appellate Procedure contain a “just, speedy, and inexpensive” provision. See Pa.R.A.P. 105(a). There is no analogue to Pa.R.Civ.P. 126 in the Pennsylvania Rules of Civil Procedure Before Magisterial District Judges.²

The first sentence of Pa.R.Civ.P. 126, and similar provisions in the other bodies of rules, will aid the construction of the rules. Pa.R.J.A. 109 sets forth the presumptions in ascertaining the Supreme Court’s intention in the adoption or amendment of a rule. That rule has been revised to set forth the following in subdivision (b): “The Supreme Court intends a rule to be construed to secure the just, speedy, and inexpensive determination of every action or proceeding to which it is applicable.” This presumption is only one of several presumptions in ascertaining intent. For example, the presumption of a “just, speedy, and inexpensive determination” must be balanced by the presumptions that the Court did not intend to violate the United States or Pennsylvania Constitutions.

Omitted from this presumption is any mention of “strict” or “liberal” because using those adjectives to describe the manner of construction may displace the very purpose of the other rules of construction or create an internal inconsistency within the rules of construction. Those adjectives are more appropriate for application of the rules, not their construction.

¹ Similar provisions exist in the federal rules. See, e.g., Fed.R.Civ.P. 1 (“They should be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding.”); Fed.R.Crim.P. 2 (“These rules are to be interpreted to provide for the just determination of every criminal proceeding, to secure simplicity in procedure and fairness in administration, and to eliminate unjustifiable expense and delay.”).

² The absence of such a provision is likely due to factors including court-driven scheduling, court-directed service, jurisdictional limits, lack of discovery, non-record proceedings, and ability for a *de novo* appeal, which contribute to timely and efficient proceedings notwithstanding a provision.

Concomitantly with the post-publication revision of Pa.R.J.A. 109 to add the language similar to the first sentence of Pa.R.Civ.P. 126 for the construction of rules, the existing “just, speedy, and inexpensive” provisions within the Rules of Civil Procedure, Rules of Orphans’ Court Procedure, Rules of Criminal Procedure, Rules of Juvenile Court Procedure, Rules of Appellate Procedure, and Rules of Evidence have been retained with clarification that those provisions are to be used when *applying* the rules.

The second sentence of Pa.R.Civ.P. 126 informs the reader how the rules should be *applied* in light of procedural non-compliance: “The court at every stage of any such action or proceeding may disregard any error or defect of procedure which does not affect the substantial rights of the parties.” *See also Womer v. Hilliker*, 908 A.2d 269, 276 (Pa. 2006) (“[W]e incorporated equitable considerations in the form of a doctrine of substantial compliance into Rule 126, giving the trial courts the latitude to overlook any ‘procedural defect’ that does not prejudice a party’s rights.”). This authority can be used to determine whether “near misses” may result in procedural default. *See, e.g., Deek Investment, L.P. v. Murray*, 157 A.3d 491, 494 (Pa. Super. 2017).

A rule governing the application of the rules was not included as part of the rules of construction. The rules of construction are intended for the interpretation of ambiguous rules. *See also Bruno v. Erie Ins. Co.*, 106 A.3d 48, 74 n.21 (Pa. 2014) (noting there is no need to resort to rules of construction when the language of rule is unambiguous). Rules like the second sentence of Pa.R.Civ.P. 126 guide the *application* of the rules regardless of the presence of ambiguity. Further, there is a varied practice based upon rule and case law concerning what type of error may be disregarded or result in procedural default. Hence, the authority of certain courts to disregard procedural errors and defects remains within the individual bodies of rules where those provisions currently exist.

Further revisions to the procedural and evidentiary bodies of rules include:

- Retitling Pa.R.Civ.P. 126 as “Application and Construction of Rules”; adding titles to the subdivisions; replacing “construed” with “applied” in subdivision (a); changing “substantial” to “substantive”; and updating the disposition table in the Comment.

- Retitling Pa.R.O.C.P. 1.2 as “Purpose, Application, and Construction of Rules”; adding titles to the subdivisions; and moving the operative language from subdivision (a) to subdivision (b), including the replacement of “construed” with “applied.”

- Retitling Pa.R.Crim.P. 101 as “Purpose, Application, and Construction of Rules”; adding titles to the subdivisions; and replacing “construed” with “applied” in subdivision (b).

- Retitling Pa.R.J.C.P. 101 and 1101 as “Purpose, Application, and Construction of Rules”; adding titles to the subdivisions; merging subdivision (c) into subdivision (a); renumbering subdivision (D) as subdivision (c); and replacing “construed” with “applied” in subdivision (b).

- Retitling Pa.R.A.P. 105 as “Application of Rules and Enlargement of Time”; retitling subdivision (a); and replacing “construed” with “applied” in subdivision (a).

- Retitling Pa.R.E. 102 as “Application of Rules”; and replacing “construed” with “applied.”

- Corollary revisions have been made to Pa.R.Civ.P. 237.1(a)(2), 1007.1, 1020, 1601, and 2225, Pa.R.Crim.P. 600, cmt., Pa.R.A.P. 107 and 903, Pa.R.Civ.P.M.D.J. 204, and Pa.R.E. 101 and 103.

The current rules of construction have been removed from Pa.R.Civ.P. 101—104, 106—108, and 127—153, and are now located in Pa.R.J.A. 104—115. Differences between the two bodies of rules as they relate to this rulemaking include:

Pa.R.J.A. 104. Principles of Interpretation.—Formerly Pa.R.Civ.P. 101

The title has been revised from “Principles of Interpretation” to “Principles of Construction” to reflect existing rule text. Additionally, “any rule” has been revised to specify that the rules of construction are only intended to apply to procedural or evidentiary rules adopted by the Court. Other rules adopted by the Court and rules adopted by other authorities may be subject to construction, but these rules are not mandated in their construction.

Pa.R.J.A. 105. Number. Tense.—Formerly Pa.R.Civ.P. 102

No revisions were made to the existing language. This rule differs from 1 Pa.C.S. § 1902 insofar as the provision regarding gender was removed from Pa.R.Civ.P. 102 in rulemaking dated April 12, 1999.

Pa.R.J.A. 106. Words and Phrases.—Formerly Pa.R.Civ.P. 103

A Comment has been added to the rule.

Pa.R.J.A. 107. Computation of Time.—Formerly Pa.R.Civ.P. 106, 107, and 108

This rule is a consolidation of Pa.R.Civ.P. 106—108 and reflects the Court’s prior use of 1 Pa.C.S. § 1908 for the computation of time. *See, e.g., City of Philadelphia v. F.A. Realty Investors Corp.*, 256 A.3d 429 (Pa. 2021) (granting petition for allowance of appeal, vacating the intermediate appellate court’s order, and remanding for further proceedings after concluding petitioners filed a timely Pa.R.A.P. 1925(b) statement, citing 1 Pa.C.S. § 1908). The text of Pa.R.Civ.P.M.D.J. 203, which is largely reiterative of Pa.R.J.A. 107(a)-(b), (d), was retained in that body of rules so that unrepresented parties are not required to consult another body of rules for the computation of time.

Pa.R.J.A. 108. Construction of Rules. Intent of Supreme Court Controls.—Formerly Pa.R.Civ.P. 127

Some of the factors that may be considered in determining the intention of the Supreme Court have been replaced to include specific sources of information germane to rulemaking. From these sources, the reader can understand the Supreme Court’s intent. A Comment has also been added to assist the reader and reference limits placed on certain sources.

The factors contained in Pa.R.Civ.P. 127 that were retained include: 1) the contemporaneous history of the rule, *i.e.*, “rulemaking history”; 2) the practice followed under the rule; and 3) the consequences of a particular interpretation. Factors added are: 1) the Court’s precedent; and 2) commentary accompanying the rule. These new factors are based upon *Touloumes v. E.S.C.*, 899 A.2d 343, 348 (Pa. 2006) (relying upon prior Court opinions involving same rule for purposes of construction), and Pa.R.J.A. 103, Comment (“Effective October 1, 2021, “rule” includes the rule text and any accompanying commentary such as a note or comment. Such commentary, while not binding, may be used to construe or apply the rule text.”).

The factors removed were: 1) the occasion and necessity for the rule; 2) the circumstances under which it was promulgated; 3) the mischief to be remedied; and 4) the object to be attained. These factors require the reader to consider “why” the rule exists, which is subsumed within the “rulemaking history” and discussed within the Comment to Pa.R.J.A. 108. *See also* Pa.R.J.A. 103(a)(1) (requiring Rules Committees to include a publication report containing the rationale for proposed rulemaking); *Touloumes, supra* (relying upon Committee reports for purposes of construction).

To retain these specific factors suggests to the reader that any source describing “why” a rule exists may be indicative of the Supreme Court’s intent. This raises a concern that sources outside of the rulemaking process may be relied upon, including periodicals, journals, trade publications, interviews, and newspapers. There is no assurance that these other sources are trustworthy, reliable, accurate, and not self-serving. Instead, the reader is directed to “the rulemaking history” within Pa.R.J.A. 108 with the Comment referencing Pa.R.J.A. 103 and Rules Committees’ reports. *See also* *Laudenberger v. Port Auth. of Allegheny Cty.*, 436 A.2d 147, 151 (Pa. 1981) (the Supreme Court stating that such reports “indicate the spirit and motivation behind the drafting of the rule, and they serve as guidelines for understanding the purpose for which the rule was drafted”).

Post-publication, the current factor of “the prior practice, if any, including other rules and Acts of Assembly upon the same or similar subjects” was retained as subdivision (c)(7). The prior practice, especially if giving rise to subsequent rulemaking, may inform the construction of the present rule.

Rule 109. Presumptions in Ascertaining the Intent of the Supreme Court.—Formerly Pa.R.Civ.P. 128

Stylistic revisions have been made, but the substance of Pa.R.Civ.P. 128 is preserved.

Rule 110. Titles, Conditions, Exceptions, and Headings.—Formerly Pa.R.Civ.P. 129

The term “provisos” has been replaced with “conditions” to reflect current rulemaking terminology. Additionally, reference to “use of notes and explanatory comments” has been removed from the title and rule. That reference can now be found at Pa.R.J.A. 108(c)(2) as “commentary.”

Rule 111. Rules in Derogation of the Common Law.—Formerly Pa.R.Civ.P. 130

No revisions were made to the existing language.

Rule 112. Rules *In Pari Materia*.—Formerly Pa.R.Civ.P. 131

Post-publication, language was inserted into the rule to limit the application of the *in pari materia* concept to the single body of rules being interpreted.

Rule 113. Particular Controls General.—Formerly Pa.R.Civ.P. 132

No revisions were made to the existing language.

Rule 114. Construction of Rule Amendments.—Formerly Pa.R.Civ.P. 152 & 153

This rule consolidates former Pa.R.Civ.P. 152 (Construction of Amendatory Rules) and 153 (Merger of Subsequent Amendments) as separate subdivisions. Subdivision (a) was added to describe the significance of textual indicators when reading amended rule text.

Rule 115. Procedures Inconsistent with Rules.—Formerly Pa.R.Civ.P. 133

Pa.R.J.A. 115 is intended to assist the reader in the construction of statewide procedural rules when there may be conflicting statutory procedures or local rules of procedure. Notably, the rule references “procedures,” which is intended to exclude substantive rules of evidence that may be enacted by statute. *See* *Commonwealth v. Olivo*, 127 A.3d 769, 780 (Pa. 2015) (concluding the statutory rule of evidence does not violate the Supreme Court’s authority over procedural rules). It should also be noted that some bodies of rules have savings clauses for statutory procedures. *See, e.g.*, Pa.R.Civ.P. 1910.45; Pa.R.A.P. 5102. This rule would not displace the operation of those statutory procedures because they would not be “inconsistent” with the rules; rather, they are “saved” by the rules.

Post-publication, the original text from Pa.R.Civ.P. 133 (“All laws shall be suspended to the extent that they are inconsistent with rules prescribed under the Constitution of 1968.”) was retained and incorporated into this rule.

* * * * *

This rulemaking becomes effective January 1, 2024.

[Pa.B. Doc. No. 23-1587. Filed for public inspection November 17, 2023, 9:00 a.m.]

Title 237—JUVENILE RULES

PART I. RULES

[237 PA. CODE CHS. 1 AND 11]

Order Amending Rules 101 and 1101 of the Pennsylvania Rules of Juvenile Court Procedure; No. 965 Supreme Court Rules Docket

Order

Per Curiam

And Now, this 3rd day of November, 2023, upon the recommendation of the Juvenile Court Procedural Rules Committee, the proposal having been published for public comment at 51 Pa.B. 5532 (September 4, 2021):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pennsylvania Rules of Juvenile Court Procedure 101 and 1101 are amended in the attached form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective on January 1, 2024.

Additions to the rule are shown in bold and are underlined.

Deletions from the rule are shown in bold and brackets.

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart A. DELINQUENCY MATTERS

CHAPTER 1. GENERAL PROVISIONS

Rule 101. Purpose, **Application**, and Construction of **Rules**.

[(A)] (a) **Purpose**. These rules are intended to provide for the just determination of every delinquency

proceeding **and effectuate the purposes stated in the Juvenile Act, 42 Pa.C.S. § 6301(b).**

[(B)] (b) **Application.** These rules establish uniform practice and procedure for courts exercising jurisdiction as provided in the Juvenile Act, 42 Pa.C.S. §§ 6301 *et seq.*, and shall be [**construed**] **applied** to secure uniformity and simplicity in procedure, fairness in administration, and the elimination of unjustifiable expense and delay.

[(C)] These rules shall be interpreted and construed to effectuate the purposes stated in the Juvenile Act, 42 Pa.C.S. § 6301(b).

(D) To the extent practicable, these rules shall be construed in consonance with the rules of statutory construction.]

(c) **Construction.** In the construction of the Pennsylvania Rules of Juvenile Court Procedure, the principles set forth in Pa.R.J.A. 104 to 115 shall be observed.

[*Official Note:* Rule 101 adopted April 1, 2005, effective October 1, 2005.]

Subpart B. DEPENDENCY MATTERS

CHAPTER 11. GENERAL PROVISIONS

Rule 1101. Purpose, **Application**, and Construction of **Rules.**

[(A)] (a) **Purpose.** These rules are intended to provide for the just determination of every dependency proceeding **and effectuate the purposes stated in the Juvenile Act, 42 Pa.C.S. § 6301(b).**

[(B)] (b) **Application.** These rules establish uniform practice and procedure for courts exercising jurisdiction as provided in the Juvenile Act, 42 Pa.C.S. §§ 6301 *et seq.*, and shall be [**construed**] **applied** to secure uniformity and simplicity in procedure, fairness in administration, and the elimination of unjustifiable expense and delay.

[(C)] These rules shall be interpreted and construed to effectuate the purposes stated in the Juvenile Act, 42 Pa.C.S. § 6301(b).

(D) To the extent practicable, these rules shall be construed in consonance with the rules of statutory construction.]

(c) **Construction.** In the construction of Pennsylvania Rules of Juvenile Court Procedure, the principles set forth in Pa.R.J.A. 104 to 115 shall be observed.

[*Official Note:* Rule 1101 adopted August 21, 2006, effective February 1, 2007.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 1101 published with the Court's Order at 36 Pa.B. 5571 (September 2, 2006).]

SUPREME COURT OF PENNSYLVANIA APPELLATE COURT PROCEDURAL RULES COMMITTEE

COMMITTEE ON RULES OF EVIDENCE CIVIL PROCEDURAL RULES COMMITTEE ORPHANS' COURT PROCEDURAL RULES COMMITTEE

CRIMINAL PROCEDURAL RULES COMMITTEE JUVENILE COURT PROCEDURAL RULES COMMITTEE

MINOR COURT RULES COMMITTEE ADOPTION REPORT

Adoption of Pa.R.J.A. 104—115; Rescission of Pa.R.Civ.P. 101—104, 106—108, and 127—153; Amendment of Pa.R.Civ.P. 126, 237.1, 1007.1, 1020, 1601, and 2225, Pa.R.O.C.P. 1.2, Pa.R.Crim.P. 101 and 600, Pa.R.J.C.P. 101 and 1101, Pa.R.A.P. 105, 107, and 903, Pa.R.Civ.P.M.D.J. 204, and Pa.R.E. 101, 102, and 103

On November 3, 2023, the Supreme Court approved the extraction of rules of construction from the Pennsylvania Rules of Civil Procedure and their placement in the Pennsylvania Rules of Judicial Administration through the rescission of Pennsylvania Rules of Civil Procedure 101—104, 106—108, and 127—153, amendment of Pennsylvania Rules of Civil Procedure 126, 237.1, 1007.1, 1020, 1601, and 2225, and the adoption of Pennsylvania Rules of Judicial Administration 104—115. The Court also amended Pennsylvania Rule of Orphans' Court Procedure 1.2, Pennsylvania Rules of Criminal Procedure 101 and 600, Pennsylvania Rules of Juvenile Court Procedure 101 and 1101, Pennsylvania Rules of Appellate Procedure 105, 107, and 903, Pennsylvania Rule of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges 204, and Pennsylvania Rules of Evidence 101, 102, and 103 to establish and reference the rules of construction for the Court's procedural and evidentiary bodies of rules. The Rules Committees have prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. *See* Pa.R.J.A. 103, cmt. The statements contained herein are those of the Rules Committees, not the Court.

Background

Procedural rules adopted by the Supreme Court have the force of statute. *See, e.g., Dombrowski v. City of Philadelphia*, 245 A.2d 238, 241 n.4 (Pa. 1968). Procedural rules, like statutes, may be subject to interpretation based upon their language and the circumstances in which they apply. To guide the interpretation of rules, courts have relied upon rules of construction used for the interpretation of statutes. *See* 1 Pa.C.S. §§ 1901—1957; *see also, e.g., Commonwealth v. McClelland*, 233 A.3d 717 (Pa. 2020) (interpreting Pa.R.Crim.P.); *Commonwealth v. Wardlaw*, 249 A.3d 937 (Pa. 2021) (interpreting Pa.R.A.P.).

In 1939, rules of construction were added to the Pennsylvania Rules of Civil Procedure based largely on language contained in sections of the Statutory Construction Act of May 28, 1937, P.L. 1019, with modification to reflect their intended application to rules of court. Over time, the Statutory Construction Act, as well as the procedural rules of construction, have been amended to their present form:

Subject	1937 Statute	1939 Rule	Present Statute	Present Rule
Title/Citation	—		—	Pa.R.Civ.P. 51
Effective Date	—	Pa.R.Civ.P. 51	—	Pa.R.Civ.P. 52
Definitions	46 P.S. § 601	Pa.R.Civ.P. 76	1 Pa.C.S. § 1991	Pa.R.Civ.P. 76
Principles	46 P.S. § 531	Pa.R.Civ.P. 101	1 Pa.C.S. § 1901	Pa.R.Civ.P. 101
Number/Tense	46 P.S. § 532	Pa.R.Civ.P. 102	1 Pa.C.S. § 1902	Pa.R.Civ.P. 102
Words/Phrases	46 P.S. § 533	Pa.R.Civ.P. 103	1 Pa.C.S. § 1903	Pa.R.Civ.P. 103
Numerals	46 P.S. § 534	Pa.R.Civ.P. 104	1 Pa.C.S. § 1904	Pa.R.Civ.P. 104
Bonds	46 P.S. § 536	Pa.R.Civ.P. 105	1 Pa.C.S. § 1906	Pa.R.Civ.P. 105
Comp Time	46 P.S. § 538	Pa.R.Civ.P. 106	1 Pa.C.S. § 1908	Pa.R.Civ.P. 106
Time—Weeks	46 P.S. § 539	Pa.R.Civ.P. 107	1 Pa.C.S. § 1909	Pa.R.Civ.P. 107
Time—Months	46 P.S. § 540	Pa.R.Civ.P. 108	1 Pa.C.S. § 1910	Pa.R.Civ.P. 108
Liberal Con	—	Pa.R.Civ.P. 126	—	Pa.R.Civ.P. 126
Court Intent	46 P.S. § 551	Pa.R.Civ.P. 127	1 Pa.C.S. § 1921	Pa.R.Civ.P. 127
Presumptions	46 P.S. § 552	Pa.R.Civ.P. 128	1 Pa.C.S. § 1922	Pa.R.Civ.P. 128
Grammar	46 P.S. § 553	Pa.R.Civ.P. 129	1 Pa.C.S. § 1923	—
Titles	46 P.S. § 554	Pa.R.Civ.P. 130	1 Pa.C.S. § 1924	Pa.R.Civ.P. 129
Common Law	46 P.S. § 558	Pa.R.Civ.P. 131	1 Pa.C.S. § 1928	Pa.R.Civ.P. 130
Pari Materia	46 P.S. § 562	Pa.R.Civ.P. 132	1 Pa.C.S. § 1932	Pa.R.Civ.P. 131
Inconsistent	—	—	—	Pa.R.Civ.P. 133
Controls	46 P.S. § 563	Pa.R.Civ.P. 133	1 Pa.C.S. § 1933	Pa.R.Civ.P. 132
Eff Date Amd	—	Pa.R.Civ.P. 151	—	Pa.R.Civ.P. 52
Amendatory	46 P.S. § 573	Pa.R.Civ.P. 152	1 Pa.C.S. § 1953	Pa.R.Civ.P. 152
Merger	46 P.S. § 574	Pa.R.Civ.P. 153	1 Pa.C.S. § 1954	Pa.R.Civ.P. 153

These rules of construction have guided the interpretation of the Rules of Civil Procedure. *See, e.g., Bruno v. Erie Ins. Co.*, 106 A.3d 48 (Pa. 2014); *Terra Technical Services, LLC v. River Station Land, L.P.*, 124 A.3d 289 (Pa. 2015).

Many of the other bodies of rules have rules of construction of varying degree. The Rules of Criminal Procedure, Rules of Juvenile Court Procedure, and Rules of Appellate Procedure simply reference the “rules of statutory construction” and address the consequence of procedural defect. The Rules of Orphans’ Court Procedure incorporate by reference Pa.R.Civ.P. 102–153 but exclude Pa.R.Civ.P. 126.

The Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges do not reference rules of construction but do contain rules based upon Pa.R.Civ.P. 106 and 108 for the computation of time. While users in this non-record forum may infrequently consult rules of construction, that does not eliminate the possibility of ambiguity arising from the application of procedural rules in ever-changing circumstances.

The Rules of Evidence do not reference rules of construction, relying instead on Pa.R.E. 102 (“These rules should be construed so as to administer every proceeding fairly, eliminate unjustifiable expense and delay, and promote the development of evidence law, to the end of ascertaining the truth and securing a just determination.”) to guide the construction of the rules. Thus, the incorporation of rules of construction within the Rules of Evidence would be a new concept that does not appear in the Federal Rules of Evidence.

Evidentiary rules are not limited to the Rules of Evidence; there is a rich source of evidentiary rules contained in statutes. *See, e.g.,* 42 Pa.C.S. §§ 6101–6160; 42 Pa.C.S. § 5985.1, § 5986, and § 5993. Those statutory-based evidentiary rules are subject to the rules of statutory construction set forth in Title 1 of Pennsylvania’s Consolidated Statutes. Therefore, it would be consistent that rule-based evidentiary rules be subject to similar rules of construction. Additionally, the Court has previously applied the rules of statutory construction to a rule of evidence found in the Pennsylvania Rules of Criminal Procedure. *See Commonwealth v. McClelland*, 233 A.3d 717, 734 (Pa. 2020) (discussing Pa.R.Crim.P. 542(E) and the admissibility of hearsay evidence at a preliminary hearing). This application is informative insofar as the Court has used rules of construction to guide the interpretation of a rule of evidence notwithstanding that the rule was not located in the Rules of Evidence.

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Judicial Administration concerning the rules of construction. Additionally, insofar as practicable, the title to the rule within each body of rules referencing the Rules of Judicial Administration includes the term “Construction” as a common signal.

However, not every rule of construction found in the Rules of Civil Procedure has been relocated to the Rules of Judicial Administration. Pa.R.Civ.P. 105 concerning bonds would remain in the Pennsylvania Rules of Civil Procedure because that rule is specific to civil proceedings. Application of that guidance to other bodies of rules may unintentionally conflict with existing provisions. *See, e.g.*, Pa.R.Crim.P. 525 (bail bond).

Pa.R.Civ.P. 104 concerning Roman numerals and Arabic numerals being deemed parts of the English language has been omitted from the newly established rules of construction. Such an anachronistic provision appeared unnecessary for the modern construction of judicial rules. There is a dearth of Pennsylvania cases litigating the meaning of numerals within the rules based simply on the fact that they are expressed as numbers rather than stated in English, *e.g.*, “VII” v. “7” v. “seven.” While that may owe to the existence of Pa.R.Civ.P. 104 and 1 Pa.C.S. § 1904, it is submitted that any ambiguity may be resolved by the context in which the numerals are used and not whether numerals are or are not part of the English language. For example, “1/2” can be an expression of a mathematical operation or a date, which may be an ambiguity resolved by examining its context, but its existence cannot be ignored because Arabic numbers were used. The rejected need for such a rule is exemplified by the discontinued use of the *numero* sign, *i.e.*, “No.,” in the citation of the rules.

Consideration was given to whether the rules of construction should be further modified to improve readability and applicability to rules, as opposed to statutes. As observed, the Rules of Civil Procedure’s rules of construction were largely based on the rules of statutory construction. Therefore, there was merit in preserving the operative text to the extent it was feasible. This approach allows the application of the statutory rules of construction to inform the application of the judicial rules of construction given that both are similarly worded. Further, this maintains consistency with prior Court interpretations of rules citing the statutory rules of construction. Additionally, this consistency reduces the complexity for the reader to understand and employ two different rules of construction. Notwithstanding the goal of maintaining existing language, there were some aspects of the rules of construction that were revised to clarify their application.

A proposal was published for comment, see 51 Pa.B. 5532 (September 4, 2021). A commenter supporting the proposal suggested that a provision similar to Pa.R.Civ.P. 126 be added to the proposed rules of construction. That rule states:

The rules shall be liberally construed to secure the just, speedy and inexpensive determination of every action or proceeding to which they are applicable. The court at every stage of any such action or proceeding may disregard any error or defect of procedure which does not affect the substantial rights of the parties.

Pa.R.Civ.P. 126. A similar provision is contained in Pa.R.O.C.P. 1.2(a).¹

The Pennsylvania Rules of Juvenile Court Procedure contain a provision similar to the first sentence of Pa.R.Civ.P. 126, see Pa.R.J.C.P. 101(A)-(B); 1101(A)-(B), as do the Pennsylvania Rules of Criminal Procedure, see Pa.R.Crim.P. 101(A)-(B), as do the Pennsylvania Rules of Evidence, see Pa.R.E. 102 (“These rules should be construed so as to administer every proceeding fairly, eliminate unjustifiable expense and delay, and promote the development of evidence law, to the end of ascertaining the truth and securing a just determination.”). Similarly, the Pennsylvania Rules of Appellate Procedure contain a “just, speedy, and inexpensive” provision. *See* Pa.R.A.P. 105(a). There is no analogue to Pa.R.Civ.P. 126 in the Pennsylvania Rules of Civil Procedure Before Magisterial District Judges.²

The first sentence of Pa.R.Civ.P. 126, and similar provisions in the other bodies of rules, will aid the construction of the rules. Pa.R.J.A. 109 sets forth the presumptions in ascertaining the Supreme Court’s intention in the adoption or amendment of a rule. That rule has been revised to set forth the following in subdivision (b): “The Supreme Court intends a rule to be construed to secure the just, speedy, and inexpensive determination of every action or proceeding to which it is applicable.” This presumption is only one of several presumptions in ascertaining intent. For example, the presumption of a “just, speedy, and inexpensive determination” must be balanced by the presumptions that the Court did not intend to violate the United States or Pennsylvania Constitutions.

Omitted from this presumption is any mention of “strict” or “liberal” because using those adjectives to describe the manner of construction may displace the very purpose of the other rules of construction or create an internal inconsistency within the rules of construction. Those adjectives are more appropriate for application of the rules, not their construction.

Concomitantly with the post-publication revision of Pa.R.J.A. 109 to add the language similar to the first sentence of Pa.R.Civ.P. 126 for the construction of rules, the existing “just, speedy, and inexpensive” provisions within the Rules of Civil Procedure, Rules of Orphans’ Court Procedure, Rules of Criminal Procedure, Rules of Juvenile Court Procedure, Rules of Appellate Procedure, and Rules of Evidence have been retained with clarification that those provisions are to be used when *applying* the rules.

The second sentence of Pa.R.Civ.P. 126 informs the reader how the rules should be *applied* in light of procedural non-compliance: “The court at every stage of any such action or proceeding may disregard any error or defect of procedure which does not affect the substantial rights of the parties.” *See also Womer v. Hilliker*, 908 A.2d 269, 276 (Pa. 2006) (“[W]e incorporated equitable considerations in the form of a doctrine of substantial compliance into Rule 126, giving the trial courts the latitude to overlook any ‘procedural defect’ that does not prejudice a party’s rights.”). This authority can be used to determine

¹ Similar provisions exist in the federal rules. *See, e.g.*, Fed.R.Civ.P. 1 (“They should be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding.”); Fed.R.Crim.P. 2 (“These rules are to be interpreted to provide for the just determination of every criminal proceeding, to secure simplicity in procedure and fairness in administration, and to eliminate unjustifiable expense and delay.”).

² The absence of such a provision is likely due to factors including court-driven scheduling, court-directed service, jurisdictional limits, lack of discovery, non-record proceedings, and ability for a *de novo* appeal, which contribute to timely and efficient proceedings notwithstanding a provision.

whether “near misses” may result in procedural default. *See, e.g., Deek Investment, L.P. v. Murray*, 157 A.3d 491, 494 (Pa. Super. 2017).

A rule governing the application of the rules was not included as part of the rules of construction. The rules of construction are intended for the interpretation of ambiguous rules. *See also Bruno v. Erie Ins. Co.*, 106 A.3d 48, 74 n.21 (Pa. 2014) (noting there is no need to resort to rules of construction when the language of rule is unambiguous). Rules like the second sentence of Pa.R.Civ.P. 126 guide the *application* of the rules regardless of the presence of ambiguity. Further, there is a varied practice based upon rule and case law concerning what type of error may be disregarded or result in procedural default. Hence, the authority of certain courts to disregard procedural errors and defects remains within the individual bodies of rules where those provisions currently exist.

Further revisions to the procedural and evidentiary bodies of rules include:

- Retitling Pa.R.Civ.P. 126 as “Application and Construction of Rules”; adding titles to the subdivisions; replacing “construed” with “applied” in subdivision (a); changing “substantial” to “substantive”; and updating the disposition table in the Comment.

- Retitling Pa.R.O.C.P. 1.2 as “Purpose, Application, and Construction of Rules”; adding titles to the subdivisions; and moving the operative language from subdivision (a) to subdivision (b), including the replacement of “construed” with “applied.”

- Retitling Pa.R.Crim.P. 101 as “Purpose, Application, and Construction of Rules”; adding titles to the subdivisions; and replacing “construed” with “applied” in subdivision (b).

- Retitling Pa.R.J.C.P. 101 and 1101 as “Purpose, Application, and Construction of Rules”; adding titles to the subdivisions; merging subdivision (c) into subdivision (a); renumbering subdivision (D) as subdivision (c); and replacing “construed” with “applied” in subdivision (b).

- Retitling Pa.R.A.P. 105 as “Application of Rules and Enlargement of Time”; retitling subdivision (a); and replacing “construed” with “applied” in subdivision (a).

- Retitling Pa.R.E. 102 as “Application of Rules”; and replacing “construed” with “applied.”

- Corollary revisions have been made to Pa.R.Civ.P. 237.1(a)(2), 1007.1, 1020, 1601, and 2225, Pa.R.Crim.P. 600, cmt., Pa.R.A.P. 107 and 903, Pa.R.Civ.P.M.D.J. 204, and Pa.R.E. 101 and 103.

The current rules of construction have been removed from Pa.R.Civ.P. 101—104, 106—108, and 127—153, and are now located in Pa.R.J.A. 104—115. Differences between the two bodies of rules as they relate to this rulemaking include:

Pa.R.J.A. 104. Principles of Interpretation.—Formerly Pa.R.Civ.P. 101

The title has been revised from “Principles of Interpretation” to “Principles of Construction” to reflect existing rule text. Additionally, “any rule” has been revised to specify that the rules of construction are only intended to apply to procedural or evidentiary rules adopted by the Court. Other rules adopted by the Court and rules adopted by other authorities may be subject to construction, but these rules are not mandated in their construction.

Pa.R.J.A. 105. Number. Tense.—Formerly Pa.R.Civ.P. 102

No revisions were made to the existing language. This rule differs from 1 Pa.C.S. § 1902 insofar as the provision regarding gender was removed from Pa.R.Civ.P. 102 in rulemaking dated April 12, 1999.

Pa.R.J.A. 106. Words and Phrases.—Formerly Pa.R.Civ.P. 103

A Comment has been added to the rule.

Pa.R.J.A. 107. Computation of Time.—Formerly Pa.R.Civ.P. 106, 107, and 108

This rule is a consolidation of Pa.R.Civ.P. 106—108 and reflects the Court’s prior use of 1 Pa.C.S. § 1908 for the computation of time. *See, e.g., City of Philadelphia v. F.A. Realty Investors Corp.*, 256 A.3d 429 (Pa. 2021) (granting petition for allowance of appeal, vacating the intermediate appellate court’s order, and remanding for further proceedings after concluding petitioners filed a timely Pa.R.A.P. 1925(b) statement, citing 1 Pa.C.S. § 1908). The text of Pa.R.Civ.P.M.D.J. 203, which is largely reiterative of Pa.R.J.A. 107(a)-(b), (d), was retained in that body of rules so that unrepresented parties are not required to consult another body of rules for the computation of time.

Pa.R.J.A. 108. Construction of Rules. Intent of Supreme Court Controls.—Formerly Pa.R.Civ.P. 127

Some of the factors that may be considered in determining the intention of the Supreme Court have been replaced to include specific sources of information germane to rulemaking. From these sources, the reader can understand the Supreme Court’s intent. A Comment has also been added to assist the reader and reference limits placed on certain sources.

The factors contained in Pa.R.Civ.P. 127 that were retained include: 1) the contemporaneous history of the rule, *i.e.*, “rulemaking history”; 2) the practice followed under the rule; and 3) the consequences of a particular interpretation. Factors added are: 1) the Court’s precedent; and 2) commentary accompanying the rule. These new factors are based upon *Touloumes v. E.S.C.*, 899 A.2d 343, 348 (Pa. 2006) (relying upon prior Court opinions involving same rule for purposes of construction), and Pa.R.J.A. 103, Comment (“Effective October 1, 2021, “rule” includes the rule text and any accompanying commentary such as a note or comment. Such commentary, while not binding, may be used to construe or apply the rule text.”).

The factors removed were: 1) the occasion and necessity for the rule; 2) the circumstances under which it was promulgated; 3) the mischief to be remedied; and 4) the object to be attained. These factors require the reader to consider “why” the rule exists, which is subsumed within the “rulemaking history” and discussed within the Comment to Pa.R.J.A. 108. *See also* Pa.R.J.A. 103(a)(1) (requiring Rules Committees to include a publication report containing the rationale for proposed rulemaking); *Touloumes, supra* (relying upon Committee reports for purposes of construction).

To retain these specific factors suggests to the reader that any source describing “why” a rule exists may be indicative of the Supreme Court’s intent. This raises a concern that sources outside of the rulemaking process may be relied upon, including periodicals, journals, trade publications, interviews, and newspapers. There is no assurance that these other sources are trustworthy, reliable, accurate, and not self-serving. Instead, the reader is directed to “the rulemaking history” within Pa.R.J.A. 108

with the Comment referencing Pa.R.J.A. 103 and Rules Committees' reports. *See also* *Laudenberger v. Port Auth. of Allegheny Cty.*, 436 A.2d 147, 151 (Pa. 1981) (the Supreme Court stating that such reports "indicate the spirit and motivation behind the drafting of the rule, and they serve as guidelines for understanding the purpose for which the rule was drafted").

Post-publication, the current factor of "the prior practice, if any, including other rules and Acts of Assembly upon the same or similar subjects" was retained as subdivision (c)(7). The prior practice, especially if giving rise to subsequent rulemaking, may inform the construction of the present rule.

Rule 109. Presumptions in Ascertaining the Intent of the Supreme Court.—Formerly Pa.R.Civ.P. 128

Stylistic revisions have been made, but the substance of Pa.R.Civ.P. 128 is preserved.

Rule 110. Titles, Conditions, Exceptions, and Headings.—Formerly Pa.R.Civ.P. 129

The term "provisos" has been replaced with "conditions" to reflect current rulemaking terminology. Additionally, reference to "use of notes and explanatory comments" has been removed from the title and rule. That reference can now be found at Pa.R.J.A. 108(c)(2) as "commentary."

Rule 111. Rules in Derogation of the Common Law.—Formerly Pa.R.Civ.P. 130

No revisions were made to the existing language.

Rule 112. Rules *In Pari Materia*.—Formerly Pa.R.Civ.P. 131

Post-publication, language was inserted into the rule to limit the application of the *in pari materia* concept to the single body of rules being interpreted.

Rule 113. Particular Controls General.—Formerly Pa.R.Civ.P. 132

No revisions were made to the existing language.

Rule 114. Construction of Rule Amendments.—Formerly Pa.R.Civ.P. 152 & 153

This rule consolidates former Pa.R.Civ.P. 152 (Construction of Amendatory Rules) and 153 (Merger of Subsequent Amendments) as separate subdivisions. Subdivision (a) was added to describe the significance of textual indicators when reading amended rule text.

Rule 115. Procedures Inconsistent with Rules.—Formerly Pa.R.Civ.P. 133

Pa.R.J.A. 115 is intended to assist the reader in the construction of statewide procedural rules when there may be conflicting statutory procedures or local rules of procedure. Notably, the rule references "procedures," which is intended to exclude substantive rules of evidence that may be enacted by statute. *See Commonwealth v. Olivo*, 127 A.3d 769, 780 (Pa. 2015) (concluding the statutory rule of evidence does not violate the Supreme Court's authority over procedural rules). It should also be noted that some bodies of rules have savings clauses for statutory procedures. *See, e.g.*, Pa.R.Civ.P. 1910.45; Pa.R.A.P. 5102. This rule would not displace the operation of those statutory procedures because they would not be "inconsistent" with the rules; rather, they are "saved" by the rules.

Post-publication, the original text from Pa.R.Civ.P. 133 ("All laws shall be suspended to the extent that they are

inconsistent with rules prescribed under the Constitution of 1968.") was retained and incorporated into this rule.

* * * * *

This rulemaking becomes effective January 1, 2024.

[Pa.B. Doc. No. 23-1588. Filed for public inspection November 17, 2023, 9:00 a.m.]

Title 246—MINOR COURT CIVIL RULES

PART I. GENERAL

[246 PA. CODE CH. 200]

Order Amending Rule 204 of the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings before Magisterial District Judges; No. 537 Magisterial Rules Docket

Order

Per Curiam

And Now, this 3rd day of November, 2023, upon the recommendation of the Minor Court Rules Committee; the proposal having been published for public comment at 51 Pa.B. 5532 (September 4, 2021):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pennsylvania Rule of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges 204 is amended in the attached form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective January 1, 2024.

Additions to the rule are shown in bold and are underlined.

Deletions from the rule are shown in bold and brackets.

Annex A

TITLE 246. MINOR COURT CIVIL RULES

PART I. GENERAL

CHAPTER 200. RULES OF CONSTRUCTION; GENERAL PROVISIONS

Rule 204. Purpose and [**Intent**] **Construction** of Rules.

(a) Purpose. The purpose and intent of these rules is to provide a complete and exclusive procedure for every action or proceeding to which they are applicable.

(b) Construction. In the construction of the Pennsylvania Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges, the principles set forth in Pa.R.J.A. 104 to 115 shall be observed.

[**Official Note**] **Comment:**

This rule sets forth the general purpose and intent to make mandatory the use of the procedures prescribed in these rules.

**SUPREME COURT OF PENNSYLVANIA
APPELLATE COURT PROCEDURAL RULES
COMMITTEE**

**COMMITTEE ON RULES OF EVIDENCE
CIVIL PROCEDURAL RULES COMMITTEE**

**ORPHANS' COURT PROCEDURAL RULES
COMMITTEE**

CRIMINAL PROCEDURAL RULES COMMITTEE

**JUVENILE COURT PROCEDURAL RULES
COMMITTEE**

**MINOR COURT RULES COMMITTEE
ADOPTION REPORT**

Adoption of Pa.R.J.A. 104—115; Rescission of Pa.R.Civ.P. 101—104, 106—108, and 127—153; Amendment of Pa.R.Civ.P. 126, 237.1, 1007.1, 1020, 1601, and 2225, Pa.R.O.C.P. 1.2, Pa.R.Crim.P. 101 and 600, Pa.R.J.C.P. 101 and 1101, Pa.R.A.P. 105, 107, and 903, Pa.R.Civ.P.M.D.J. 204, and Pa.R.E. 101, 102, and 103

On November 3, 2023, the Supreme Court approved the extraction of rules of construction from the Pennsylvania Rules of Civil Procedure and their placement in the Pennsylvania Rules of Judicial Administration through the rescission of Pennsylvania Rules of Civil Procedure 101—104, 106—108, and 127—153, amendment of Pennsylvania Rules of Civil Procedure 126, 237.1, 1007.1, 1020, 1601, and 2225, and the adoption of Pennsylvania Rules of Judicial Administration 104—115. The Court also amended Pennsylvania Rule of Orphans' Court Procedure 1.2, Pennsylvania Rules of Criminal Procedure 101 and

600, Pennsylvania Rules of Juvenile Court Procedure 101 and 1101, Pennsylvania Rules of Appellate Procedure 105, 107, and 903, Pennsylvania Rule of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges 204, and Pennsylvania Rules of Evidence 101, 102, and 103 to establish and reference the rules of construction for the Court's procedural and evidentiary bodies of rules. The Rules Committees have prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. *See* Pa.R.J.A. 103, cmt. The statements contained herein are those of the Rules Committees, not the Court.

Background

Procedural rules adopted by the Supreme Court have the force of statute. *See, e.g., Dombrowski v. City of Philadelphia*, 245 A.2d 238, 241 n.4 (Pa. 1968). Procedural rules, like statutes, may be subject to interpretation based upon their language and the circumstances in which they apply. To guide the interpretation of rules, courts have relied upon rules of construction used for the interpretation of statutes. *See* 1 Pa.C.S. §§ 1901—1957; *see also, e.g., Commonwealth v. McClelland*, 233 A.3d 717 (Pa. 2020) (interpreting Pa.R.Crim.P.); *Commonwealth v. Wardlaw*, 249 A.3d 937 (Pa. 2021) (interpreting Pa.R.A.P.).

In 1939, rules of construction were added to the Pennsylvania Rules of Civil Procedure based largely on language contained in sections of the Statutory Construction Act of May 28, 1937, P.L. 1019, with modification to reflect their intended application to rules of court. Over time, the Statutory Construction Act, as well as the procedural rules of construction, have been amended to their present form:

Subject	1937 Statute	1939 Rule	Present Statute	Present Rule
Title/Citation	—		—	Pa.R.Civ.P. 51
Effective Date	—	Pa.R.Civ.P. 51	—	Pa.R.Civ.P. 52
Definitions	46 P.S. § 601	Pa.R.Civ.P. 76	1 Pa.C.S. § 1991	Pa.R.Civ.P. 76
Principles	46 P.S. § 531	Pa.R.Civ.P. 101	1 Pa.C.S. § 1901	Pa.R.Civ.P. 101
Number/Tense	46 P.S. § 532	Pa.R.Civ.P. 102	1 Pa.C.S. § 1902	Pa.R.Civ.P. 102
Words/Phrases	46 P.S. § 533	Pa.R.Civ.P. 103	1 Pa.C.S. § 1903	Pa.R.Civ.P. 103
Numerals	46 P.S. § 534	Pa.R.Civ.P. 104	1 Pa.C.S. § 1904	Pa.R.Civ.P. 104
Bonds	46 P.S. § 536	Pa.R.Civ.P. 105	1 Pa.C.S. § 1906	Pa.R.Civ.P. 105
Comp Time	46 P.S. § 538	Pa.R.Civ.P. 106	1 Pa.C.S. § 1908	Pa.R.Civ.P. 106
Time—Weeks	46 P.S. § 539	Pa.R.Civ.P. 107	1 Pa.C.S. § 1909	Pa.R.Civ.P. 107
Time—Months	46 P.S. § 540	Pa.R.Civ.P. 108	1 Pa.C.S. § 1910	Pa.R.Civ.P. 108
Liberal Con	—	Pa.R.Civ.P. 126	—	Pa.R.Civ.P. 126
Court Intent	46 P.S. § 551	Pa.R.Civ.P. 127	1 Pa.C.S. § 1921	Pa.R.Civ.P. 127
Presumptions	46 P.S. § 552	Pa.R.Civ.P. 128	1 Pa.C.S. § 1922	Pa.R.Civ.P. 128
Grammar	46 P.S. § 553	Pa.R.Civ.P. 129	1 Pa.C.S. § 1923	—
Titles	46 P.S. § 554	Pa.R.Civ.P. 130	1 Pa.C.S. § 1924	Pa.R.Civ.P. 129
Common Law	46 P.S. § 558	Pa.R.Civ.P. 131	1 Pa.C.S. § 1928	Pa.R.Civ.P. 130
Pari Materia	46 P.S. § 562	Pa.R.Civ.P. 132	1 Pa.C.S. § 1932	Pa.R.Civ.P. 131
Inconsistent	—	—	—	Pa.R.Civ.P. 133
Controls	46 P.S. § 563	Pa.R.Civ.P. 133	1 Pa.C.S. § 1933	Pa.R.Civ.P. 132
Eff Date Amd	—	Pa.R.Civ.P. 151	—	Pa.R.Civ.P. 52
Amendatory	46 P.S. § 573	Pa.R.Civ.P. 152	1 Pa.C.S. § 1953	Pa.R.Civ.P. 152
Merger	46 P.S. § 574	Pa.R.Civ.P. 153	1 Pa.C.S. § 1954	Pa.R.Civ.P. 153

These rules of construction have guided the interpretation of the Rules of Civil Procedure. *See, e.g., Bruno v. Erie Ins. Co.*, 106 A.3d 48 (Pa. 2014); *Terra Technical Services, LLC v. River Station Land, L.P.*, 124 A.3d 289 (Pa. 2015).

Many of the other bodies of rules have rules of construction of varying degree. The Rules of Criminal Procedure, Rules of Juvenile Court Procedure, and Rules of Appellate Procedure simply reference the “rules of statutory construction” and address the consequence of procedural defect. The Rules of Orphans’ Court Procedure incorporate by reference Pa.R.Civ.P. 102–153 but exclude Pa.R.Civ.P. 126.

The Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges do not reference rules of construction but do contain rules based upon Pa.R.Civ.P. 106 and 108 for the computation of time. While users in this non-record forum may infrequently consult rules of construction, that does not eliminate the possibility of ambiguity arising from the application of procedural rules in ever-changing circumstances.

The Rules of Evidence do not reference rules of construction, relying instead on Pa.R.E. 102 (“These rules should be construed so as to administer every proceeding fairly, eliminate unjustifiable expense and delay, and promote the development of evidence law, to the end of ascertaining the truth and securing a just determination.”) to guide the construction of the rules. Thus, the incorporation of rules of construction within the Rules of Evidence would be a new concept that does not appear in the Federal Rules of Evidence.

Evidentiary rules are not limited to the Rules of Evidence; there is a rich source of evidentiary rules contained in statutes. *See, e.g.*, 42 Pa.C.S. §§ 6101–6160; 42 Pa.C.S. § 5985.1, § 5986, and § 5993. Those statutory-based evidentiary rules are subject to the rules of statutory construction set forth in Title 1 of Pennsylvania’s Consolidated Statutes. Therefore, it would be consistent that rule-based evidentiary rules be subject to similar rules of construction. Additionally, the Court has previously applied the rules of statutory construction to a rule of evidence found in the Pennsylvania Rules of Criminal Procedure. *See Commonwealth v. McClelland*, 233 A.3d 717, 734 (Pa. 2020) (discussing Pa.R.Crim.P. 542(E) and the admissibility of hearsay evidence at a preliminary hearing). This application is informative insofar as the Court has used rules of construction to guide the interpretation of a rule of evidence notwithstanding that the rule was not located in the Rules of Evidence.

To provide for uniform rules of construction for all procedural and evidentiary bodies of rules, the detailed rules of construction were removed from the Rules of Civil Procedure, revised if merited, and relocated to the Rules of Judicial Administration to immediately follow the rules governing the rulemaking process. Having one set of rules of construction for all bodies of rules will permit readers to understand their application across all rules rather than a particular body of rules. Further, replicating the same rules of construction within each body of rules seemed unnecessarily duplicative and may invite inconsistency in the application of identically worded rules. Therefore, any rules of construction organic to a body of rules have been removed with each body of rules thereafter containing a reference to the Rules of Judicial Administration concerning the rules of construction. Additionally, insofar as practicable, the title to the

rule within each body of rules referencing the Rules of Judicial Administration includes the term “Construction” as a common signal.

However, not every rule of construction found in the Rules of Civil Procedure has been relocated to the Rules of Judicial Administration. Pa.R.Civ.P. 105 concerning bonds would remain in the Pennsylvania Rules of Civil Procedure because that rule is specific to civil proceedings. Application of that guidance to other bodies of rules may unintentionally conflict with existing provisions. *See, e.g.*, Pa.R.Crim.P. 525 (bail bond).

Pa.R.Civ.P. 104 concerning Roman numerals and Arabic numerals being deemed parts of the English language has been omitted from the newly established rules of construction. Such an anachronistic provision appeared unnecessary for the modern construction of judicial rules. There is a dearth of Pennsylvania cases litigating the meaning of numerals within the rules based simply on the fact that they are expressed as numbers rather than stated in English, *e.g.*, “VII” v. “7” v. “seven.” While that may owe to the existence of Pa.R.Civ.P. 104 and 1 Pa.C.S. § 1904, it is submitted that any ambiguity may be resolved by the context in which the numerals are used and not whether numerals are or are not part of the English language. For example, “1/2” can be an expression of a mathematical operation or a date, which may be an ambiguity resolved by examining its context, but its existence cannot be ignored because Arabic numbers were used. The rejected need for such a rule is exemplified by the discontinued use of the *numero* sign, *i.e.*, “No.,” in the citation of the rules.

Consideration was given to whether the rules of construction should be further modified to improve readability and applicability to rules, as opposed to statutes. As observed, the Rules of Civil Procedure’s rules of construction were largely based on the rules of statutory construction. Therefore, there was merit in preserving the operative text to the extent it was feasible. This approach allows the application of the statutory rules of construction to inform the application of the judicial rules of construction given that both are similarly worded. Further, this maintains consistency with prior Court interpretations of rules citing the statutory rules of construction. Additionally, this consistency reduces the complexity for the reader to understand and employ two different rules of construction. Notwithstanding the goal of maintaining existing language, there were some aspects of the rules of construction that were revised to clarify their application.

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Pa.R.Civ.P. 126. A similar provision is contained in Pa.R.O.C.P. 1.2(a).¹

The Pennsylvania Rules of Juvenile Court Procedure contain a provision similar to the first sentence of Pa.R.Civ.P. 126, see Pa.R.J.C.P. 101(A)-(B); 1101(A)-(B), as do the Pennsylvania Rules of Criminal Procedure, see Pa.R.Crim.P. 101(A)-(B), as do the Pennsylvania Rules of Evidence, see Pa.R.E. 102 (“These rules should be construed so as to administer every proceeding fairly, eliminate unjustifiable expense and delay, and promote the development of evidence law, to the end of ascertaining the truth and securing a just determination.”). Similarly, the Pennsylvania Rules of Appellate Procedure contain a “just, speedy, and inexpensive” provision. See Pa.R.A.P. 105(a). There is no analogue to Pa.R.Civ.P. 126 in the Pennsylvania Rules of Civil Procedure Before Magisterial District Judges.²

The first sentence of Pa.R.Civ.P. 126, and similar provisions in the other bodies of rules, will aid the construction of the rules. Pa.R.J.A. 109 sets forth the presumptions in ascertaining the Supreme Court’s intention in the adoption or amendment of a rule. That rule has been revised to set forth the following in subdivision (b): “The Supreme Court intends a rule to be construed to secure the just, speedy, and inexpensive determination of every action or proceeding to which it is applicable.” This presumption is only one of several presumptions in ascertaining intent. For example, the presumption of a “just, speedy, and inexpensive determination” must be balanced by the presumptions that the Court did not intend to violate the United States or Pennsylvania Constitutions.

Omitted from this presumption is any mention of “strict” or “liberal” because using those adjectives to describe the manner of construction may displace the very purpose of the other rules of construction or create an internal inconsistency within the rules of construction. Those adjectives are more appropriate for application of the rules, not their construction.

Concomitantly with the post-publication revision of Pa.R.J.A. 109 to add the language similar to the first sentence of Pa.R.Civ.P. 126 for the construction of rules, the existing “just, speedy, and inexpensive” provisions within the Rules of Civil Procedure, Rules of Orphans’ Court Procedure, Rules of Criminal Procedure, Rules of Juvenile Court Procedure, Rules of Appellate Procedure, and Rules of Evidence have been retained with clarification that those provisions are to be used when *applying* the rules.

The second sentence of Pa.R.Civ.P. 126 informs the reader how the rules should be *applied* in light of procedural non-compliance: “The court at every stage of any such action or proceeding may disregard any error or defect of procedure which does not affect the substantial rights of the parties.” See also *Womer v. Hilliker*, 908 A.2d 269, 276 (Pa. 2006) (“[W]e incorporated equitable considerations in the form of a doctrine of substantial compliance into Rule 126, giving the trial courts the latitude to overlook any ‘procedural defect’ that does not prejudice a party’s rights.”). This authority can be used to determine

¹ Similar provisions exist in the federal rules. See, e.g., Fed.R.Civ.P. 1 (“They should be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding.”); Fed.R.Crim.P. 2 (“These rules are to be interpreted to provide for the just determination of every criminal proceeding, to secure simplicity in procedure and fairness in administration, and to eliminate unjustifiable expense and delay.”).

² The absence of such a provision is likely due to factors including court-driven scheduling, court-directed service, jurisdictional limits, lack of discovery, non-record proceedings, and ability for a *de novo* appeal, which contribute to timely and efficient proceedings notwithstanding a provision.

whether “near misses” may result in procedural default. See, e.g., *Deek Investment, L.P. v. Murray*, 157 A.3d 491, 494 (Pa. Super. 2017).

A rule governing the application of the rules was not included as part of the rules of construction. The rules of construction are intended for the interpretation of ambiguous rules. See also *Bruno v. Erie Ins. Co.*, 106 A.3d 48, 74 n.21 (Pa. 2014) (noting there is no need to resort to rules of construction when the language of rule is unambiguous). Rules like the second sentence of Pa.R.Civ.P. 126 guide the *application* of the rules regardless of the presence of ambiguity. Further, there is a varied practice based upon rule and case law concerning what type of error may be disregarded or result in procedural default. Hence, the authority of certain courts to disregard procedural errors and defects remains within the individual bodies of rules where those provisions currently exist.

Further revisions to the procedural and evidentiary bodies of rules include:

- Retitling Pa.R.Civ.P. 126 as “Application and Construction of Rules”; adding titles to the subdivisions; replacing “construed” with “applied” in subdivision (a); changing “substantial” to “substantive”; and updating the disposition table in the Comment.
- Retitling Pa.R.O.C.P. 1.2 as “Purpose, Application, and Construction of Rules”; adding titles to the subdivisions; and moving the operative language from subdivision (a) to subdivision (b), including the replacement of “construed” with “applied.”
- Retitling Pa.R.Crim.P. 101 as “Purpose, Application, and Construction of Rules”; adding titles to the subdivisions; and replacing “construed” with “applied” in subdivision (b).
- Retitling Pa.R.J.C.P. 101 and 1101 as “Purpose, Application, and Construction of Rules”; adding titles to the subdivisions; merging subdivision (c) into subdivision (a); renumbering subdivision (D) as subdivision (c); and replacing “construed” with “applied” in subdivision (b).
- Retitling Pa.R.A.P. 105 as “Application of Rules and Enlargement of Time”; retitling subdivision (a); and replacing “construed” with “applied” in subdivision (a).
- Retitling Pa.R.E. 102 as “Application of Rules”; and replacing “construed” with “applied.”
- Corollary revisions have been made to Pa.R.Civ.P. 237.1(a)(2), 1007.1, 1020, 1601, and 2225, Pa.R.Crim.P. 600, cmt., Pa.R.A.P. 107 and 903, Pa.R.Civ.P.M.D.J. 204, and Pa.R.E. 101 and 103.

The current rules of construction have been removed from Pa.R.Civ.P. 101–104, 106–108, and 127–153, and are now located in Pa.R.J.A. 104–115. Differences between the two bodies of rules as they relate to this rulemaking include:

Pa.R.J.A. 104. Principles of Interpretation.— Formerly Pa.R.Civ.P. 101

The title has been revised from “Principles of Interpretation” to “Principles of Construction” to reflect existing rule text. Additionally, “any rule” has been revised to specify that the rules of construction are only intended to apply to procedural or evidentiary rules adopted by the Court. Other rules adopted by the Court and rules adopted by other authorities may be subject to construction, but these rules are not mandated in their construction.

Pa.R.J.A. 105. Number. Tense.—Formerly Pa.R.Civ.P. 102

No revisions were made to the existing language. This rule differs from 1 Pa.C.S. § 1902 insofar as the provision regarding gender was removed from Pa.R.Civ.P. 102 in rulemaking dated April 12, 1999.

Pa.R.J.A. 106. Words and Phrases.—Formerly Pa.R.Civ.P. 103

A Comment has been added to the rule.

Pa.R.J.A. 107. Computation of Time.—Formerly Pa.R.Civ.P. 106, 107, and 108

This rule is a consolidation of Pa.R.Civ.P. 106—108 and reflects the Court's prior use of 1 Pa.C.S. § 1908 for the computation of time. *See, e.g., City of Philadelphia v. F.A. Realty Investors Corp.*, 256 A.3d 429 (Pa. 2021) (granting petition for allowance of appeal, vacating the intermediate appellate court's order, and remanding for further proceedings after concluding petitioners filed a timely Pa.R.A.P. 1925(b) statement, citing 1 Pa.C.S. § 1908). The text of Pa.R.Civ.P.M.D.J. 203, which is largely reiterative of Pa.R.J.A. 107(a)-(b), (d), was retained in that body of rules so that unrepresented parties are not required to consult another body of rules for the computation of time.

Pa.R.J.A. 108. Construction of Rules. Intent of Supreme Court Controls.—Formerly Pa.R.Civ.P. 127

Some of the factors that may be considered in determining the intention of the Supreme Court have been replaced to include specific sources of information germane to rulemaking. From these sources, the reader can understand the Supreme Court's intent. A Comment has also been added to assist the reader and reference limits placed on certain sources.

The factors contained in Pa.R.Civ.P. 127 that were retained include: 1) the contemporaneous history of the rule, *i.e.*, "rulemaking history"; 2) the practice followed under the rule; and 3) the consequences of a particular interpretation. Factors added are: 1) the Court's precedent; and 2) commentary accompanying the rule. These new factors are based upon *Touloumes v. E.S.C.*, 899 A.2d 343, 348 (Pa. 2006) (relying upon prior Court opinions involving same rule for purposes of construction), and Pa.R.J.A. 103, Comment ("Effective October 1, 2021, "rule" includes the rule text and any accompanying commentary such as a note or comment. Such commentary, while not binding, may be used to construe or apply the rule text.").

The factors removed were: 1) the occasion and necessity for the rule; 2) the circumstances under which it was promulgated; 3) the mischief to be remedied; and 4) the object to be attained. These factors require the reader to consider "why" the rule exists, which is subsumed within the "rulemaking history" and discussed within the Comment to Pa.R.J.A. 108. *See also* Pa.R.J.A. 103(a)(1) (requiring Rules Committees to include a publication report containing the rationale for proposed rulemaking); *Touloumes, supra* (relying upon Committee reports for purposes of construction).

To retain these specific factors suggests to the reader that any source describing "why" a rule exists may be indicative of the Supreme Court's intent. This raises a concern that sources outside of the rulemaking process may be relied upon, including periodicals, journals, trade publications, interviews, and newspapers. There is no

assurance that these other sources are trustworthy, reliable, accurate, and not self-serving. Instead, the reader is directed to "the rulemaking history" within Pa.R.J.A. 108 with the Comment referencing Pa.R.J.A. 103 and Rules Committees' reports. *See also* *Laudenberger v. Port Auth. of Allegheny Cty.*, 436 A.2d 147, 151 (Pa. 1981) (the Supreme Court stating that such reports "indicate the spirit and motivation behind the drafting of the rule, and they serve as guidelines for understanding the purpose for which the rule was drafted").

Post-publication, the current factor of "the prior practice, if any, including other rules and Acts of Assembly upon the same or similar subjects" was retained as subdivision (c)(7). The prior practice, especially if giving rise to subsequent rulemaking, may inform the construction of the present rule.

Rule 109. Presumptions in Ascertaining the Intent of the Supreme Court.—Formerly Pa.R.Civ.P. 128

Stylistic revisions have been made, but the substance of Pa.R.Civ.P. 128 is preserved.

Rule 110. Titles, Conditions, Exceptions, and Headings.—Formerly Pa.R.Civ.P. 129

The term "provisos" has been replaced with "conditions" to reflect current rulemaking terminology. Additionally, reference to "use of notes and explanatory comments" has been removed from the title and rule. That reference can now be found at Pa.R.J.A. 108(c)(2) as "commentary."

Rule 111. Rules in Derogation of the Common Law.—Formerly Pa.R.Civ.P. 130

No revisions were made to the existing language.

Rule 112. Rules *In Pari Materia*.—Formerly Pa.R.Civ.P. 131

Post-publication, language was inserted into the rule to limit the application of the *in pari materia* concept to the single body of rules being interpreted.

Rule 113. Particular Controls General.—Formerly Pa.R.Civ.P. 132

No revisions were made to the existing language.

Rule 114. Construction of Rule Amendments.—Formerly Pa.R.Civ.P. 152 & 153

This rule consolidates former Pa.R.Civ.P. 152 (Construction of Amendmentary Rules) and 153 (Merger of Subsequent Amendments) as separate subdivisions. Subdivision (a) was added to describe the significance of textual indicators when reading amended rule text.

Rule 115. Procedures Inconsistent with Rules.—Formerly Pa.R.Civ.P. 133

Pa.R.J.A. 115 is intended to assist the reader in the construction of statewide procedural rules when there may be conflicting statutory procedures or local rules of procedure. Notably, the rule references "procedures," which is intended to exclude substantive rules of evidence that may be enacted by statute. *See Commonwealth v. Olivo*, 127 A.3d 769, 780 (Pa. 2015) (concluding the statutory rule of evidence does not violate the Supreme Court's authority over procedural rules). It should also be noted that some bodies of rules have savings clauses for statutory procedures. *See, e.g.,* Pa.R.Civ.P. 1910.45; Pa.R.A.P. 5102. This rule would not displace the operation of those statutory procedures because they would not be "inconsistent" with the rules; rather, they are "saved" by the rules.

Post-publication, the original text from Pa.R.Civ.P. 133 (“All laws shall be suspended to the extent that they are inconsistent with rules prescribed under the Constitution of 1968.”) was retained and incorporated into this rule.

This rulemaking becomes effective January 1, 2024. [Pa.B. Doc. No. 23-1589. Filed for public inspection November 17, 2023, 9:00 a.m.]

* * * * *

Title 255—LOCAL COURT RULES

ADAMS COUNTY

Rules of Criminal Procedure; Administrative Order No. 21 of 2023

Order of Court

And Now, this 23rd day of October, 2023, it is hereby Ordered that Adams County Rule of Criminal Procedure 542.1 is amended as follows:

Rule 542.1. Form of Written Notice.

The written notice shall substantially be in the following form:

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA

CRIMINAL

COMMONWEALTH OF PENNSYLVANIA

MJ-513 ____-

VS.

CR-

CHARGES:

NOTICE OF COURT DATES

1. You must appear for formal arraignment at [8:30 a.m.] a time to be determined by separate notice on _____, 20__ in a Courtroom to be designated, fourth floor, Adams County Courthouse, 111-117 Baltimore Street, Gettysburg, Pennsylvania, unless you are represented by counsel and your attorney has filed a written waiver of arraignment with the Adams County Clerk of Court’s Office prior to the above specified date and time. If you do not appear or do not file a written waiver of arraignment as directed, a bench warrant will be issued for your arrest and bail will be forfeited.

2. You must appear for a non-trial disposition conference in the Adams County District Attorney’s Office, Room 301, Adams County Courthouse, on _____, 20__ at 10:00 a.m. Your failure to appear on said date and time will result in your bail being revoked and a bench warrant being issued for your arrest. If you are represented by counsel, your appearance may be waived upon consent of the Commonwealth.

3. You must appear at [8:30 a.m.] a time to be determined by separate notice on _____, 20__ in a Courtroom to be designated, fourth floor, Adams County Courthouse, for purpose of entering a plea or requesting a continuance in the above-captioned case. If you fail to appear on said date, your bail will be revoked and a warrant will be issued for arrest.

4. You are scheduled for trial during the trial term beginning _____, 20__ at 8:30 a.m. in Courtroom No. 2, fourth floor, Adams County Courthouse. Jury selection will take place on the first day of the trial term and trials will be held throughout the length of the trial term. Your failure to appear will result in forfeiture of your bail and issuance of a warrant for your arrest. If you fail to appear without cause for jury selection or trial, your absence may be deemed waiver of your right to be present and the proceeding, including trial, may be conducted in your absence. If trial occurs in your absence, you may be found guilty of all charges against you and subject to all penalties provided by law including imprisonment.

FOR YOUR ASSISTANCE, IF YOU DO NOT HAVE AN ATTORNEY OR CANNOT AFFORD ONE, YOU MAY BE ELIGIBLE FOR COUNSEL UPON COMPLETION OF AN APPLICATION FOR COURT APPOINTED COUNSEL AVAILABLE AT THE ADAMS COUNTY PUBLIC DEFENDER’S OFFICE AT 717-337-9842.

I, the undersigned defendant, acknowledge that I have received a copy of the above Notice of Court Dates and understand that should I fail to appear on the dates set forth hereinabove, a bench warrant may be issued for my arrest. I further understand that a trial may be held in my absence if I fail to appear on the trial dates set forth hereinabove.

Date

Defendant’s signature

Defense Attorney’s signature

[THIS WILL BE YOUR ONLY NOTICE!]

These rule amendments shall become effective after all the provisions of the Pennsylvania Rules of Judicial Administration 103 are met, to include the following:

1. A certified copy of this Order shall be submitted to the Criminal Procedural Rules Committee for review.

2. Upon receipt of a statement from the Criminal Procedural Rules Committee that the local rules are not inconsistent with any general rule of the Supreme Court, two (2) certified copies of this Order together with a computer diskette that complies with the requirement of 1 Pa. Code § 13.11(b), or other compliant format, containing the text of the local rule(s) adopted hereby shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. One (1) certified copy of this Order shall be forwarded to the Administrative Office of the Pennsylvania Courts.

4. A copy of the proposed local rules shall be published on the 51st Judicial District website.

5. This Order shall be filed in the Office of the Prothonotary of Adams County and a copy thereof shall be filed with the Adams County Clerk of Courts and the Adams County Law Library for inspection and copying.

6. The effective date of the local rules shall be thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

MICHAEL A. GEORGE,
President Judge

[Pa.B. Doc. No. 23-1590. Filed for public inspection November 17, 2023, 9:00 a.m.]

Title 255—LOCAL COURT RULES

NORTHAMPTON COUNTY

Administrative Order 2023-19 Local Rule N205.4 Concerning Electronic Filing; No.: C-48-CV-2023- 09145

Administrative Order

And Now, this 7th day of November, 2023, it is *Ordered* and *Decreed* that Northampton County Local Rule N205.4, as follows hereto, is hereby *Adopted*.

It is further *Directed* that the Court Administrator of Northampton County shall comply with all publishing requirements set forth in Pa.R.J.A. 103(d)(5)-(6), such as: filing two (2) certified copies of this Order with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; filing one (1) certified copy of the Order with the Administrative Office of Pennsylvania Courts; publishing a copy of this Order on the Court's website; and incorporating these procedures into the complete set of Northampton County Local Rules no later than thirty (30) days following publication in the *Pennsylvania Bulletin*.

This local rule shall become effective on January 2, 2024, after no less than thirty (30) days of publication in the *Pennsylvania Bulletin*.

By the Court

CRAIG A. DALLY,
President Judge

Rule N205.4. Electronic Filing and Service of Legal Papers.

A. Electronic Filing

1. *Permissive Electronic Filing*. All "legal papers" as defined by Pa.R.C.P. No. 205.4(a)(2) associated with the civil case types listed in A(2)(a)—(o) below are permitted to be filed electronically beginning January 2, 2024.

2. *Case Types*. Electronic filing applies exclusively to the following case types:

(a). Tort (intentional, malicious prosecution, motor vehicle, nuisance, premises liability, product liability, slander/libel defamation, and other);

(b). Mass Tort (asbestos, tobacco, toxic tort—DES, toxic tort—implant, toxic waste, and other);

(c). Professional Liability (dental, legal, medical, and other);

(d). Contract (buyer protection, debt collection—credit card; employment dispute, employment dispute—discrimination, and other);

(e). Real Property (buyer protection, ejectment, eminent domain/condemnation, ground rent, landlord/tenant dispute (excluding MDJ appeals), mortgage foreclosure—residential, foreclosure—commercial, partition, quiet title, and other);

(f). Civil Appeal (board of assessment, board of elections, statutory appeal, zoning board, and other);

(g). Miscellaneous (common law/statutory arbitration, declaratory judgment, mandamus, quo warranto, replevin, and other).

(h). Municipal and Tax Claims/Liens;

(i). Liens (Commonwealth, broker's, federal, mechanics, municipal);

(j). Judgments (amended, by transcript (Magisterial District Judge), confession, default, deficiency, enforcement, revival, satisfaction, and transfer);

(k). Arbitration Appeals;

(l). Writ of Scire Facias;

(m). Writ of Revival;

(n). Civil Subpoenas; and

(o). Civil Appeals to Commonwealth and Superior Court.

3. *Registration*. Electronic filers must register with CountySuite Portal. All use of the CountySuite Portal shall be in accordance with the CountySuite Portal user manual. All registered users shall be individuals, not law firms, agencies, corporations or other groups.

4. *Original document*. A legal paper filed electronically shall be deemed the original document, but copies of exhibits electronically filed do not constitute the original of the exhibit for evidentiary purposes.

5. Neither the Clerk of Court, Civil Division (also referred to as prothonotary) nor court administrator shall be obligated to print documents that are filed electronically.

B. Form of Documents Electronically Filed.

1. *Format*. To the extent practicable, documents shall be formatted in accordance with the applicable rules governing formatting of paper documents, and in such other and further format as the court may require from time to time. All electronic filings shall be in PDF format.

A document may exceed page limitation rules to a maximum of two additional pages when the additional pages are attributed to the electronic conversion of the filing process.

2. *Title of Documents.* The title of each electronically filed document shall include:

- (a). Descriptive title of the document;
- (b). Party or parties filing the document;
- (c). Party or parties against whom relief, if any, is sought; and
- (d). Nature of the relief sought (e.g. Motion for Summary Judgment of Defendant ABC Corporation Against Plaintiff Jones).

3. *Signature.*

a. Each electronically filed document shall be deemed to have been signed by the attorney or party represented by an attorney authorizing such filing and shall bear a facsimile or typographical signature of such person, e.g. “/s/ Adam Attorney”. Each document electronically filed by an attorney shall also include the typed name, address, and telephone number of the attorney or unrepresented party filing such document. Attorneys shall include their Pennsylvania bar number. Each electronically filed declaration and affidavit shall be deemed to have been signed by the declarant or affiant if an attorney or party not represented by an attorney has authorized such filing. Documents containing signatures of third-parties (i.e., unopposed motions, affidavits, stipulations, etc.) may also be filed electronically by indicating in the original that signatures are maintained by the filing party in paper format.

b. The electronic filing of a legal paper constitutes a certification by the filing party that the original hard copy was properly signed and, where applicable, verified, and a certification as provided by the signature to a legal paper under Pa.R.Civ.P. 1023.1(c), violation of which shall be subject to the sanction provided in Pa.R.Civ.P. 1023.1(d). The filing party shall maintain the original hard copy of the filed document, in its native format, for two years after the later of: the disposition of the case; the entry of an order resolving the issue raised by the legal paper; or, the disposition by an appellate court of the issue raised by the legal paper. Any other party at any time may serve upon the filing party a notice to produce for inspection the signed hard copy within fourteen days of the service of the notice. The court upon motion may grant appropriate sanctions for failure to produce the signed hard copy pursuant to the notice.

C. *Public Access to the Docket.*

1. Public access to the docket is available on the Internet at <https://web.northamptoncounty.org/CountySuite.EServices>, or its successor website address. A link to the prothonotary's docket shall be maintained on the County-owned website at <https://www.northamptoncounty.org/CRTSRVCS/CIVIL/Pages/default.aspx>, or its successor website address.

2. The prothonotary shall also make a public access terminal available to the general public to allow access to the court's electronic case record in all electronically filed cases in the prothonotary's office.

D. *Filing Fees.*

1. All filing fees and payments shall be made at the time of filing with an authorized credit card through the CountySuite Portal. Filing fees and payments may not be deposited in advance with the prothonotary.

2. Filing fees billed by CountySuite Portal shall include the prothonotary's statutory filing fees.

3. The prothonotary is authorized to charge a convenience fee as set from time to time for each page of a legal paper or exhibit which is filed in hard copy format and which must be converted to the required format. The convenience fee shall be set by the prothonotary with the approval of the president judge.

E. *Sealed Documents.*

1. Documents intended to be filed under seal shall be designated by the filing party as “sealed” in the CountySuite Portal. However, designation of documents as “sealed” does not seal the documents. The filing party must submit a proper request for sealing documents in addition to making the designation in the CountySuite Portal.

2. The filing details and document title will appear in the electronic filing system. The documents can be viewed only by the court, prothonotary staff, and case participants.

F. *Time of electronic filing.*

1. The CountySuite Portal shall provide to the filer, using the email address registered by the filer, a courtesy email acknowledging that the filing was received. An official notification will be displayed in the CountySuite Portal, which includes the time and date, as a pending filing awaiting approval by the prothonotary. The prothonotary shall provide the filer with notification through the CountySuite Portal that the legal paper has been either accepted or rejected.

2. If a legal paper is accepted, it shall be deemed to have been filed as of the date and time it was received by the CountySuite Portal; however, if a legal paper is submitted without the requisite filing fee, the legal paper shall be deemed to have been accepted for filing as of the date payment is received pursuant to 42 P.S. § 21073(b). The prothonotary will maintain an electronic file only in all matters where electronic filing is permitted by this Court. (Comment: As required by Pa.R.Civ.P. 205.4(c)(1) access to the CountySuite Portal shall be available at all times, except for routine maintenance; however, legal documents can only be reviewed by prothonotary staff during normal office hours. Therefore, filers are cautioned to file required legal papers well in advance of any filing deadlines to enable timely correction and re-submission in the event a legal paper is not acceptable for filing.)

G. *Service of Legal Papers.*

1. Once an electronic filing has been accepted by the prothonotary which requires service by the sheriff, it shall be the responsibility of the filing party to provide to the sheriff the proper service fee and documents for original service and writs.

2. Once an electronic filing has been accepted by the prothonotary, it shall be the responsibility of the filing party to serve a copy of the electronic filing upon every other party to the action in accordance with Pa.R.C.P. No. 440.

H. *Entry of Appearance and Consent to Electronic Service of Legal Papers Other Than Original Process.*

1. Any attorney who is a registered electronic filing user must file a separate entry of appearance with the initial pleading or legal paper file in a matter in accordance with Rule N1012 which contains the attorney's name, identification number, address, phone number, fax number (if applicable), and email address.

2. Every legal paper submitted for electronic filing must include the attorney's or party's email address in addition to the information required by Pa.R.C.P. No. 1025.

3. Any party who is a registered electronic filing user is deemed to consent to receive service of legal papers other than original process by email pursuant to Pa.R.C.P. No. 205.4(g)(1)(ii).

I. Obligation of Registered Electronic Filing Users to Maintain Proper Delivery Information.

1. Parties or attorneys who register to use the CountySuite Portal system shall notify CountySuite Portal and the prothonotary within ten days of any change in firm name, delivery address, fax number, or email address.

[Pa.B. Doc. No. 23-1591. Filed for public inspection November 17, 2023, 9:00 a.m.]

Title 255—LOCAL COURT RULES

WESTMORELAND COUNTY

Offender Supervision Fees; No. 3 of 2023

Administrative Order of Court

And Now, to wit, this 19th day of October, 2023, *It Is Hereby Ordered And Decreed* that offender supervision fees charged by the Westmoreland County Adult Probation and Parole Department and assessed by the Westmoreland County Clerk of Courts to each offender under supervision, shall increase to \$51.00 per month effective 30 days from the date of publication in the *Pennsylvania Bulletin*. This increase shall not be assessed against any offender to the extent that the offender has pre-paid supervision fees at the time the increase is effective.

By the Court

CHRISTOPHER A. FELICIANI,
President Judge

[Pa.B. Doc. No. 23-1592. Filed for public inspection November 17, 2023, 9:00 a.m.]

Title 255—LOCAL COURT RULES

WESTMORELAND COUNTY

Rule of Civil Procedure W6027, “Statutory or License Suspension Appeals” and Accompanying Forms; No. 3 of 2023

Order of Court

And Now, this 8th day of September, 2023, it is hereby *Ordered* that the revised forms that correspond to Westmoreland County Rule of Civil Procedure W6027, “Statutory or License Suspension Appeals,” are hereby adopted and shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

RITA DONOVAN HATHAWAY,
President Judge

[Pa.B. Doc. No. 23-1593. Filed for public inspection November 17, 2023, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Suspension

By Order of the Supreme Court of Pennsylvania dated November 3, 2023, Benjamin Manuel Soto (# 74652), whose registered address is in Washington, DC, is suspended from the practice of law in this Commonwealth for a period of six months, effective December 3, 2023. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

MARCEE D. SLOAN,
Prothonotary

[Pa.B. Doc. No. 23-1594. Filed for public inspection November 17, 2023, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Community and Economic Development

The Executive Board approved a reorganization of the Department of Community and Economic Development effective November 2, 2023.

The organization chart at 53 Pa.B. 7180 (November 18, 2023) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

(Editor’s Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 23-1595. Filed for public inspection November 17, 2023, 9:00 a.m.]



Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Public School Employees’ Retirement System

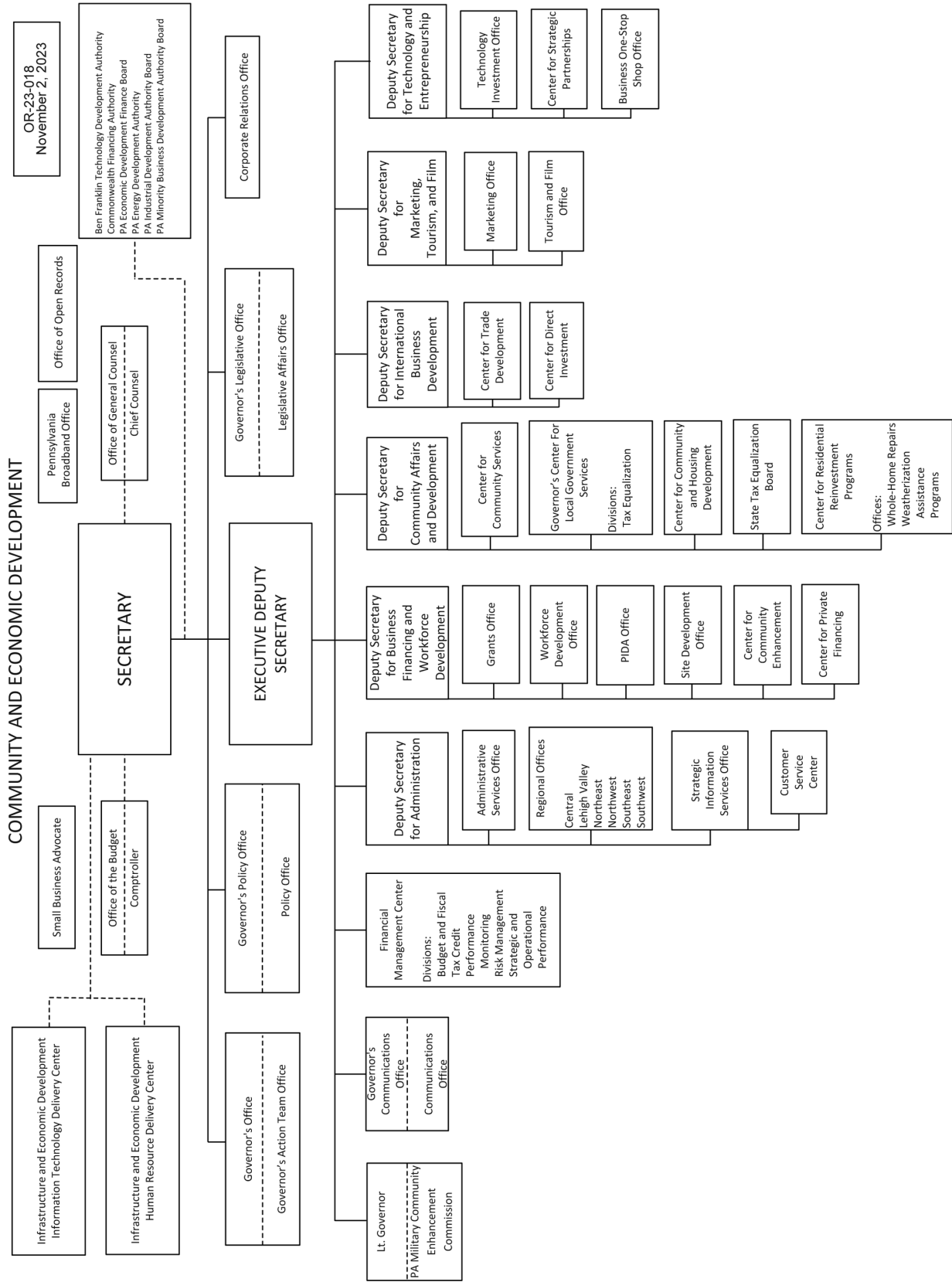
The Executive Board approved a reorganization of the Public School Employees’ Retirement System effective November 2, 2023.

The organization chart at 53 Pa.B. 7181 (November 18, 2023) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

(Editor’s Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

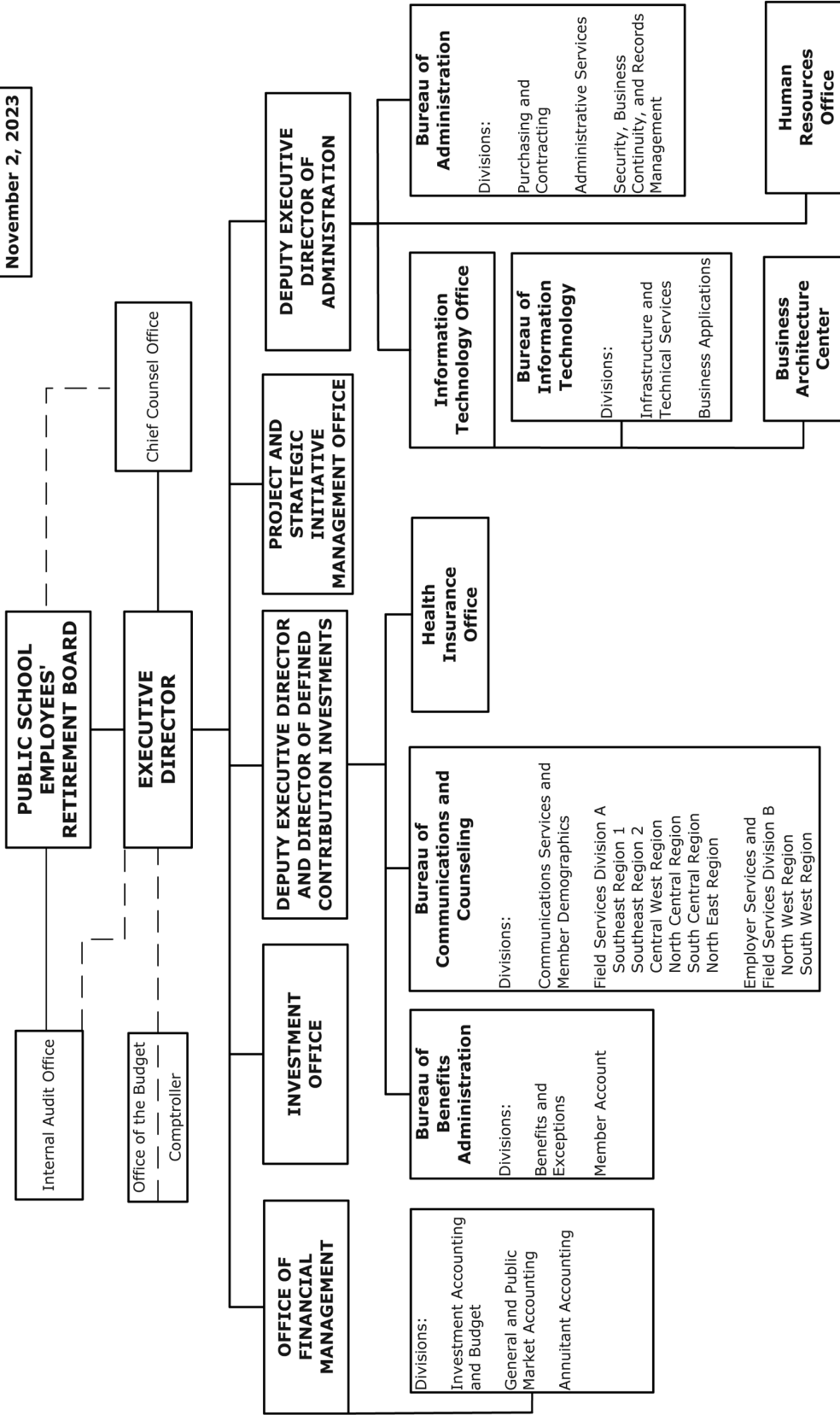
[Pa.B. Doc. No. 23-1596. Filed for public inspection November 17, 2023, 9:00 a.m.]





PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM

OR-23-019
November 2, 2023



NOTICES

BOARD OF COAL MINE SAFETY

Meeting Cancellation

The Board of Coal Mine Safety (Board) meeting scheduled for Thursday, December 7, 2023, has been cancelled. The next Board meeting is not yet scheduled. Information about the next meeting will be published in a future issue of the *Pennsylvania Bulletin*.

Information will be available on the Board's webpage, found through the Public Participation tab on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Advisory Committees," then "Mining," then "Board of Coal Mine Safety").

Individuals are encouraged to visit the Board's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the Board can be directed to Peggy Scheloske at mscheloske@pa.gov or (724) 404-3143.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Peggy Scheloske at (724) 404-3143 or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

JESSICA SHIRLEY,
Interim Acting Chairperson

[Pa.B. Doc. No. 23-1597. Filed for public inspection November 17, 2023, 9:00 a.m.]

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority in the Banking Code of 1965 (7 P.S. §§ 101—2204), the Department of Banking and Securities Code (71 P.S. §§ 733-1—733-1203) and 17 Pa.C.S. (relating to Credit Union Code), has taken the following actions on applications received for the week ending November 7, 2023.

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, may file comments in writing with the Department, for Bank Supervision, by e-mail to ra-bnbnksbmsnspspt@pa.gov or for credit unions, by e-mail to ra-bncusubmissions@pa.gov and trust companies, by e-mail to ra-bntrustrsuprvsninq@pa.gov. Comments must be received no later than 30 days from the date that the notice regarding acceptance 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, for banks (717) 783-8240, or for credit unions or trust companies (717) 783-2253.

APPLICATIONS FOR COMMENT

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Status</i>
11-03-2023	NexTier, Inc. Kittanning Armstrong County Application for approval to acquire 100% of Mars Bank, Mars, PA.	Accepted

CREDIT UNIONS

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Status</i>
11-01-2023	GOLD Credit Union Allentown Lehigh County Application for approval to merge GOLD Credit Union, Allentown, PA, with and into United Federal Credit Union, Saint Joseph, MI.	Accepted

OTHER APPLICATION ACTIVITY

BANKING INSTITUTIONS

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Status</i>
10-23-2023	1st Summit Bank Johnstown Cambria County	5812 6th Avenue Altoona Blair County	Opened

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Status</i>
11-06-2023	Community Bank Carmichaels Greene County	770 Tri-County Lane Belle Vernon Westmoreland County (Temporary Limited-Service Facility)	Accepted

CREDIT UNIONS

No activity.

The Department's web site at www.dobs.pa.gov includes public notices for more recently filed applications.

WENDY S. SPICHER,
Secretary

[Pa.B. Doc. No. 23-1598. Filed for public inspection November 17, 2023, 9:00 a.m.]

DEPARTMENT OF BANKING AND SECURITIES

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of December 2023

The Department of Banking and Securities (Department), under the authority contained in section 301 of the act of January 30, 1974 (P.L. 13, No. 6) (41 P.S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of December 2023, is 7.5%.

The interest rate limitations under the Commonwealth's usury statute were pre-empted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub.L. No. 96-221). Further pre-emption was instituted with the signing of Pub.L. No. 96-399, which overrode State interest rate

limitations on any individual who finances the sale or exchange of residential real property which the individual owns and which the individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board or the United States Treasury, or both. The latest yield rate on long-term government securities is 4.96 to which was added 2.50 percentage points for a total of 7.46 that by law is rounded off to the nearest quarter at 7.5%.

WENDY S. SPICHER,
Secretary

[Pa.B. Doc. No. 23-1599. Filed for public inspection November 17, 2023, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

APPLICATIONS FOR NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS UNDER THE CLEAN STREAMS LAW AND FEDERAL CLEAN WATER ACT

This notice provides information about persons who have applied to the Department of Environmental Protection (DEP) for a new, renewed, or amended NPDES or WQM permit, or a permit waiver for certain stormwater discharges, or have submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications and NOIs concern, but are not limited to, effluent discharges from sewage treatment facilities and industrial facilities to surface waters or groundwater; stormwater discharges associated with industrial activity (industrial stormwater), construction activity (construction stormwater), and municipal separate storm sewer systems (MS4s); the application of pesticides; the operation of Concentrated Animal Feeding Operations (CAFOs); and the construction of sewage, industrial waste, and manure storage, collection and treatment facilities. 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). More information on the types of NPDES and WQM permits that are available can be found on DEP's website (visit www.dep.pa.gov and select Businesses, Water, Bureau of Clean Water, Wastewater Management, and NPDES and WQM Permitting Programs).

<i>Section</i>	<i>Category</i>
I	Individual and General WQM Permit Applications/NOIs Received, General NPDES Permit NOIs Received, and All Transfer and Minor Amendment Applications/NOIs Received
II	Individual NPDES Permits—New, Renewal, and Major Amendment Applications and Draft Permits for Discharges Relating to Sewage, Industrial Waste, Industrial Stormwater, MS4s, Pesticides and CAFOs
III	Individual NPDES Permit Applications for Discharges of Stormwater Associated with Construction Activity

Section I identifies the following applications and NOIs that have been received by DEP:

- Individual and General WQM Permit Applications Received—DEP provides a 15-day public comment period for Individual WQM Permit Applications for new and reissued permits. There is no public comment period for General WQM Permit NOIs.
- General Chapter 92a NPDES Permit NOIs Received—There is no public comment period for General NPDES NOIs received.
- All Transfer and Minor Amendment Applications/NOIs Received—Transfer and Minor Amendment Applications/NOIs received for Individual and General WQM Permits and Individual and General NPDES Permits, excluding PAG-01 and PAG-02, are identified but do not have public comment periods. DEP provides a 15-day public comment period for Individual WQM Permit Applications for amendments.

Additional information on these applications and NOIs may be reviewed by generating the “Applications and NOIs without Comment Periods Report” or, for Individual WQM Permit Applications, the “Applications Received with Comment Periods Report” on DEP’s website at www.dep.pa.gov/CWPublicNotice.

Section II identifies individual NPDES permit applications received and draft permits indicating DEP’s tentative determination relating to sewage, industrial waste, industrial stormwater, MS4s, pesticides and CAFOs. A 30-day public comment period applies to these applications and draft permits, except when a site-specific water quality criterion is used to establish effluent limitations, in which case a 45-day public comment period applies. The period for comment may be extended at the discretion of DEP for one additional 15-day period. Additional information, including links to draft permits and fact sheets that explain the basis for DEP’s tentative determinations may be reviewed by generating the “Applications Received with Comment Periods Report” on DEP’s website at www.dep.pa.gov/CWPublicNotice. Notification of 15-day extensions for comment will be provided in the “Applications Received with Comment Periods Report” (Comments column).

Section III identifies individual NPDES permit applications received and draft permits indicating DEP’s tentative determination relating to stormwater discharges associated with construction activities. A 30-day public comment period applies to these applications and draft permits. The period for comment may be extended at the discretion of the Department for one additional 15-day period. Additional information may be reviewed by generating the “Applications Received with Comment Periods Report” on DEP’s website at www.dep.pa.gov/CWPublicNotice.

Applications, NOIs and draft permits, where applicable, may be reviewed at the DEP office that received the application or NOI. Members of the public are encouraged to use DEP’s website to obtain additional information as discussed previously.

Comments received within the appropriate comment periods for WQM and NPDES permit applications will be retained by DEP and 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 DEP of the exact basis of a comment and the relevant facts upon which it is based.

DEP office contact information to review applications and NOIs and to submit comments for those applications, when applicable, is as follows:

DEP Southeast Regional Office (SERO)—2 E. Main Street, Norristown, PA 19401-4915. File Review Coordinator: 484-250-5910. Email: RA-EPNPDES_SERO@pa.gov for permits in Sections I & II; RA-EPWW-SERO@pa.gov for permits in Section III.

DEP Northeast Regional Office (NERO)—2 Public Square, Wilkes-Barre, PA 18701-1915. File Review Coordinator: 570-826-5472. Email: RA-EPNPDES_NERO@pa.gov for permits in Sections I & II; RA-EPWW-NERO@pa.gov for permits in Section III.

DEP Southcentral Regional Office (SCRO)—909 Elmerton Avenue, Harrisburg, PA 17110. File Review Coordinator: 717-705-4732. Email: RA-EPNPDES_SCRO@pa.gov for permits in Sections I & II; RA-EPWW-SCRO@pa.gov for permits in Section III.

DEP Northcentral Regional Office (NCRO)—208 W. Third Street, Suite 101, Williamsport, PA 17701. File Review Coordinator: 570-327-3693. Email: RA-EPNPDES_NCRO@pa.gov for permits in Sections I & II; RA-EPWW-NCRO@pa.gov for permits in Section III.

DEP Southwest Regional Office (SWRO)—400 Waterfront Drive, Pittsburgh, PA 15222. File Review Coordinator: 412-442-4286. Email: RA-EPNPDES_SWRO@pa.gov for permits in Sections I & II; RA-EPWW-SWRO@pa.gov for permits in Section III.

DEP Northwest Regional Office (NWRO)—230 Chestnut Street, Meadville, PA 16335. File Review Coordinator: 814-332-6340. Email: RA-EPNPDES_NWRO@pa.gov for permits in Sections I & II; RA-EPWW-NWRO@pa.gov for permits in Section III.

DEP Bureau of Clean Water (BCW)—400 Market Street, Harrisburg, PA 17105. File Review Coordinator: 717-787-5017. Email: RA-EPNPDES_Permits@pa.gov.

DEP Regional Permit Coordination Office (RPCO)—400 Market Street, Harrisburg, PA 17105. File Review Coordinator: 717-772-5987. Email: RA-EPREGIONALPERMIT@pa.gov.

DEP will also accept requests or petitions for public hearings on applications. The request or petition must indicate the interest of the party filing and the reasons why a hearing is warranted. A hearing will be held if DEP determines that there is a significant public interest. 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. DEP will postpone its final determination until after a public hearing is held.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

I. Individual and General WQM Permit Applications/NOIs Received, General NPDES Permit NOIs Received, and All Transfer and Minor Amendment Applications/NOIs Received.

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
0121801	Joint DEP/PFBC Pesticides Permit	Amendment	Lake Heritage POA 1000 Heritage Drive Gettysburg, PA 17325-8954	Mount Joy Township Adams County	SCRO
2113814	Joint DEP/PFBC Pesticides Permit	Amendment	Falcone Suki 1 Grey Goose Circle Carlisle, PA 17015-8544	Middlesex Township Cumberland County	SCRO
3123802	Joint DEP/PFBC Pesticides Permit	New	Wyles Michelle 2728 Wyles Lane James Creek, PA 16657-8631	Lincoln Township Huntingdon County	SCRO
5020801	Joint DEP/PFBC Pesticides Permit	Renewal	Marley Melinda 1156 Dietz Road P.O. Box 67 Elliottsburg, PA 17024	Saville Township Perry County	SCRO
6323801	Joint DEP/PFBC Pesticides Permit	New	Goodwin Zach 224 Vance Station Road Washington, PA 15301-3122	South Strabane Township Washington County	SWRO
6423808	Joint DEP/PFBC Pesticides Permit	New	Thompson Wayne 137 Equinunk Creek Road Lakewood, PA 18439	Buckingham Township Wayne County	NERO
0805201	Major Industrial Waste Treatment Facility Individual WQM Permit	Amendment	Cargill Meat Solutions Corp 151 N Main Street Wichita, KS 67202-1413	Wyalusing Township Bradford County	NCRO
2109402	Major Sewage Treatment Facility Individual WQM Permit	Amendment	Mechanicsburg Borough 36 W Allen Street Mechanicsburg, PA 17055-6257	Mechanicsburg Borough Cumberland County	SCRO
PA0114545	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Transfer	Troy Car Wash LLC 4587 Route 6 Troy, PA 16947-9250	Troy Township Bradford County	NCRO
0891201	Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit	Transfer	Troy Car Wash LLC 4587 Route 6 Troy, PA 16947-9250	Troy Township Bradford County	NCRO
1400403	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Transfer	Centre MHC LLC 3824 Trythall Street Bethlehem, PA 18020-2925	Huston Township Centre County	NCRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
2072405	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Transfer	Denny Ridge Mobile Home Park LLC 4463 Pitts Road Adamsville, PA 16110-1323	Hayfield Township Crawford County	NWRO
364S42	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Amendment	SNPJ Recreation Center Inc. 270 Martin Road Enon Valley, PA 16120-4614	North Beaver Township Lawrence County	NWRO
6788412	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Transfer	The York Water Co. 130 E Market Street York, PA 17401-1219	Monaghan Township York County	SCRO
NNOEXNC29	No Exposure Certification	Renewal	API Tech Corp 1900 W College Avenue State College, PA 16801-2723	Ferguson Township Centre County	NCRO
NOEXNC181	No Exposure Certification	New	Anthracite Ind Inc. P.O. Box 112 Sunbury, PA 17801-0112	Shamokin Township Northumberland County	NCRO
NOEXSC406	No Exposure Certification	New	AHF LLC dba AHF Products 1067 Dillerville Road Lancaster, PA 17603-2613	Lancaster City Lancaster County	SCRO
NOEXSC408	No Exposure Certification	New	York County Transportation Authority dba Rabbitransit 415 N Zarfoss Drive York, PA 17404-8705	West Manchester Township York County	SCRO
NOEXSW247	No Exposure Certification	Renewal	Lanxess Corp 8 Morgan Road Burgettstown, PA 15021-9503	Hanover Township Washington County	SWRO
PAG030300	PAG-03 NPDES General Permit for Industrial Stormwater	New	Amazon Com Service LLC P.O. Box 80842 Seattle, WA 98108	Philadelphia City Philadelphia County	SERO
PAG034015	PAG-03 NPDES General Permit for Industrial Stormwater	New	RH Sheppard Co. Inc. 101 Philadelphia Street Hanover, PA 17331-2038	Hanover Borough York County	SCRO
PAG034070	PAG-03 NPDES General Permit for Industrial Stormwater	New	Amazon Com Service LLC P.O. Box 80842 Seattle, WA 98108-0842	West Donegal Township Lancaster County	SCRO
PAG034071	PAG-03 NPDES General Permit for Industrial Stormwater	New	Nissin Foods USA Co. Inc. 2901 Hempland Road Lancaster, PA 17601-1324	East Hempfield Township Lancaster County	SCRO
PAG034072	PAG-03 NPDES General Permit for Industrial Stormwater	New	The Ames Co. Inc. 4935 US Highway 522 N McClure, PA 17841-9133	Decatur Township Mifflin County	SCRO
PAG035036	PAG-03 NPDES General Permit for Industrial Stormwater	New	Penn Greenhouse LLC 1 Lorian Drive Selinsgrove, PA 17870-7203	Penn Township Snyder County	NCRO
PAG035042	PAG-03 NPDES General Permit for Industrial Stormwater	New	Principle Enterprises LLC 2897 Route 414 Canton, PA 17724-7223	Canton Township Bradford County	NCRO

NOTICES

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<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG056213	PAG-05 NPDES General Permit for Groundwater Cleanup	Renewal	Collier Keith B 5610 William Flynn Highway Gibsonia, PA 15044-9516	Richland Township Allegheny County	SWRO
PAG056274	PAG-05 NPDES General Permit for Groundwater Cleanup	New	Roman Catholic Diocese of Greensburg 179 Donohoe Road Greensburg, PA 15601-6986	Hempfield Township Westmoreland County	SWRO
PAG123880	PAG-12 NPDES General Permit for CAFOs	Renewal	Wason Farms LLC 2823 Farm House Lane James Creek, PA 16657-8664	Lincoln Township Huntingdon County	SCRO
PAG123944	PAG-12 NPDES General Permit for CAFOs	New	Martin Larry Dean 61 Cherry Hill Road Richland, PA 17087-9619	Tulpehocken Township Berks County	SCRO
PAG152204	PAG-15 NPDES General Permit for Pesticides	Renewal	Baylors Lake Assoc 103 Spur Lane P.O. Box 126 Fleetville, PA 18420-0130	Benton Township Lackawanna County	NERO
PAG153502	PAG-15 NPDES General Permit for Pesticides	Renewal	Lake Heritage POA 1000 Heritage Drive Gettysburg, PA 17325-8954	Mount Joy Township Adams County	SCRO
PAG156102	PAG-15 NPDES General Permit for Pesticides	Renewal	Stony Creek Valley Development Corp P.O. Box 237 Shanksville, PA 15560-0237	Stonycreek Township Somerset County	SWRO
PA0293121	Single Residence STP Individual NPDES Permit	Transfer	Priatko Michael 336 Maple Road Pittsburgh, PA 15239-1906	Otter Creek Township Mercer County	NWRO
0223405	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Vrabel Charles 13 Dewey Lane Gibsonia, PA 15044-4910	Fawn Township Allegheny County	SWRO
2523428	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Jack Kinder LLC 1567 Sedgwick Road Waterford, PA 16441-3845	Summit Township Erie County	NWRO
2523429	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Bree & Josh Wise 9031 Fry Road McKean, PA 16426-1538	McKean Township Erie County	NWRO
4323409	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Priatko Michael 336 Maple Road Pittsburgh, PA 15239-1906	Otter Creek Township Mercer County	NWRO
6223403	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Lauffenburger Shawna 1573 Cole Hill Road Russell, PA 16345-5331	Pine Grove Township Warren County	NWRO
6523404	Small Flow Treatment Facility Individual WQM Permit	New	Antonishen Walter 325 Alice Road Acme, PA 15610-2156	Mount Pleasant Township Westmoreland County	SWRO
WQG02352301	WQG-02 WQM General Permit	New	Moscow Sewer Authority Lackawanna County 309 Market Street Moscow, PA 18444	Moscow Borough Lackawanna County	NERO
WQG02482301	WQG-02 WQM General Permit	New	Huratiak Homes LLC 416 O W Road Bangor, PA 18013-9380	Pen Argyl Borough Northampton County	NERO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
WQG02482302	WQG-02 WQM General Permit	New	Forks Township Northampton County 1606 Sullivan Trail Easton, PA 18040-8332	Forks Township Northampton County	NERO

II. Individual NPDES Permits—New, Renewal, and Major Amendment Applications and Draft Permits for Discharges Relating to Sewage, Industrial Waste, Industrial Stormwater, MS4s, Pesticides and CAFOs.

Northeast Regional Office

PA0026042, Sewage, SIC Code 4952, **Bethlehem City, Northampton County**, 10 East Church Street, Bethlehem, PA 18018. Facility Name: Bethlehem City STP & Sewer System. This existing facility is located in Bethlehem City, **Northampton 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), Lehigh River (WWF, MF) and Saucon Creek (CWF, MF), are located in State Water Plan watershed 2-C and is classified for Warm Water Fishes, Migratory Fishes, and 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 20.0 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Ammonia-Nitrogen	XXX	XXX	XXX	XXX	Report Daily Max	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 20.0 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Ammonia-Nitrogen	XXX	XXX	XXX	XXX	30.0 Daily Max	XXX
Nov 1 - Apr 30					10.0 Daily Max	
May 1 - Oct 31	XXX	XXX	XXX	XXX	10.0 Daily Max	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 20.0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Color (Pt-Co Units) (Pt-Co Units)	XXX	XXX	XXX	Report Avg Qrtly	Report	XXX
Total Dissolved Solids	Report Avg Qrtly	Report	XXX	1,000.0 Avg Qrtly	2,000.0	2,000.0

The proposed effluent limits for Outfall 001 are based on a design flow of 20.0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
PCBs, Total (ug/L)	Report Annl Avg	Report	XXX	Report Annl Avg	Report	XXX
Phenolics, Total	Report Annl Avg	Report	XXX	Report Annl Avg	Report	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 20.0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</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
Dissolved Oxygen	XXX	XXX	Inst Min 4.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.50	XXX	1.20
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	4,170	6,672 Wkly Avg	XXX	25.0	40.0 Wkly Avg	50.0

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
CBOD ₅ Minimum % Removal (%)	Report	XXX	XXX	XXX	XXX	XXX
Total Suspended Solids	Min Mo Avg 5,004	Wkly Avg 7,506	XXX	30.0	45.0	60.0
Total Suspended Solids Minimum % Removal (%)	Report	XXX	XXX	XXX	XXX	XXX
Fecal Coliform (No./100 ml)	Min Mo Avg XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean XXX	XXX	Report
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	2,502	Report	XXX	15.0	XXX	30.0
Nov 1 - Apr 30	834	Report	XXX	5.0	XXX	10.0
May 1 - Oct 31	Report	XXX	XXX	Report	Report	XXX
Nitrate as N	Report	XXX	XXX	Report	Report	XXX
Nitrite an N	Report	XXX	XXX	Report	Report	XXX
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	Report	XXX
Total Phosphorus	Report	XXX	XXX	Report	Report	XXX
Cadmium, Total (ug/L)	Report	Report	XXX	Report	Report	XXX
Copper, Total (ug/L)	Report	Report	XXX	Report	Report	XXX
Zinc, Total (ug/L)	Report	Report	XXX	Report	Report	XXX

The proposed effluent limits for CSO Outfalls 003 and 012 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Total Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
Duration of Discharge (hours)	Avg Mo Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	Report Inst Min	XXX	XXX	Report
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	Report	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	Report	XXX	Report
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Ammonia-Nitrogen	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for (emergency) Outfall 006 are based on a design flow of 20.0 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Ammonia-Nitrogen	XXX	XXX	XXX	XXX	Report Daily Max	XXX

The proposed effluent limits for (emergency) Outfall 006 are based on a design flow of 20.0 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Ammonia-Nitrogen	XXX	XXX	XXX	XXX	30.0	XXX
Nov 1 - Apr 30	XXX	XXX	XXX	XXX	Daily Max	XXX
May 1 - Oct 31	XXX	XXX	XXX	XXX	10.0 Daily Max	XXX

The proposed effluent limits for (emergency) Outfall 006 are based on a design flow of 20.0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
Duration of Discharge (hours)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	Total Mo XXX	XXX	6.0 Inst Min	XXX	XXX	9.0

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Dissolved Oxygen	XXX	XXX	4.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.50	XXX	1.20
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	4,170	6,672	XXX	25.0	40.0	50
Total Suspended Solids	5,004	7,506	XXX	30.0	45.0	60
Total Dissolved Solids	Report	XXX	XXX	1,000.0	2,000.0 Daily Max	2,000
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean		
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	2,502	XXX	XXX	15.0	XXX	30
Nov 1 - Apr 30						
May 1 - Oct 31	834	XXX	XXX	5.0	XXX	10
Nitrate as N	Report	XXX	XXX	Report	XXX	XXX
Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Stormwater Outfalls 007—011 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report
Oil and Grease	XXX	XXX	XXX	XXX	XXX	30.0
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	XXX	Report
Iron, Total	XXX	XXX	XXX	XXX	XXX	Report

The proposed effluent limits for Internal Monitoring Point/Outfall 101 (Raw Sewage Influent) are based on a design flow of NA MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
Raw Sewage Influent						
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	Report	Report	XXX	Report	Report	XXX
Raw Sewage Influent						
Biochemical Oxygen Demand (BOD ₅)	Report	Report	XXX	Report	Report	XXX
Raw Sewage Influent						
Total Suspended Solids	Report	Report	XXX	Report	Report	XXX
Raw Sewage Influent						

In addition, the permit contains the following major special conditions:

- Stormwater prohibition (separated sewer system areas); Necessary property rights; Residuals Management; Chlorine minimization; Operations & Maintenance Plan; High Flow Management Plan; Changes to effluent/stream; Discharge prohibition; Weekly average definition; Maximizing treatment at POTW; Combined sewer overflow conditions; POTW pretreatment program implementation; Solids management; Whole Effluent Toxicity (WET); and Stormwater conditions.

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.

Northeast Regional Office

PA0276693, Sewage, SIC Code 4952, **Omi Rivera**, 160 E. Moorestown Road, Wind Gap, PA 18091. Facility Name: Rivera SRSTP. This proposed facility is located in Bushkill Township, **Northampton County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated SRSTP sewage.

The receiving stream, Unnamed Tributary of Bushkill Creek, is located in State Water Plan watershed 1-F and is classified for exceptional value waters, migratory fish, 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 0.0004 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (MGD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	XXX	XXX	0.02
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
Ammonia-Nitrogen	XXX	XXX	XXX	5.0	XXX	10.0

In addition, the permit contains the following major special conditions:

- TRC Effluent Limitations Lower than Quantitation Limits
- Ultraviolet (UV) Disinfection

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.

Northeast Regional Office

PA0276731, Sewage, SIC Code 4952, **Neil Bower**, 6968 Bake Oven Road, Germansville, PA 18053-2309. Facility Name: Neil Bower SRSTP. This proposed facility is located in Heidelberg Township, **Lehigh County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated SRSTP sewage.

The receiving stream, an unnamed tributary to Jordan Creek (HQ-CWF, MF), is located in State Water Plan watershed 2-C and is classified for High-Quality—Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0005 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (MGD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report

In addition, the permit contains the following major special conditions:

- Ultraviolet (UV) Disinfection

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.

Northwest Regional Office

PA0031305, Sewage, SIC Code 4952, 7032, **Summit School, Inc.**, P.O. Box 13, Herman, PA 16039-0013. Facility Name: Summit Academy. This existing facility is located in Summit Township, **Butler 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, an Unnamed Tributary to the Bonnie Brook (WWF), 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 0.04 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>				
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>					
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX				
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX				
Dissolved Oxygen	XXX	XXX	Daily Min	XXX	Daily Max	XXX				
			4.0		XXX					
Total Residual Chlorine (TRC)	XXX	XXX	Daily Min	0.5	XXX	1.6				
			XXX				XXX			
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	10.0	XXX	20				
			XXX				XXX			
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60				
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000				
							Oct 1 - Apr 30	Geo Mean	XXX	1,000
							May 1 - Sep 30	200		
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report				
							Total Nitrogen	Report	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	7.5	XXX	15				
							Nov 1 - Apr 30	2.5	XXX	5
							May 1 - Oct 31			
Total Phosphorus	XXX	XXX	XXX	2.0	XXX	4				

The proposed effluent limits for Outfall 001 are based on a design flow of 0.04 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>				
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>					
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX				
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX				
Dissolved Oxygen	XXX	XXX	Daily Min	XXX	Daily Max	XXX				
			4.0		XXX					
Total Residual Chlorine (TRC)	XXX	XXX	Daily Min	0.29	XXX	0.96				
			XXX				XXX			
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	10.0	XXX	20				
			XXX				XXX			
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60				
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000				
							Oct 1 - Apr 30	Geo Mean	XXX	1,000
							May 1 - Sep 30	200		
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report				
							Total Nitrogen	Report	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	7.5	XXX	15				
							Nov 1 - Apr 30	2.5	XXX	5
							May 1 - Oct 31			
Total Phosphorus	XXX	XXX	XXX	2.0	XXX	4				

In addition, the permit contains the following major special conditions:

- Solids Management
- Requirements for Total Residual Chlorine (TRC)

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6078.

The EPA Waiver is in effect.

Northwest Regional Office

PA0031470, Sewage, SIC Code 8211, **Penns Manor Area School District**, 6003 Route 553 Highway, Clymer, PA 15728-8318. Facility Name: Penns Manor Area School District. This existing facility is located in Cherryhill Township, **Indiana 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, the Rose Run (CWF), is located in State Water Plan watershed 18-D and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.03 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	Daily Min	XXX	Daily Max	XXX
			6.0		XXX	
Total Residual Chlorine (TRC)	XXX	XXX	Daily Min	0.05	XXX	0.1
			XXX		XXX	
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25.0	XXX	50.0
			XXX		XXX	
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean	XXX	1,000
				200		
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean	XXX	Report
May 1 - Sep 30				200		
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Ammonia-Nitrogen	XXX	XXX	XXX	5.0	XXX	10.0
				Nov 1 - Apr 30	XXX	4.2
				May 1 - Oct 31		
Total Nitrogen	XXX	XXX	XXX	2.1	XXX	4.2
				Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Daily Max	XXX	XXX
				Report		
Aluminum, Total	XXX	XXX	XXX	Report	XXX	XXX
				Daily Max		
Iron, Total	XXX	XXX	XXX	Report	XXX	XXX
				Daily Max		
Manganese, Total	XXX	XXX	XXX	Report	XXX	XXX
				Daily Max		

In addition, the permit contains the following major special conditions:

- Solids Management

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6078.

The EPA Waiver is in effect.

Northwest Regional Office

PA0090140, Sewage, SIC Code 4952, **Clymer Borough Municipal Authority**, 470 Adams Street, Clymer, PA 15728-1156. Facility Name: Clymer Borough Municipal Authority. This existing facility is located in Clymer Borough, **Indiana 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, the Two Lick Creek (TSF), is located in State Water Plan watershed 18-D and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.24 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	Daily Min	XXX	Daily Max	XXX
			4.0		XXX	
Total Residual Chlorine (TRC)	XXX	XXX	Daily Min	0.5	XXX	1.6
			XXX		XXX	
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	50.0	75.0	XXX	25.0	37.5	50
			XXX		XXX	
Biochemical Oxygen Demand (BOD ₅)	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	60.0	90.0	XXX	30.0	45.0	60
Total Suspended Solids						

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Ultraviolet light intensity ($\mu\text{w}/\text{cm}^2$)	XXX	XXX	XXX	Report	Report	XXX
					Daily Max	
Ammonia-Nitrogen	42.0	63.0	XXX	21.0	31.5	42.0
Nov 1 - Apr 30						
May 1 - Oct 31	14.0	21.0	XXX	7.0	10.5	14
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
				Daily Max		
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
				Daily Max		
Aluminum, Total	XXX	XXX	XXX	Report	XXX	XXX
				Daily Max		
Iron, Total	XXX	XXX	XXX	Report	XXX	XXX
				Daily Max		
Manganese, Total	XXX	XXX	XXX	Report	XXX	XXX
				Daily Max		

In addition, the permit contains the following major special conditions:

- Solids Management

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6078.

The EPA Waiver is in effect.

Northwest Regional Office

PA0264784, Sewage, SIC Code 4952, **Mercer Township**, P.O. Box 380, Harrisville, PA 16038-0380. Facility Name: Mercer Township Forestville STP. This existing facility is located in Mercer Township, **Butler 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, an Unnamed Tributary to the McDonald Run (CWF), is located in State Water Plan watershed 20-C 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 0.022 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
		Daily Max				
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
			Daily Min		Daily Max	
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
			Daily Min			
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.07	XXX	0.23
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	4.5	XXX	XXX	25.0	XXX	50
Biochemical Oxygen Demand (BOD ₅)	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	5.5	XXX	XXX	30.0	XXX	60
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	2,000	XXX	10,000
Oct 1 - Apr 30				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Total Nitrogen	Report	Report	XXX	Report	Report	XXX
	Avg Qrtly	Daily Max		Avg Qrtly	Daily Max	

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Ammonia-Nitrogen Nov 1 - Apr 30	1.5	XXX	XXX	8.7	XXX	17.4
May 1 - Oct 31	0.5	XXX	XXX	2.9	XXX	5.8
Total Phosphorus	Report Avg Qrtly	Report Daily Max	XXX	Report Avg Qrtly	Report Daily Max	XXX

In addition, the permit contains the following major special conditions:

- Solids Management

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6078.

The EPA Waiver is in effect.

III. Individual NPDES Permit Applications for Discharges of Stormwater Associated with Construction Activity.

Northeast Regional Office

Applicant: **NH-Bartonsville, PA-1-UT, LLC**

Applicant Address: 4747 Williams Drive, Georgetown, TX 78633-2017

Application Number: **PAD450179**

Application Type: New

Municipality/County: Pocono Township, **Monroe County**

Project Site Name: Proposed Neighborhood Hospital and Medical Office Building

Total Earth Disturbance Area (acres): 8.25 acres

Surface Waters Receiving Stormwater Discharges: Pocono Creek (HQ-CWF)

Proposed Effluent Limitations: The draft permit requires implementation of an Erosion and Sediment Control (E&S) Plan and a Post-Construction Stormwater Management (PCSM) Plan and compliance with Federal technology-based effluent standards at 40 CFR Part 450.

Rate or Frequency of Discharge: Stormwater discharges during and following earth disturbance activities are precipitation-induced and will vary depending on factors such as the area of impervious surfaces, the size and placement of best management practices (BMPs) and the intensity of precipitation.

Project Description: Removal of existing commercial building and parking and construct a proposed hospital and medical office building with associated parking, landscaping and stormwater management facilities as part of the redevelopment of the property.

Special Conditions: N/A—No site-specific special conditions proposed.

You may review the permit application file by contacting DEP's File Review Coordinator at 570-826-5472.

Northeast Regional Office

Applicant: **TMS Real Estate Investments, LLC**

Applicant Address: 980 Harvest Drive, Suite 200, Blue Bell, PA 19422-1908

Application Number: **PAD480197**

Application Type: New

Municipality/County: Bangor Borough, Washington Township, **Northampton County**

Project Site Name: Quarry Ridge—Townhome Development

Total Earth Disturbance Area (acres): 46.10 acres

Surface Waters Receiving Stormwater Discharges: Martins Creek (HQ-CWF, MF) & UNT to Martins Creek (CWF, MF)

Proposed Effluent Limitations: The draft permit requires implementation of an Erosion and Sediment Control (E&S) Plan and a Post-Construction Stormwater Management (PCSM) Plan and compliance with Federal technology-based effluent standards at 40 CFR Part 450.

Rate or Frequency of Discharge: Stormwater discharges during and following earth disturbance activities are precipitation-induced and will vary depending on factors such as the area of impervious surfaces, the size and placement of best management practices (BMPs) and the intensity of precipitation.

Project Description: The project involves the development of a 70.87-acre property involving the construction of 255 residential townhome units, parking areas, access roadways, lighting, landscaping, utilities and stormwater management facilities.

Special Conditions: N/A—No site-specific special conditions proposed.

You may review the permit application file by contacting DEP's File Review Coordinator at 570-826-5472.

Northeast Regional Office

Applicant: **Hunlock Township**

Applicant Address: 33 Village Drive, Hunlock Creek, PA 18621

Application Number: **PAD400053 A-1**

Application Type: Major Amendment

Municipality/County: Hunlock Township, **Luzerne County**

Project Site Name: Hunlock Township Park

Total Earth Disturbance Area (acres): 11.23 acres

Surface Waters Receiving Stormwater Discharges: 1. Unnamed Tributary to Hunlock Creek (CWF, MF); 2. EV Wetlands

Proposed Effluent Limitations: The draft permit requires implementation of an Erosion and Sediment Control (E&S) Plan and a Post-Construction Stormwater Management (PCSM) Plan and compliance with Federal technology-based effluent standards at 40 CFR Part 450.

Rate or Frequency of Discharge: Stormwater discharges during and following earth disturbance activities are precipitation-induced and will vary depending on factors such as the area of impervious surfaces, the size and placement of best management practices (BMPs) and the intensity of precipitation.

Project Description: The major amendment being submitted is for an additional parking lot, re-grading of an existing baseball field and new concrete sidewalk. The existing BMPs will handle the additional runoff from the proposed improvements and increased impervious area. Calculations were updated for the infiltration trench and bioretention area with the additional disturbance that meet the new BMP regulations and satisfy the PA DEP PCSM Spreadsheet. The previous permit for this project accounted for a limit of disturbance of 9.88 acres and has been stabilized. The major amendment will increase the limit of disturbance by 1.35 acres, causing the overall disturbed area to be 11.23 acres. The additional 1.35 acres will include the regrading of the baseball field, construction of dugouts, stormwater conveyance, and new sidewalks. Calculations have been completed to account for the overall 11.23 acres of disturbance for the NPDES permit and has been managed in two discharge points (DP-001 and DP-002).

Special Conditions: N/A—No site-specific special conditions proposed.

You may review the permit application file by contacting DEP's File Review Coordinator at 570-826-5472.

Northeast Regional Office

Applicant: **Core5 Industrial Partners, LLC**

Applicant Address: 1230 Peachtree Street NE, Suite 3560, Atlanta, GA 30309

Application Number: **PAD450190**

Application Type: New

Municipality/County: Pocono Township, **Monroe County**

Project Site Name: Warner Road Warehouse

Total Earth Disturbance Area (acres): 73.50 acres

Surface Waters Receiving Stormwater Discharges: Pocono Creek (HQ-CWF, MF)

Proposed Effluent Limitations: The draft permit requires implementation of an Erosion and Sediment Control (E&S) Plan and a Post-Construction Stormwater Management (PCSM) Plan and compliance with Federal technology-based effluent standards at 40 CFR Part 450.

Rate or Frequency of Discharge: Stormwater discharges during and following earth disturbance activities are precipitation-induced and will vary depending on factors such as the area of impervious surfaces, the size and placement of best management practices (BMPs) and the intensity of precipitation.

Project Description: Construction of 702,000 ± square foot warehouse building, car parking lots, truck loading docks, trailer parking areas, access drives, stormwater basins, on-site and off-site utilities, and other improvements.

Special Conditions: See draft permit for details.

You may review the permit application file by contacting DEP's File Review Coordinator at 570-826-5472.

Southeast Regional Office

Applicant: **Philadelphia Energy Solutions Refinery and Marketing LLC**

Applicant Address: 3144 W Passyunk Avenue, Philadelphia, PA 19145-5208

Application Number: **PAD510217 A-1**

Application Type: Major Amendment

Municipality/County: City of Philadelphia, **Philadelphia County**

Project Site Name: The Bellwether District Industrial Major Amendment 1

Total Earth Disturbance Area (acres): 734 acres

Surface Waters Receiving Stormwater Discharges: Schuylkill River (WWF, MF)

Proposed Effluent Limitations: The draft permit requires implementation of an Erosion and Sediment Control (E&S) Plan and a Post-Construction Stormwater Management (PCSM) Plan and compliance with Federal technology-based effluent standards at 40 CFR Part 450.

Rate or Frequency of Discharge: Stormwater discharges during and following earth disturbance activities are precipitation-induced and will vary depending on factors such as the area of impervious surfaces, the size and placement of best management practices (BMPs) and the intensity of precipitation.

Project Description: This project includes the demolition and redevelopment of a portion of the former Philadelphia Energy Solutions site. This application is for phase 1 of the overall project and includes site demolition and earthwork for site preparation in support of future development. Future applications will be submitted for the proposed site development. This application does not propose modifications to existing permits. This application is for a major amendment of phase 1 of the overall project and includes the development of Lot 15 which proposes a one-story industrial warehouse with associated parking and loading spaces, landscaping areas, and a basin for stormwater management. This also includes the construction of Hartranft Street and Frances Harper Drive as well as improvements being done on 26th Street.

Special Conditions: N/A

You may review the permit application file by contacting DEP's File Review Coordinator at 484-250-5910.

Northcentral Regional Office

Applicant: **The PA State University**

Applicant Address: 139J Physical Plant Building, University Park, PA 16802

Application Number: **PAD140092 A-1**

Application Type: Major Amendment

Municipality/County: College Township, **Centre County**

Project Site Name: Medlar Field at Lubrano Park Field Replacement

Total Earth Disturbance Area (acres): 3.98 acres

Surface Waters Receiving Stormwater Discharges: UNT to Thompson Run (HQ-CWF, MF)

Proposed Effluent Limitations: The draft permit requires implementation of an Erosion and Sediment Control (E&S) Plan and a Post-Construction Stormwater Management (PCSM) Plan and compliance with Federal technology-based effluent standards at 40 CFR Part 450.

Rate or Frequency of Discharge: Stormwater discharges during and following earth disturbance activities are precipitation-induced and will vary depending on factors such as the area of impervious surfaces, the size and placement of best management practices (BMPs) and the intensity of precipitation.

Project Description: The project proposes construction of a hitting tunnel building addition, expansion of the existing paved parking lot, concrete walkways, stormwater drainage adjacent to Medlar field, and replacing the collector and ancillary pipes underneath the Medlar field baseball field for the purpose of site drainage. The proposed impervious surface increases will be managed utilizing two stormwater vaults and pipes.

Special Conditions: None

You may review the permit application file by contacting DEP's File Review Coordinator at 570-327-3693.

Southwest Regional Office

Applicant: **Midland LP**

Applicant Address: 100 Bet Tech Drive, Aliquippa, PA 15001

Application Number: **PAD040113**

Application Type: New

Municipality/County: Midland Borough, **Beaver County**

Project Site Name: 12th Street Extension

Total Earth Disturbance Area (acres): 3.43 acres

Surface Waters Receiving Stormwater Discharges: Ohio River (WWF) and Trib 33514 to Ohio River (WWF)

Proposed Effluent Limitations: The draft permit requires implementation of an Erosion and Sediment Control (E&S) Plan and a Post-Construction Stormwater Management (PCSM) Plan and compliance with Federal technology-based effluent standards at 40 CFR Part 450.

Rate or Frequency of Discharge: Stormwater discharges during and following earth disturbance activities are precipitation-induced and will vary depending on factors such as the area of impervious surfaces, the size and placement of best management practices (BMPs) and the intensity of precipitation.

Project Description: Proposed construction will consist of roadways, storm sewers, grading, erosion control facilities, utilities and all other appurtenances necessary. The borrow site is identified to be used for any material needed on site.

Special Conditions: Prior to the beginning of work, all public water supplies or other water-related activities located downstream that may be affected by turbidity increases or other water quality changes caused by said work shall be

sufficiently notified in advance to allow for preparation of any water quality changes. These include, at a minimum, Midland Boro Municipal Authority (John Uccellini) 724-643-4920.

You may review the permit application file by contacting DEP's File Review Coordinator at 412-442-4286.

Southwest Regional Office

Applicant: **Action 2.0, LP**

Applicant Address: 2545 Railroad Street, Suite 300, Pittsburgh, PA 15222

Application Number: **PAD020070**

Application Type: New

Municipality/County: City of Pittsburgh, **Allegheny County**

Project Site Name: Oxford—3 Crossing Building 1

Total Earth Disturbance Area (acres): 1.5 acres

Surface Waters Receiving Stormwater Discharges: Allegheny River (WWF)

Proposed Effluent Limitations: The draft permit requires implementation of an Erosion and Sediment Control (E&S) Plan and a Post-Construction Stormwater Management (PCSM) Plan and compliance with Federal technology-based effluent standards at 40 CFR Part 450.

Rate or Frequency of Discharge: Stormwater discharges during and following earth disturbance activities are precipitation-induced and will vary depending on factors such as the area of impervious surfaces, the size and placement of best management practices (BMPs) and the intensity of precipitation.

Project Description: Demolition of existing parking lot and unregulated underground storage tanks; Construction of multi-story residential building. The proposed development includes the installation of stormwater management BMPs, utility service connections, hardscape and landscaped areas.

Special Conditions: 1. Earth disturbance may not commence until the Department has approved Act 537 sanitary plan updates accommodating the development; 2. Any unforeseen circumstances discovered during excavation regarding storage tanks shall be immediately reported to the Department and Conservation District and measures shall be undertaken to contain potential pollution events; 3. All limitations, conditions, procedures, testing, and monitoring which is in the Soil Management Plan (SMP) and/or any Act 2 remediation plan or site characterization.

You may review the permit application file by contacting DEP's File Review Coordinator at 412-442-4286.

Southwest Regional Office

Applicant: **Peoples Natural Gas Company**

Applicant Address: 375 North Shore Drive, Pittsburgh, PA 15212

Application Number: **PAD110018**

Application Type: New

Municipality/County: Cambria Township, Croyle Township and Jackson Township, **Cambria County**

Project Site Name: TP7220 Rorabaugh Road

Total Earth Disturbance Area (acres): 17.8 acres

Surface Waters Receiving Stormwater Discharges: Roaring Spring (CWF), UNT to Roaring Run (CWF), UNT to Saltlick Run (HQ-CWF), UNT to Stewart Run (HQ-CWF)

Proposed Effluent Limitations: The draft permit requires implementation of an Erosion and Sediment Control (E&S) Plan and a Post-Construction Stormwater Management (PCSM) Plan and compliance with Federal technology-based effluent standards at 40 CFR Part 450.

Rate or Frequency of Discharge: Stormwater discharges during and following earth disturbance activities are precipitation-induced and will vary depending on factors such as the area of impervious surfaces, the size and placement of best management practices (BMPs) and the intensity of precipitation.

Project Description: Replacement of 2.43 miles of natural gas pipeline.

Special Conditions: This permit does not authorize any obstructions or encroachments to any regulated watercourse or floodway. All permitting required for impacts to regulated watercourses or their floodway are subject to 25 Pa. Code Chapter 105. Appropriate authorization for impacts which require permitting under Chapter 105 must be obtained prior to beginning earth disturbance.

You may review the permit application file by contacting DEP's File Review Coordinator at 412-442-4286.

STATE CONSERVATION COMMISSION

PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under 3 Pa.C.S. Chapter 5 and that have or anticipate submitting applications for new, amended or renewed (National Pollutant Discharge Elimination System) NPDES permits, or Notices of Intent (NOIs) for coverage under a

general permit, for CAFOs, under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Based upon preliminary reviews, the State Conservation Commission (SCC) or County Conservation Districts (CCD) working under a delegation agreement with the SCC have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at <http://www.nacdnet.org/about/districts/directory/pa.phtml> or can be obtained from the SCC at the office address listed or by calling 717-787-8821.

Individuals wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30-days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based. Comments should be sent to the SCC, Agriculture Building, Room 310, 2301 North Cameron Street, Harrisburg, PA 17110.

Individuals in need of accommodations should contact the SCC through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

**ACT 38
NUTRIENT MANAGEMENT PLANS
CAFO PUBLIC NOTICE SPREADSHEET—APPLICATIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal / New</i>
Harvey Wason 2823 Farmhouse Lane James Creek, PA 16657	Huntingdon County	92.7	331.79	Swine	NA	Renewal
Wilmer W. Nolt 166 Ulrich Road Peach Bottom, PA 17563	Lancaster County	293	229.51	Ducks/ Dairy	HQ	New

PUBLIC WATER SUPPLY PERMITS

Under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17), the following parties have applied for Public Water Supply (PWS) permits to construct or substantially modify public water systems.

Individuals 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 Environmental Protection (DEP) 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, DEP 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.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

SAFE DRINKING WATER

Application(s) Received Under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17).

Northeast Region: Safe Drinking Water Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Lorrie Fritz, CA2, 570-830-3048.

Application No. 1323502, Construction, Public Water Supply.

Applicant	JFBB Ski Areas, Inc. d/b/a Jack Frost Ski Area
Address	Jack Frost Mountain Summit Lodge P.O. Box 1539 Blakeslee, PA 18610-1539
Municipality	Kidder Township
County	Carbon County
Responsible Official	Mr. Casey Mangels JFBB Ski Areas, Inc. Jack Frost Mountain Summit Lodge P.O. Box 1539 Blakeslee, PA 18610-1539
Consulting Engineer	Mr. Robert H. Schemmerling, P.E. RHS Engineering, Inc. 2909 Conococheague Lane Greencastle, PA 17225
Application Received	September 7, 2023

Description Applicant proposes modifying the system to install treatment per the Lead and Copper Rule and greensand filtration for the reduction of iron and manganese.

Northwest Region: Safe Drinking Water Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: David J. Sterrett, Environmental Engineer, 814-332-6846.

Application No. 2523505, Construction/Operation, Public Water Supply

Applicant **Summit Township Water Authority**

Address 1230 Townhall Road West Suite 200 Erie, PA 16509

Municipality Waterford Township

County **Erie County**

Responsible Official Brian Hiles
1230 Townhall Road West Suite 200 Erie, PA 16509

Consulting Engineer Christopher M. Kogelnik, P.E.
8150 Sterling Court Mentor, OH 44060

Application Received November 6, 2023

Description New Well No. 4 as a replacement well at Mitchell Well Field, Moore Road, Waterford Township, Erie County.

Contact: David J. Sterrett, P.E., Environmental Engineer, 814-332-6846.

Application No. 4323501, Construction, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**

Address 762 West Lancaster Avenue Bryn Mawr, PA 19010

Municipality City of Sharon

County **Mercer County**

Responsible Official Michael J. Fili, VP
Capital Planning, Design & Construction
762 West Lancaster Avenue Bryn Mawr, PA 19010

Consulting Engineer Kevin T. Pugliesi, P.E.
Mott MacDonald
Two Allegheny Center Nova Tower 2 Suite 1301 Pittsburgh, PA 15212

Application Received November 3, 2023

Description Shenango Valley Water Treatment Plant—Pre-treatment Process Improvements: New pre-sedimentation basin, replace Actiflo with conventional coagulation, flocculation, and plate settlers. Update chemical

feed systems for PAC, Potassium Permanganate, Filter Aid polymer, Wastewater polymer, and Dewatering polymer.

Southcentral Region: Safe Drinking Water Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Wade Cope, P.E., Environmental Engineer, 717-705-4708.

Application No. 5023514, Construction, Public Water Supply.

Applicant **MRPI Amity Hall, LLC**

Address 3300 Block Susquehanna Trail Duncannon, PA 17020

Municipality Watts Township

County **Perry County**

Responsible Official Matthew J. Clymer
509 South Exeter Street Baltimore, MD 21202

Consulting Engineer Glace Associates, Inc.
3705 E Trindle Road Suite 100 Camp Hill, PA 17011

Application Received August 17, 2023

Description Construction application for a new nontransient noncommunity water system to serve approximately 370 people from two groundwater wells.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 1

Acknowledgment of Notice(s) of Intent to Remediate Submitted Under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent (NOI) to Remediate. An acknowledgment of the receipt of a NOI to Remediate is used to identify a site where an individual proposes to, or has been required to, respond to a release of a regulated substance at a site. Individuals intending to use the background standard, Statewide health standard, the site-specific standard, or who intend to remediate a site as a special industrial area, must file a NOI to Remediate with DEP. A NOI to Remediate filed with DEP provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site, and a description of the intended future use of the site. An individual who demonstrates attainment of one, or a combination of the cleanup standards, or who 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 any contamination identified in reports submitted to and approved by DEP. Furthermore, an individual shall not be subject to citizen

suits or other contribution actions brought by responsible individuals 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 NOI to Remediate is published in a newspaper of general circulation in the area of the site. For the following identified site(s), 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 following specified date. During this comment period the municipality may request that the following identified individual, 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 plans or reports, please contact the Regional Office Program Manager previously listed in the notice.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

The DEP has received the following Notice(s) of Intent to Remediate.

Northeast Region: Environmental Cleanup & Brownfields Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Eric Supey, Environmental Program Manager.

2101 Barletta Road, Primary Facility ID # **870416**, 2101 Barletta Road, Hazleton, PA 18202, Hazle Township, **Luzerne County**. Barry Isett & Associates, 5420 Crackersport Road, Allentown, PA 18104 on behalf of One Maplewood, LLC, 22 South Avenue West, Westfield, NJ 07090, submitted a Notice of Intent to Remediate. Soil was contaminated with used motor oil. The Notice of Intent to Remediate was published in *The Standard Speaker* on September 21, 2023. Application received: October 30, 2023.

Southcentral Region: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Environmental Cleanup & Brownfields Program Manager, 717-705-4705.

Former Elizabethtown Borough Maintenance Garage, Primary Facility ID # **870494**, 101 East Plum Street, Elizabethtown, PA 17022, Elizabethtown Borough, **Lancaster County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602 on behalf of Elizabethtown Borough, 600 South Hanover Street, Elizabethtown, PA 17022, submitted a Notice of Intent to Remediate. Notice of Intent to Remediate soil contaminated with No. 2 Fuel Oil. The site will be remediated to the Statewide health standard. Future use of the site will

be nonresidential. The Notice of Intent to Remediate was published in *LNP* on October 19, 2023. Application received: October 26, 2023.

Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Charline Bass, Administrative Assistant, 484-250-5787.

114 Forrest Avenue, Primary Facility ID # **844211**, 114 Forrest Avenue, Narberth, PA 19072, Nazareth Borough, **Montgomery County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 on behalf of Max Berger, Narberth Associates LP and 123 Coulter Investors LP, 113 North Essex Avenue, 1st Floor, Narberth, PA 19072, submitted a Notice of Intent to Remediate. Site soil and groundwater have been found to be impacted with No. 2 fuel oil. The proposed future use of the property will be residential for multi-family housing. The proposed cleanup standard for the site is the Statewide health standard/site-specific standard. The Notice of Intent to Remediate was published in *Times Herald* on September 15, 2023. Application received: October 3, 2023.

9345 Andover Road Transformer Oil Spill, Primary Facility ID # **869884**, 9345 Andover Road, Philadelphia, PA 19114, City of Philadelphia, **Philadelphia County**. Chris Zeliznak, PG, Stantec Consulting Services Inc., 1060 Andrew Drive, Suite 140, West Chester, PA 19380 on behalf of George Horvat, PECO Energy Company, 2301 Market Street, S7-2, Philadelphia, PA 19103, submitted a Notice of Intent to Remediate. Soil has been contaminated with PCBs. The proposed future use of the property will continue to be residential. The proposed cleanup standard for the site is the Statewide health standard. The Notice of Intent to Remediate was published in *Philadelphia County Times* on September 20, 2023. Application received: September 22, 2023.

RESIDUAL WASTE GENERAL PERMITS

Application(s) Received Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other than Coal Ash.

Northcentral Region: Waste Management Program, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636.

Contact: Lisa D. Houser, P.E., Facilities Manager, 570-327-3740.

WMGR081NC001. UNICOR—Federal Prison Industries, Inc., Route 901 and Interstate 81, Minsersville, PA 17954-0727, White Deer Township, **Union County**. Renewal Application for the operation of the Federal Prison Industries UNICOR RBG at FCI Allenwood. Application received: October 31, 2023.

Comments or questions concerning the application should be directed to Lisa D. Houser, P.E., Facilities Manager, 570-327-3740, Northcentral Region, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984.

Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

Northeast Region: Waste Management Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Roger Bellas, Environmental Program Manager, 570-826-2201.

WMGR081-NE001. Unicor Federal Prison Industries, Route 901 and I-81, Minersville, PA 17954, Butler Township, **Schuylkill County**. A permit renewal application for continued coverage under General Permit WMGR081 for the processing of electronic waste for beneficial reuse. Application received: October 30, 2023. Deemed administratively complete: November 1, 2023.

Comments or questions concerning the application should be directed to Roger Bellas, Environmental Program Manager, 570-826-2201, Northeast Region, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Application(s) Received Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for Determination of Applicability for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other than Coal Ash.

Northwest Region: Waste Management Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: Christina S. Wilhelm, Regional Solid Waste Program Manager, 814-332-6848.

WMGR123NW020, PennEnergy Resources, LLC Reno Well Pad, 3000 Westinghouse Drive, Suite 300, Cranberry Township, PA 16066, Middlesex Township, **Butler County**. The application requests approval to install one aboveground storage tank and secondary containment at the Reno Well Pad site to store, process, and beneficially reuse oil and gas liquid waste. Sources for these waters will include PER projects as well as other generators engaged in similar processes and activities (both unconventional wells and conventional wells). Water will be transmitted to and from the tank using tanker trucks and piping. Application received: November 2, 2023. Deemed administratively complete: November 6, 2023.

Comments or questions concerning the application should be directed to C, Northwest Region, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, 800-654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application(s) Received Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Northwest Region: Waste Management Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: Christina S. Wilhelm, Regional Solid Waste Program Manager, 814-332-6848.

301357. Danco Industries, Inc., P.O. Box 941, Oil City, PA 16301, Barkeyville Borough, **Venango County**. Applicant is proposing to renew the residual waste processing permit for a processing, recycling and disposal facility for various used and contaminated non-hazardous wastewaters, including petroleum contaminated wastewaters from various commercial and industrial sources. Application received: October 30, 2023. Deemed administratively complete: November 6, 2023.

Comments or questions concerning the application should be directed to Christina S. Wilhelm, Regional Solid Waste Program Manager, 814-332-6848, Northwest Region, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

Southwest Region: Waste Management Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Waste Management Program Manager.

101732. Noble Environmental Specialty Recycling, LLC, 500 Technology Drive, Canonsburg, PA 15317, West Elizabeth Borough, **Allegheny County**. New Municipal Waste Transfer Station to be located at 1101 5th Street. Application received: September 25, 2023.

Comments or questions concerning the application should be directed to Regional Files, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Application(s) Received Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for Determination of Applicability for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other than Coal Ash.

Northwest Region: Waste Management Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: Christina S. Wilhelm, Regional Solid Waste Program Manager, 814-332-6848.

WMGR038NW006. Environmental Rubber Solutions, LLC, 600 Indiana Ave, Blairsville, PA 15717, Blacklick Township, **Indiana County**. The applicant proposes to process waste tires and tire-derived material for fuel and consumer products. Application received: October 30, 2023.

Questions concerning the application should be directed to Christina S. Wilhelm, Regional Solid Waste Program Manager, 814-332-6848, Northwest Region, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, 800-654-5984.

Southcentral Region: Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Carrie A. Fleming, Program Manager.

WMGR081SC004. re:Cycle Reverse Logistics, LLC, 121-123 Commerce Avenue, Greencastle, PA 17225, Antrim Township, **Franklin County**. The WMGR081 general permit authorizes the processing by disassembling, mechanical processing (by sizing, shaping, separating and volume reduction only), and associated storage prior to reuse or recycling at the processing or transfer facility, of uncontaminated and source-separated electronic devices. Application received: October 27, 2023. Deemed administratively complete: October 31, 2023.

Questions concerning the application should be directed to John L. Oren, P.E., Permits Chief, Southcentral Region, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700. TDD users may contact the Department through the Pennsylvania Hamilton Relay Service, (800) 654-5984.

HAZARDOUS WASTE TRANSPORTER LICENSE

Application(s) Received Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003); and Hazardous Waste Regulations to Transport Hazardous Waste.

New Applications Received

Central Office: Waste Management Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, 717-787-7561.

Contact: Jonathan Adams.

Boston Green Fuel Co. Inc., 102 Charles Eldridge Drive, Lakeville, MA 02347. **License No. PA-AH0946.** Accepted: September 26, 2023.

Renewal Applications Received

Central Office: Waste Management Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, 717-787-7561.

Contact: Jonathan Adams.

Set Environmental, Inc., 450 Sumac Road, Wheeling, IL 60090. **License No. PA-AH S226.** Accepted: October 16, 2023.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

The Department of Environmental Protection (DEP) has developed an integrated plan approval, State Operat-

ing Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for DEP, the regulated community and the general public. This approach allows the owner or operator of a facility to submit permitting documents relevant to its application for all sources related to a facility or a proposed project, affords an opportunity for public input, and provides for a decision on the issuance of the necessary permits.

The DEP received applications for Plan Approvals or Operating Permits from the following facilities. Copies of the application, DEP's analysis, all pertinent documents used in the evaluation of the application and subsequently prepared proposed plan approvals/operating permits are available for public review during normal business hours at the appropriate DEP Regional Office. Appointments for scheduling a review must be made by calling the appropriate DEP Regional Office. The address and telephone number of the Regional Office is listed before the application notices.

Individuals wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a permit, may submit the information to the DEP's Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments, protests and information. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval/Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the permit.

Any individual wishing to request a hearing may do so during the 30-day comment period. A public hearing may be held, if DEP, in its discretion, decides that a hearing is warranted based on the information received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper, the *Pennsylvania Bulletin* or by telephone, when DEP determines this type of notification is sufficient. Requests for a public hearing and any relevant information should be directed to the appropriate DEP Regional Office.

Permits issued to the owners or operators of sources subject to 25 Pa. Code Chapter 127, Subchapter D or E, or located within a Title V facility or subject to 25 Pa. Code § 129.51(a) or permits issued for sources with limitations on their potential to emit used to avoid otherwise applicable Federal requirements may be submitted to the United States Environmental Protection Agency for review and approval as a revision to the State Implementation Plan. Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the sources are constructed and operating in compliance with applicable requirements in the Air Pollution Control Act (35 P.S. §§ 4001—4015), 25 Pa. Code Chapters 121—145, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

PLAN APPROVALS

Application(s) Received for Plan Approval(s) 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 Plan Approval Applications are in Review and No Decision on Disposition Has Been Reached.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: David G. Balog, P.E. New Source Review Section Chief, 814-332-6328.

43-2700: CCL Container, 1 Llodio Drive, Hermitage, PA 16148, City of Hermitage, **Mercer County**. Application received: October 23, 2023. For the removal of an existing aluminum can production line and the installation and initial operation of a replacement at their facility in the City of Hermitage, **Mercer County**.

Notice of Intent to Issue Plan Approval(s) and Notice of Intent to Issue or Amend Operating Permit(s) Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These Actions May Include the Administrative Amendments of an Associated Operating Permit.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Mark J Wejkszner, Air Quality Program Manager.

13-00003B: Panther Creek Power Operating LLC, 4 Dennison Road, Nesquehoning, PA 18240, Nesquehoning Borough, **Carbon County**. Application received: June 15, 2023.

Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b) that the Department of Environmental Protection (DEP) is soliciting comments and intends to issue Plan Approval # 13-00003B, to Panther Creek Power Operating, LLC (the Permittee), 4 Dennison Road, Nesquehoning, PA 18240 for their facility located in Nesquehoning Borough, Carbon County. This plan approval will be incorporated into the facilities Title V operating permit # 13-00003 through an administrative amendment at a later date, and the action will be published as a notice in the *Pennsylvania Bulletin*. Panther Creek submitted the application to combust tire derived fuel (TDF) as a supplemental fuel as described in the Permittee's June 15, 2023 Plan Approval Application and any other subsequent supplemental submissions.

Plan Approval No. 13-00003B is to allow the two existing Panther Creek Power Operating, LLC (Panther Creek) circulating fluidized bed (CFB) combustors (Pyropower Unit # 1, Source 031 and Pyropower Unit # 2, Source 032), which are both currently permitted to combust culm and No. 2 fuel oil, to also combust tire derived fuel (TDF) as a supplemental fuel up to 15% by weight on a monthly basis. The TDF will be chipped and processed prior to delivery to Panther Creek, by other non-affiliated parties to meet the definition of a fuel under EPA's Non-Hazardous Secondary Materials Rule (NHSM).

While a change in fuel can trigger Prevention of Significant Deterioration (PSD) applicability, the facility operates under a Plantwide Applicability Limit (PAL) permit (13-00003A, issued May 25, 2023) and since the PAL limits will not be exceeded by this modification, PSD is not applicable. The existing boilers are subject to

40 CFR Part 60 Subpart Da—Standards of Performance for Electric Utility Steam Generating Units. The facility is subject to 40 CFR Part 63 Subpart UUUUU—National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units. The facility will be subject to 25 Pa. Code § 127.12(a)(5) Best Available Technology (BAT) requirements. The facility shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions. The amount of tires (TDF) to be burned is limited to 78,000 tons per year, 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 following shows the existing not to exceed PAL emission limits from the facility:

PAL Pollutant Emission Limitation TPY (12-month rolling sum)

PM Filterable	113.81
PM ₁₀ Filt + Condensable	86.12
PM _{2.5} Filt + Condensable	35.55
SO ₂	603.65
NO _x	586.85
CO	381.05
Fluorides (not including HF)	3.0
H ₂ SO ₄	15.15
Pb	0.03
CO _{2e}	1,116,217.64

Persons wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of the Plan Approval, may submit the information to the following address. The Department will consider any written comments received within 30 days of the publication of this notice. Each written comment must contain the following: name, address and telephone number of the person submitting the comments; identification of the proposed Plan Approval No. 13-00003B and a concise statement regarding the relevancy of the information or any objections to the issuance of the Plan Approval.

A public hearing will be held for the purpose of receiving comments on the proposed air quality plan approval. The hearing will be held on Monday, December 18, 2023 at The Panther Valley Junior/Senior High School Auditorium, 912 Coal Region Way, Lansford, PA 18232 and runs from 6:00 PM to 9:30 PM. Persons interested in commenting are invited to appear.

Copies of the applications, the Department's technical reviews and other supporting documents are available for public inspection between the hours of 8 a.m. and 4 p.m. at the Department's Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915. Appointments for scheduling a review may be made by calling (570) 826-2511.

The general procedures for the hearing are as follows:

To develop an agenda for the hearing, the Department requests that individuals wishing to testify at the hearing submit a written notice of their intent. The notice should be sent to Mark Wejkszner P.E, Northeast Region Air Quality Program Manager, Department of Environmental Protection, Air Quality Program, Wilkes-Barre Regional

Office, 2 Public Square, Wilkes-Barre, PA 18701-1915. The Department will accept notices up to the day of the public hearing.

This written notice should include the person's name, address, telephone number and a brief description as to the nature of the testimony. Individuals who submit a notice of intent to testify will be given priority on the agenda. If time permits, the Department will allow individuals who have not submitted a notice of intent to testify to present their comments.

Each individual will have up to 3 minutes to present testimony. The Department requests that individuals present written copies of their testimony in addition to their oral presentations.

To ensure that all speakers have a fair and equal opportunity to present their testimony, relinquishing of time will be prohibited. Further details relating to the procedures to be followed at the hearing will be outlined at the beginning of the hearing.

Persons unable to attend the hearing can submit written testimony to the Department through December 28, 2023.

The Department will address comments from the public before any final actions are taken on the proposals. A summary report addressing the concerns raised by the public will be released should the Department decide to issue the Plan Approval. Send written comments to Mark Wejksznar P.E., Northeast Region Air Quality Program Manager, Department of Environmental Protection, Air Quality Program, Wilkes-Barre Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations should contact the Department at the previously listed address, or the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD) to discuss how the Department may address their needs.

For additional information regarding the previously listed information, contact Mark Wejksznar P.E. at (570) 826-2511 or write to the Department at the Wilkes-Barre address given previously.

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Thomas Hanlon, PE, East Permit Section Chief, 717-705-4862.

06-05096F: Reading Hospital, P.O. Box 16052, Reading, PA 19612, West Reading Borough, **Berks County**. Application received: August 18, 2023. For the reactivation of a cogeneration plant at the Reading Hospital. Potential emissions from the cogeneration plant are estimated to be: 16.03 tpy CO, 15.81 tpy NO_x, 5.35 tpy PM₁₀/PM_{2.5}, 0.88 tpy SO_x, 1.84 tpy VOC, and 0.75 tpy of a single HAP (formaldehyde). DEP's review of the information submitted by the applicant indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirements (BAT) of 25 Pa. Code §§ 127.1 and 127.12 and 40 CFR 60, Subpart KKKK—Standards of Performance for Stationary Combustion Turbines. Based on these findings, the Department proposes to issue a plan approval for the proposed reactivation. If, after the project has been implemented, the Department determines that the sources are operated in compliance with the plan approval conditions and the specification of the applica-

tion for plan approval, the requirements established in the plan approval will be incorporated into an operating permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

OPERATING PERMITS

Notice of Intent to Issue Title V Operating Permit(s) Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

Northcentral Region: Air Quality Program, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636.

Contact: Muhammad Q. Zaman, Program Manager, 570-327-3648.

14-00002, Graymont (PA), Inc., 375 Graymont Road, Bellefonte, PA 16823, Benner and Spring Townships, **Centre County**. Application received: November 25, 2020. For their Pleasant Gap, Bellefonte, and Con-Lime facility. The previously listed Pleasant Gap plant operation consists of the key kiln constructions/operations No. 6—8, which are associated with Source IDs P408, P413 and P418, respectively, as well as the various stone and lime material handling, processing and storage operations associated with Source IDs P275, P306, P308—P310, P311, P313, P314, P320, P322, P322A, P323—P326, P403, P404, P409—P411 (including their required controls, such as baghouses, wet suppression, etc.), the Source ID P412 fuel handling equipment for the previously listed rotary kilns (P408 and P413), the emergency diesel generators associated with Source IDs P321 and P328, the Source IDs P320A Cal-Ag diesel generator, and the various Source ID 032 combustions sources, including other miscellaneous combustion sources. Additionally, the sources that are currently shutdown or deactivated under a maintenance plan submitted to the Department for the facility are incorporated into this renewal authorization. The type and quantity of pollutants emitted on a facility-wide PTE basis (ton/yr) are estimated, as follows: 1,067.9 ton/yr NO_x; 913.5 tons/yr CO; 302.6 tons/yr SO₂; <50 tons/yr VOC; 121 tons/yr HAP (as HCl); 996,590 tons/yr GHG (as CO₂e); 204.9 tons/yr PM₁₀; 136.5 tons/yr PM_{2.5}; and 334.5 tpy for PM (including filterable and condensable). Multiple modifications to the facility have been approved by currently active plan approvals that will be incorporated into the renewal permit, including Plan Approvals 14-00002N&P (issued in 2012 and 2014) relative to the construction of Kiln 8 project, Plan Approval 14-00002R (issued in 2017) relative to the construction of new enhanced hydrate lime production process equipment (Source ID P313), Plan Approval 14-00002S (issued in 2017) relative to the addition of natural gas as fuel option for the rotary kilns (Source IDs P408 and P413), and Plan Approval 14-00002T (issued in 2017) relative to the construction of new material bagging operations (Source ID P311). The new sources will be incorporated as well as the other changes to the facility that were made over permit cycle, under the RFD plan approval exemption approvals, as well as the other changes sent in by the company's notices relating to de minimis emission increases and deactivation/maintenance plan submittals. As noted previously, the Graymont facility is a major PSD source and will continue to be subject to NO_x, CO and 502 PAL permit requirements, along with the other applicable regulatory requirements including the National Standards of Performance for lime kilns, mineral processing facilities, coal processing, and stationary diesel reciprocating engines, which are codified within 40 CFR Part

60, Subparts HH, OOO, Y, and IIII, respectively, and the National Emission Standards for Hazardous Air Pollutants for lime manufacturing plants (including the 2020 amendments), industrial boilers and process heaters, and stationary diesel reciprocating engines, which are codified within 40 CFR Part 63, Subpart AAAAA (including 2020 amendment), DDDDD, and ZZZZ, respectively. Additionally, the renewal authorization has incorporated the existing case-by-case RACT NO_x limits for the rotary kilns Source ID P408 and P413 kilns and their existing work practices pursuant to 25 Pa. Code § 129.99, as well as the newly applicable presumptive RACT requirements and compliance demonstration requirements codified in 25 Pa. Code §§ 129.112 and 129.115 on these rotary kilns in addition to the vertical kiln (Source ID P418) and other sources. Moreover, the facility includes sources that are subject to the revised Compliance Assurance Monitoring as required pursuant to 40 CFR Part 64, along with other Title V monitoring requirements in accordance with 25 Pa. Code Chapter 127, Subchapter F and G. The Title V permit renewal authorization has incorporated all applicable Federal and State air quality regulatory requirements, including the testing, monitoring, recordkeeping, reporting, work practices and other compliance demonstration requirement to verify compliance in accordance with 25 Pa. Code Chapters 121–145. 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 570-327-3636.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Norm Frederick 570-826-2409.

39-00040, Carpenter Co./Upper Macungie, P.O. Box 519, 57A Olin Way, Fogelsville, PA 18051-0519, Upper Macungie Township, **Lehigh County**. Application received: March 3, 2023. The Department intends to issue a renewal Title V Operating Permit for the manufacturing of plastics and foam products facility located in Upper Macungie Township, Lehigh County. As a major source, the facility is subject to the Title V permitting requirements of the Clean Air Act Amendments as adopted by the Commonwealth under 25 Pa. Code Chapter 127, Subchapter G. The main sources at this facility consist of a 16.329 MMBtu/HR boiler and EPS manufacturing, and polyurethane foam manufacturing. These sources have the potential to emit major quantities of regulated pollutants above Title V emission thresholds. The proposed Title V operating permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.

46-00198, Blommer Chocolate Company/East Greenville Plant, 1101 Blommer Drive, East Greenville, PA 18041, Upper Hanover Township, **Montgomery County**. Application received: January 24, 2023. This action is for the renewal of a Title V Operating Permit for the manufacture of wholesale chocolate and cocoa products, such as cocoa powder, cocoa butter and chocolate liquor. As a result of potential emissions of volatile

organic compounds (VOC), the facility is a major station source (Title V) as defined in Title I, Part D of the Clean Air Act Amendment, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. On November 11, 2022, the “Additional RACT requirements for major sources of nitrogen oxides (NO_x) and volatile organic compounds (VOCs) for the 2015 Ozone NAAQS” of 25 Pa. Code §§ 129.111–129.115 (reference 52 Pa.B. 6960), commonly referred as RACT III requirements were finalized and effective. The facility is subject to the applicable RACT III requirements, pertaining to VOC emissions, and is not subject to the applicable RACT III requirements, pertaining to NO_x emissions as its potential-to-emit NO_x emissions are less than 50 tons per year. Pursuant to 25 Pa. Code § 127.114 as well as RACT II = RACT III review, the applicable alternate RACT II requirements are as stringent as the alternate RACT III requirements. Therefore, there are no other new applicable regulations to the facility. The proposed Title V Operating Renewal does not reflect any change in air emissions from the facility. The renewal permit contains monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously listed header. Comments on the draft permit can be submitted through the Air Quality resource account at RA-EPSEROAQPUBCOM@pa.gov.

OPERATING PERMITS

Notice of Intent to Issue Operating Permit(s) Under the Air Pollution Control Act (35 P.S. §§ 4001–4015) and 25 Pa. Code Chapter 127, Subchapter F.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Norman Frederick, Facility Permitting Chief, 570-826-2409.

39-00057, St Lukes Health Network Inc., 1736 Hamilton St, Allentown, PA 18104, City of Allentown, **Lehigh County**. Application received: October 11, 2023. The Department intends to issue a renewal State-Only Operating Permit for the operation of boilers and emergency generators at their general medical and surgical hospital. The proposed operating permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

66-00013, UGI Energy Services LLC, 1 Meridian Blvd, Ste 2C01, Wyomissing, PA 19610, Washington Township, **Wyoming County**. Application received: October 20, 2023. The Department intends to issue a renewal State-Only Operating Permit for the operation of sources for their compressor station and liquified natural gas operation. The proposed operating permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

13-00010, Westchester Plastics LLC, 42 Mountain Avenue, Nesquehoning, PA 18240, Nesquehoning Borough, **Carbon County**. Application received: August 27, 2023. The Department intends to issue a renewal State-Only Operating Permit for their extruders, production lines, silos, and burnoff oven. This also includes their

Aeropulse dust collectors and other baghouses as control devices. The proposed operating permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

39-00110, Silgan Containers Manufacturing Corporation, 8201 Industrial Blvd, Breinigsville, PA 18031, Upper Macungie Township, **Lehigh County**. Application received: October 19, 2023. The Department intends to issue an initial State-Only Operating Permit for their food can assembly lines with ovens, draw/redraw can assembly lines, and video jet printers. These sources include filter boxes as control devices. The proposed operating permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: Matthew Williams, Facilities Permitting Chief, 814-332-6940.

03-00246, Bedrock Mines, LP, 111 Freeport Road, Pittsburgh, PA 15215, Plumcreek Township, **Armstrong County**. Application received: December 13, 2022. The Department intends to re-issue the Natural Minor Operating Permit for the operation of a coal preparation plant, known as the Keystone East Facility. The facility contains air contamination sources consisting of coal stockpiles, conveyers, a crusher, a diesel engine (128-bhp) and roadways. Air pollution prevention equipment at the facility includes covers, enclosures, a water truck, engine oxidation catalyst, and tarping of truck loads. Coal throughput is limited to a maximum of 500,000 tons of raw coal per year. Facility emissions are 4.2 tons of PM₁₀, 0.7 ton of NO_x, 0.3 ton of VOC, and 0.2 ton of CO per year. The facility is subject to 40 CFR 60, Subparts Y, 40 CFR 63, Subpart ZZZZ, and 25 Pa. Code Chapters 121–145. The permit includes emission limitations, and operational, monitoring, testing, reporting and recordkeeping requirements for the facility.

10-00303, CUE, Inc., 11 Leonberg Rd, Cranberry Township, PA 16066-3601, Cranberry Township, **Butler County**. Application received: October 31, 2022. The Department intends to issue the renewal State Only Synthetic Minor Operating Permit for the manufacturing facility. The facility's primary emission sources include natural gas combustion sources, casting machines (11), adhesive application, mold cleaning, and a degreasing unit. The potential emissions of the primary pollutants from the facility after permit limitations are as follows: 6.74 TPY NO_x, 1.35 TPY CO, 47.00 TPY VOC, 3.83 TPY HAPs, 0.68 TPY PM₁₀ and PM_{2.5}, and 0.04 TPY SO_x. The facility is a synthetic minor and has taken throughput limits on the processes so as not to exceed 47 tons per year of VOC emissions. Additionally, the adhesive application's throughput limit is limited by its HAP emission restriction of 3.7 tons per year. The adhesive application is subject to 25 Pa. Code § 129.77 for control of emissions from the use or application of adhesives, sealants, primers and solvents. The renewal permit will contain emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Thomas Bianca, PE, West Permit Section Chief, 717-705-4862.

67-03045, Acco Material Handling Solutions, Inc., 76 Acco Drive, York, PA 17402, York Township, **York County**. Application received: July 27, 2023. To issue a State Only Operating Permit for the manufacturing facility. The actual emissions from the facility in 2022 are estimated at 0.76 ton of VOCs and 0.16 ton of HAP emissions. The operating permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code § 129.52d (Control of VOC emissions from miscellaneous metal part surface coating processes) and 25 Pa. Code § 129.52 (Surface coating processes).

Contact: Thomas Hanlon, PE, East Permit Section Chief, 717-705-4862.

36-03056, Weaver Industries, Inc., 425 South 4th Street, Denver, PA 17517, Denver Borough, **Lancaster County**. Application received: June 30, 2023. For their graphite products manufacturing facility. The subject facility has the potential-to-emit 7.32 tpy PM. The Operating Permit will include emission limits and work practice standards along with monitoring and recordkeeping requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code §§ 123.13 and 129.63.

06-05162, Texas Eastern Transmission/Bernville, 306 Station Road, Robeson, PA 19551, North Heidelberg Township, **Berks County**. Application received: June 2, 2023. To issue a State Only Operating Permit for the natural gas compressor station. The potential emissions from the facility are estimated at 57 tpy of NO_x, 72 tpy of CO, 11 tpy of PM₁₀, 23 tpy of SO_x, 44 tpy of VOC and 5 tpy of HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 60, Subpart KKKK—Standards of Performance for Stationary Combustion Turbines, 40 CFR Part 60, Subpart OOOOa—Standards of Performance for Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced After September 18, 2015 and 40 CFR Part 60, Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines.

36-03103, Kunzler & Co., Inc., 652 Manor Street, Lancaster, PA 17603, City of Lancaster, **Lancaster County**. Application received: August 1, 2023. For the operation of a meat processing facility. This is for renewal of the existing State-Only Permit. Potential air emissions from the facility are estimated at 1.4 tpy PM, 5.1 tpy NO_x, 23.5 tpy CO, 0.9 tpy VOC, and less than 0.9 tpy SO₂. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Janine Tulloch-Reid, Facilities Permitting Chief, 484-250-5920.

46-00048, H&K Inc. (Chalfont Asphalt Plant), 2051 Lucon Road, Skippack, PA 19474, Hilltown Township, **Bucks County.** Application received: July 21, 2023. This action is for the renewal of a State Only, Synthetic Minor Operating Permit for the operation of a Batch Asphalt Plant at this site. There have been no modifications made to the source emitting equipment at this facility. The facility maintains a synthetic minor operating status by limiting annual asphalt production to 395,000 tons per year and maintaining total NO_x emissions to less than 10.27 tons per year and total VOC emissions to less than 5.73 tons per year. The renewed permit includes testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable local, state, and Federal air quality requirements. Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously listed header. Comments on the draft permit can be submitted through the Air Quality resource account at RA-EPSEROAQPUBCOM@pa.gov.

23-00001, Sunoco, LLC—Marcus Hook Race Fuels, 100 Green Street, Marcus Hook, PA 19061-4800, Marcus Hook Borough, **Delaware County.** Application received: December 19, 2022. This is for an initial State Only Operating Permit for two (2) loading racks and various petroleum storage tanks which service their race fuel blending operations. The only pollutants of concern are volatile organic compounds (VOC) and hazardous air pollutants (HAP) due to evaporative losses, and the facility has elected to take appropriate operating and emission restrictions to maintain a synthetic minor operating status. The permit shall restrict VOC emissions to 24.9 tons per year and shall restrict HAP emissions to 24.9 tons per year (combined), and 9.9 tons per year (individual). Since the facility will no longer be considered a major source of HAP emissions, the Federal NESHAP requirements of 40 CFR Part 63, Subpart R for gasoline distribution facilities, are no longer applicable and shall be replaced by the requirements of 40 CFR Part 63, Subpart BBBBBB. The facility's SIC and NAIC codes will also be revised from Petroleum Refining to Petroleum Bulk Stations & Terminals. The permit includes monitoring, recordkeeping and reporting requirements designed to address all applicable air quality requirements. Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously listed header. Comments on the draft permit can be submitted through the Air Quality resource account at RA-EPSEROAQPUBCOM@pa.gov.

46-00240, JBS Souderton, Inc., 249 Allentown Rd, Souderton, PA 18964, Franconia Township, **Montgomery County.** Application received: June 16, 2023. This is a renewal of Synthetic Minor Operating Permit that limits the amount of nitrogen oxides (NO_x) to less than 21 tons per 12-month rolling period at a meat packing facility. The operation is subjected to Federal NESHAPS and NSPS regulations. The permit includes monitoring, recordkeeping and reporting requirements designed to keep the plant operating within all applicable air quality requirements. Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in

the previously listed header. Comments on the draft permit can be submitted through the Air Quality resource account at RA-EPSEROAQPUBCOM@pa.gov.

46-00059, Handelok Bags Co. Inc., 701 W 5th St., Lansdale, PA 19446, Lansdale Borough, **Montgomery County.** Application received: August 17, 2022. This is a renewal of a non-Title V, Synthetic Minor Operating Permit for the operation of a non-heatset flexographic printing facility. The proposed renewal of the Operating Permit does not authorize any increase in air emissions of regulated pollutants above previously approved levels. The facility's major air emission includes four (4) aqueous-based flexographic printing presses and one (1) aqueous-based laminator. There have been no changes since the last permit was issued in May 2013. The primary pollutant of concern is volatile organic compounds (VOC). The potential total VOC emissions for the processing plant is limited to 24.9 tons per year. The permit includes monitoring, recordkeeping and reporting requirements designed to address all applicable air quality requirements. Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously listed header. Comments on the draft permit can be submitted through the Air Quality resource account at RA-EPSEROAQPUBCOM@pa.gov.

COAL & NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); 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); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21).

Mining activity permits issued in response to such applications are also subject to 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 of Environmental Protection (DEP). A copy of the application is available for inspection at the District Mining Office indicated above each application. Requests for 401 Water Quality Certifications are included in individual application only if noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application may be submitted by any person or any officer or head of any Federal, State or Local Government Agency or Authority to DEP at the address of the District Mining Office indicated above 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 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences). Such comments or objections should contain the name, address and phone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform DEP on the basis of comment or objection and relevant facts upon which it is based.

In addition, requests for an informal conference, or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 (relating to public hearing—informal conferences) or § 86.34 (relating to informal conferences), must also contain 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.

Where a National Pollutant Discharge Elimination System (NPDES) number is listed, the mining activity permit application is associated with an application for an

NPDES permit. A separate notice will be provided for the draft NPDES permit.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

Coal Applications

Effluent Limits—The following range of effluent limits (Table 1) will apply to NPDES permits issued in conjunction with the associated coal mining activity permit. Additional effluent limits will be listed as part of the publication of the draft NPDES permit.

Table 1

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
Iron (total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l

pH must always be greater than 6.0; less than 9.0.
Alkalinity must always be greater than acidity.

California District Mining Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100.

Contact: Bonnie Herbert, Clerical Assistant 3.

Mining Permit No. 56743705. NPDES No. PA0235695. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, Paint and Adams Townships, **Somerset and Cambria Counties.** To revise the permit and related NPDES permit to construct a pipeline to the existing sludge disposal holes, extend refuse conveyor, construct new access road and add two new NPDES points; affecting 49.3 proposed coal refuse disposal support acres. Receiving Stream(s): Paint Creek, classified for the following use: CWF. Application received: August 4, 2021. Accepted: September 16, 2021. Withdrawn: November 1, 2023.

Mining Permit No. 32061302. NPDES No. PA0235768. Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, Young Township, **Indiana County.** To revise the permit and related NPDES permit for construction and maintenance of two (2) treatment ponds, affecting 4.6 proposed surface acres. Receiving stream(s): Blacklegs Creek, Classified for the following use: CWF. Application received: January 23, 2023. Accepted: March 20, 2023. Withdrawn: November 1, 2023.

Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.

Contact: Cayleigh Boniger, Clerical Supervisor 2, 814-797-0824.

Mining Permit No. 10120107. NPDES No. PA0259403. Amerikohl Mining, Inc., 202 Sunset Drive, Butler, PA 16001, Donegal Township, **Butler County.** Renewal of an existing bituminous surface mine and associated NPDES permit. Application received: November 1, 2023.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.

Contact: RA-EPPottsvilleDMO@pa.gov.

Mining Permit No. 54030103. Jett Contracting Company, 231 Winfield Drive, Brockton, PA 17925, Blythe Township, **Schuylkill County.** Renewal of an anthracite surface mine and coal refuse disposal operation affecting 116.0 acres. Receiving stream: Morgan’s Run, classified for the following uses: CWF, MF. Application received: October 19, 2023.

Noncoal Applications

Effluent Limits—The following Table 2 effluent limits apply to NPDES permits issued in conjunction with a noncoal mining permit. Additional effluent limits will be listed as part of the publication of the draft NPDES 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 must always exceed acidity.
pH must always be greater than 6.0; less than 9.0.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.

Contact: Cassie Stanton, Clerical Assistant 2.

Mining Permit No. 08230302. GP-104 NPDES No. PAM223009. S & J Stone, LLC, 3001 Sugar Hill Road, Sugar Hill, PA 18846, Monroe Township, **Bradford County.** Applications for a new large noncoal (industrial minerals) surface mine and coverage under the General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) affecting 27.4 acres. The surface mining operation proposes to conduct blasting. A land use change from

forestland to unmanaged natural habitat is proposed with this application. A variance is included to conduct mining and support activities within 100 feet of Kent Run. The stream encroachment activities consist of erosion and sediment controls and a stream crossing. Receiving stream(s): Kent Run classified for the following use(s): CWF, MF. Application received: October 30, 2023. Accepted: November 6, 2023.

New Stanton District Mining Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500.

Contact: Tracy Norbert, 724-925-5500, RA-EPNEWSTANTON@pa.gov.

Mining Permit No. 03020402. NPDES No. PA0250406. Allegheny Mineral Corporation, P.O. Box 1022, Kittanning, PA 16201, West Franklin Township, **Armstrong County**. Renewal application for continued mining to an existing large noncoal site and related NPDES permit. Receiving streams: unnamed tributary and Buffalo Creek; classified for the following use: HQ-TSF. Application received: November 3, 2023.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.

Contact: RA-EPPottsvilleDMO@pa.gov.

Mining Permit No. 49030301. NPDES Permit No. PA0224316. Meckley's Limestone Products Co., Inc., 1543 SR 225, Herndon, PA 17830, Lower Mahanoy and Jordan Townships, **Northumberland County**. Renew NPDES Permit affecting 178.3 acres. Receiving streams: UNT to Upper Fiddlers Run and Upper Fiddlers Run, classified for the following uses: WWF, MF. Application received: October 16, 2023.

Mining Permit No. 58110808. NPDES Permit No. PA0226416. Kazmierczak, 1000 Union Street, Taylor, PA 18517, New Milford Township, **Susquehanna County**. New NPDES Permit affecting 5.0 acres. Receiving stream: Wellmans Creek, classified for the following uses: HQ-CWF, MF. Application received: October 25, 2023.

MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed National Pollutant Discharge Elimination System (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 (DEP) 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 must always be greater than 6.0; less than 9.0.

Alkalinity must always be greater than acidity.

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 limits for noncoal mining activities as provided in 25 Pa. Code § 77.522 are pH 6 to 9 and other parameters DEP may require.

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.

Coal NPDES Draft Permits

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931-4119, 814-472-1800.

Contact: Melanie Ford-Wigfield, 814-472-1900, ra-epcambria@pa.gov.

NPDES No. PA0213161. Mining Permit No. 56950106. PBS Coals, Inc., P.O. Box 260, Friedens, PA 15541, Stonycreek Township, **Somerset County**. Revision of an NPDES permit affecting 62.8 acres related to a coal mining

activity permit. Receiving stream: Schrock Run, classified for the following use: CWF. The receiving stream is included in the Kiski-Conemaugh TMDL. Application received: August 24, 2023.

Unless otherwise noted, the proposed effluent limits for all outfalls in this permit are the BAT limits described previously for coal mining activities.

The following outfalls discharge to Schrock Run:

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
005	Existing	Stormwater/Mine Drainage Treatment	Intermittent

The proposed effluent limits for the previously listed outfall are as follows:

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
Total Iron (mg/L)	XXX	1.5	3.0	3.7
Total Manganese (mg/L)	XXX	1.0	2.0	2.5
Total Aluminum (mg/L)	XXX	0.75	1.5	1.8
Total Suspended Solids (mg/L)	XXX	35.0	70.0	90.0
pH (S.U.)	6.0	XXX	XXX	9.0
Net Alkalinity (mg/L)	0.0	XXX	XXX	XXX
Total Alkalinity (mg/L)	XXX	XXX	XXX	Report
Total Acidity (mg/L)	XXX	XXX	XXX	Report
Flow (gpm)	XXX	XXX	XXX	Report
Temperature (°C)	XXX	XXX	XXX	Report
Specific Conductance (µmhos/cm)	XXX	XXX	XXX	Report
Sulfate (mg/L)	XXX	XXX	XXX	Report

This proposed mine site also contains or is hydrologically connected to substandard discharges for which there is no responsible party. Pursuant to 25 Pa. Code § 87.201, effluent limits for those discharges will be based upon the existing baseline pollution load, or the standards found at 25 Pa. Code § 87.102(a) Group A, whichever is least stringent.

Noncoal NPDES Draft Permits

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931-4119, 814-472-1800.

Contact: Melanie Ford-Wigfield, 814.472.1900, ra-epcambria@pa.gov.

NPDES No. PA0279668. Mining Permit No. 31180301. U.S. Silica Company, 12942 Oriskany Road, Mapleton Depot, PA 17042, Brady Township, **Huntingdon County**. Renewal of an NPDES permit affecting 85.5 acres related to a noncoal mining activity permit. Receiving stream: unnamed tributary to/and Mill Creek, classified for the following use: TSF. Application received: August 29, 2023.

Unless otherwise noted, the proposed effluent limits for all outfalls in this permit are the BAT limits described previously for noncoal mining activities.

The following outfalls discharge to unnamed tributary to/and Mill Creek:

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
006A	Existing	Stormwater	Precipitation Induced
007A	Existing	Stormwater	Precipitation Induced
008A	Existing	Pumped Groundwater	Intermittent

The proposed effluent limits for the previously listed outfalls are as follows:

Outfalls 008A (All Discharges)

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
Total Suspended Solids (ml/L)	XXX	35.0	70.0	90.0
Total Aluminum (mg/L)	XXX	0.75	1.5	1.8
Total Iron (mg/L)	XXX	1.5	3.0	3.7
pH (S.U.)	6.0	XXX	XXX	9.0
Temperature (°C)	XXX	XXX	XXX	Report
Specific Conductance (µmhos/cm)	XXX	XXX	XXX	Report
Flow (gpm)	XXX	XXX	XXX	Report
Sulfate (mg/L)	XXX	XXX	XXX	Report

Outfalls 006A (All Discharges)

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
Total Suspended Solids (ml/L)	XXX	35.0	70.0	90.0
Total Aluminum (mg/L)	XXX	2.0	4.0	5.0
pH (S.U.)	6.0	XXX	XXX	9.0
Temperature (°C)	XXX	XXX	XXX	Report
Specific Conductance (µmhos/cm)	XXX	XXX	XXX	Report

Outfalls 006A (All Discharges)

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
Flow (gpm)	XXX	XXX	XXX	Report
Sulfate (mg/L)	XXX	XXX	XXX	Report

Outfalls 007A (Dry Weather Discharges)

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
Total Suspended Solids (ml/L)	XXX	35.0	70.0	90.0
pH (S.U.)	6.0	XXX	XXX	9.0
Temperature (°C)	XXX	XXX	XXX	Report
Specific Conductance (µmhos/cm)	XXX	XXX	XXX	Report
Flow (gpm)	XXX	XXX	XXX	Report
Sulfate (mg/L)	XXX	XXX	XXX	Report

Outfalls 007A (10-yr/24-hr Precip. Event)

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
Total Iron (mg/L)	XXX	XXX	XXX	7.0
Total Settleable Solids (ml/L)	XXX	XXX	XXX	0.5
pH (S.U.)	6.0	XXX	XXX	9.0

Outfalls 001 and 002 (>10-yr/24-hr Precip. Event)

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
pH (S.U.)	6.0	XXX	XXX	9.0

Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.

Contact: Cayleigh Boniger, Clerical Supervisor 2, 814-797-0824.

NPDES No. PA0280551. Mining Permit No. 20800302. L. R. Glover Gravel, 2188 Strong Road, Waterford, PA 16441, Bloomfield Township, **Crawford County**. Renewal of an NPDES permit. Application received: September 18, 2023.

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 of Environmental Protection (DEP). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341), requires the State to certify that the involved projects will not violate the applicable provisions of 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. Individuals objecting to approval of a request for certification under Section 401 or to the issuance of a Dam Permit or Water Obstruction and Encroachment Permit, or the approval of an Environmental Assessment must submit any comments, suggestions or objections within 30-days of the date of this notice, as well as any questions to the office noted above the 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 DEP may schedule a fact-finding hearing or an informal conference in response to comments if deemed necessary. Maps, drawings and other data pertinent to

the certification request are available for inspection between the hours of 8:00 a.m. and 4:00 p.m. on each working day at the office noted above the application.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

WATER OBSTRUCTIONS AND ENCROACHMENTS

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 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

Northcentral Region: Waterways & Wetlands Program, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636.

Contact: Kipp Starks, Aquatic Biologist Supervisor, 814-342-8110.

E1704223-006. Mineral Basin Solar Power, LLC, 470 Atlantic Avenue, Suite 601, Boston, MA 02210, Girard Township, Goshen Township, **Clearfield County**. U.S. Army Corps of Engineers Baltimore District. Application received: October 13, 2023.

The applicant is proposing to construct a 400-megawatt photovoltaic solar generating project and associated infrastructure on approximately 2,676 acres of land. The facility will consist of solar panels and racking system, inverters, a network of electricity collection cables, substation, switchyard, laydown yards, and perimeter fencing around the panel arrays and substation. As proposed, the project will permanently impact 0.21 acre of wetlands and 0.01 acre of stream. Temporary impacts are 0.01 acre of wetland and 0.01 acre of stream. The impacted streams are unnamed tributaries of Deer Creek (CWF, MF) and

the wetlands are not exceptional value. The applicant proposes to mitigate the wetland impacts by purchasing credits from the in-lieu fee program. Latitude: 41° 4' 32.31", Longitude: -78° 17' 53.91".

Northeast Region: Waterways & Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Michele Lauer, Clerical Assistant 2, 570-830-3077.

E4002223-022. Sugarloaf Logistics, LLC, 1275 Glenlivet Drive, Suite 330, Allentown, PA 18106, Sugarloaf Township, **Luzerne County**. U.S. Army Corps of Engineers Baltimore District. Application received: October 23, 2023.

To construct and maintain the following water obstructions and encroachments associated with the Sugarloaf Logistics Building 382: 1) A fill within 0.01-acre of PFO Wetlands (Other) for the purpose of constructed a fill slope associated with a building and parking lot. 2) A fill within 0.05-acre of PFO Wetlands (Other) for the purpose of constructed a fill slope associated with a building and parking lot. 3) A fill within 0.01-acre of PFO Wetlands (Other) for the purpose of constructed a fill slope associated with a building and parking lot. The project is located approximately 0.3 mile southeast of the intersection of Tomhicken Road and Ardennes Lane (Conyngham, PA Quadrangle; Latitude: 40° 58' 23", Longitude: -76° 3' 17") in Sugarloaf Township, Luzerne County. Latitude: 40° 58' 23", Longitude: -76° 3' 17".

Northwest Region: Waterways & Wetlands Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: RA-EPWW-NWRO@pa.gov.

E0306223-006. Freeport Borough, 414 Market Street, Freeport, PA 16229, Freeport Borough, **Armstrong County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: November 6, 2023.

To construct and maintain improvements at the existing sewage treatment plant within the 100-year flood plain approximately 700 feet north of the confluence of Buffalo Creek and Allegheny River impacting a total of approximately 3 acres of the flood plain for the construction of a new SBR plant, conversion of the existing trickling filter to a flow storage basin, conversion of existing clarifiers to aerobic digesters, construction of a new UV disinfection building, modification of existing sludge drying beds, facility fencing, and related grading and pavement. This project also includes construction of a new outfall to Buffalo Creek permitted under GP040306221-001. Latitude: 41.670528°, Longitude: -79.690056°.

E3306223-004. Bridging Pennsylvania Developer I LLC, Nova Tower 1, Suite 300, Pittsburgh, PA 15212, Brookville Borough, Pine Creek Township, **Jefferson County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: October 5, 2023.

This highway improvement project proposes the following activities: 1. To remove the existing seven-span SR 0080, Section 550 Westbound (WB) bridge and to construct and maintain a four-span continuous composite weathering steel plate girder bridge having a total normal span of 1,039.83 feet, an underclearance of 127.80 feet, and an out-to-out length of 60.29 feet over North Fork Redbank Creek (41.170646 N, 79.072910 W); 2. To remove the existing eight-span SR 0080, Section 550 Eastbound (EB) bridge and to construct and maintain a four-span continuous composite weathering steel plate girder bridge having a total normal span of 1,039.83 feet, an

underclearance of 127.86 feet, and an out-to-out length of 60.29 feet over North Fork Redbank Creek (41.170646 N, 79.072910 W); 3. To rehabilitate an existing 72-inch diameter corrugated metal pipe (CMP) by installing 4-inch thick concrete paving, to replace the existing headwall with a tapered inlet, and to construct and maintain a 731.4-foot long, 72-inch diameter reinforced concrete pipe (RCP) extension of the existing stream enclosure (to accommodate the proposed roadway fill slopes) along UNT North Fork Redbank Creek (41.16993 N, 79.07998 W) and to realign a 541-foot long section of UNT North Fork Redbank Creek downstream of the proposed culvert extension; 4. To construct and maintain a 165-foot long precast concrete box culvert extension having a normal span of 10.0 feet and an underclearance of 8.0 feet (6.0 feet effective, with baffles) along the existing concrete arch stream enclosure along UNT North Fork Redbank Creek (41.17105 N, 79.06912 W) and to realign four sections of stream channel totaling 1,491 feet to accommodate the proposed roadway fill slopes; additionally, the bottom of the existing arch culvert will be removed and replaced with concrete baffles to establish a natural stream bottom through the total length of the proposed structure; 5. To construct and maintain a 54-inch diameter RCP extension (32.73 feet upstream of the existing and 40.52 feet downstream) along the existing 54-inch diameter RCP stream enclosure along UNT North Fork Redbank Creek (41.17033 N, 79.05876 W) and to realign 838 feet of stream channel (included with the 1,491 feet previously referenced) to accommodate the proposed roadway fill slopes; 6. To construct and maintain a 23-foot long, 36-inch diameter RCP extension along the existing 292.89-foot long, 36-inch diameter RCP stream enclosure carrying UNT North Fork Redbank Creek (41.17008 N, 79.087483 W) and to realign approximately 75 feet of stream channel on the upstream side of the culvert; 7. Additional fill and grading impacts will result in project total of 5,150 feet of permanent stream impacts, 1,750 feet of temporary stream impacts (including the construction of three temporary causeways in North Fork Redbank Creek to facilitate construction), 0.16 acre of permanent wetland impacts, and 0.02 acre of temporary wetland impacts to regulated waters; an additional 555 feet of permanent stream impacts and 379 feet of temporary stream impacts are proposed to streams under 100 acres of drainage area. The applicant proposes to construct 2,980 feet of onsite stream relocation, and the purchase of 876 feet of stream credits from Resource Environmental Solutions, LLC and 1,380 square feet of stream credits from Land Reclamation Group as stream mitigation; and permanent wetland impacts will be mitigated by debiting 0.162 acre of credits from the existing PennDOT District 10-0 Dubois—Jefferson County Mitigation & Wetland Bank Site. Latitude: 41.169866°, Longitude: -79.074778°.

Southeast Region: Waterways & Wetlands Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Elaine Henderson, Clerical Assistant 3, 484-250-5157.

EA1501223-003, WV1501223-009. Brandywine Land Holdings Trust, 3400 West Chester Pike, Suite 100, Newtown Square, PA 19073, West Bradford Township, **Chester County**. U.S. Army Corps of Engineers Philadelphia District. Application received: October 26, 2023.

To restore approximately 440 feet of an unnamed tributary to the West Branch of Brandywine Creek (WWF) and an adjacent portion of wetland associated with the applicant's request for 105.12(a)(16) waiver to

conduct stream and wetland restoration. The proposed restoration will include the following: 1) The removal of fill and a pipe from the stream and wetlands located in a farm field. 2) To return the hydrologic, aquatic, riparian, and chemical functions of the stream and wetlands to pre-fill conditions. 3) Stabilize the streambanks and install stone in streambed for aquatic habitat. 4) Revegetate the wetlands with a wetland meadow mix. Revegetate the streambanks with a native grass mix. 5) The proposed project will not increase flood elevations or adversely impact upstream, downstream, or adjoining properties and structures. 6) Temporary wetland impacts will be approximately 0.018 acre and there are no permanent wetland impacts. 7) Perform wetland and stream restoration monitoring for five years to ensure that planned goals are achieved. Make adjustments as necessary to ensure successful restoration. The project is located about 40 feet west of the bend in North Wawaset Road in West Bradford Township, Chester County. Latitude: 39.938543°, Longitude: -75.672470°.

Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Dana Drake, Program Manager.

E0205223-011. Municipality of Monroeville, 2700 Monroeville Boulevard, Monroeville, PA 15146, Monroeville Borough, Allegheny County. U.S. Army Corps of Engineers Pittsburgh District. Application received: May 13, 2023.

The applicant proposes to: 1. Construct and maintain an approximately 92' long x 6' wide wood side beamer bridge spanning Turtle Creek (TSF), 2. Install and maintain 26 LF of PVC 4" sanitary sewer line within the floodway of Turtle Creek. For the purpose of constructing a pedestrian bridge crossing of Turtle Creek to connect Valley Park with the Westmoreland Heritage Trail and improvements to Valley Park. The project will cumulatively and permanently impact 6 LF of watercourse and 0.012 acre of floodway. The project will cumulatively and temporarily impact 0.076 acre of floodway. The project site is located at 1266 Abers Creek Rd, Monroeville, PA (Murrysville, PA USGS topographic quadrangle; Sub-basin 19A) in Municipality of Monroeville, Allegheny County, and Municipality of Murrysville, Westmoreland County. Latitude: 40° 24' 52.5693", Longitude: -79° 43' 32.2080".

E6505223-008. Stanton Farms, LLC, 174 Tomlinson Drive, Zelienople, PA 16063, South Huntingdon Township, Westmoreland County. U.S. Army Corps of Engineers Pittsburgh District. Application received: May 5, 2023.

The applicant proposes to: 1. Construct and maintain a culvert consisting of 38 LF of 24-inch diameter smooth lined corrugated plastic pipe to carry watercourse R002, an unnamed tributary (UNT) to Lick Run (WWF), under an access road, permanently impacting 38 LF of watercourse R002; 2. Place and maintain permanent fill within 170 LF of watercourse R002 and 510 SF of its floodway as a result of construction of the commercial building pad; 3. Place and maintain permanent fill within 905 LF of watercourse R003, another UNT to Lick Run (WWF), and 1,358 SF of its floodway, as a result of construction of the commercial building pad; 4. Place and maintain permanent fill within 577 LF of watercourse R003A, another UNT to Lick Run (WWF), and 1,154 SF of its floodway, as a result of construction of the commercial building pad; 5. Place and maintain permanent fill within 471 LF of watercourse R004, another UNT to Lick Run (WWF), and 707 SF of its floodway, as a result of construction of the

commercial building pad. For the purpose of constructing a one-million square-foot warehouse, semi-trailer parking, employee parking, driveway, and related infrastructure. Cumulatively, the project will result in permanent impacts to 2,161 LF of watercourses and 3,729 SF (0.09 acre) of floodways. To compensate for unavoidable impacts to aquatic resources, mitigation credits will be purchased from a third-party mitigation bank. The project site is located approximately 3,600 feet east of the intersection of Interstate 70 and State Route 31 (Sub-basin 19D). Latitude: 40° 11' 17.9664", Longitude: -79° 14' 16.9224".

E6505223-011. Norfolk Southern Railway, 425 Holiday Drive, Pittsburgh, PA 15220, Green Tree Borough, Allegheny County. U.S. Army Corps of Engineers Pittsburgh District. Application received: June 26, 2023.

The applicant proposes to: Remove the existing headwalls from an existing, 64-foot long, 29-foot-high stone arch rail bridge, and to construct and maintain a corrugated steel liner arch and 3-foot-wide concrete bench walls within the existing structure within Baldwin Creek (HQ-CWF). The steel liner arch will extend 13 feet upstream and 35 feet downstream, and fill will be placed on top of the extended steel liner arch. For the purpose of rehabilitating the existing degraded rail bridge. Permanent impacts include 112 linear feet of stream impacts and 1,248 square feet (0.03 acre) of floodway impacts. Additionally, the project will temporarily impact 30 linear feet of Baldwin Creek and approximately 750 square feet (0.02 acre) of its floodway. The project site is located 700 linear feet Northeast of the intersection of Route 711 and Boswell Road, New Florence, PA 15944 (Sub-basin 18D), in St. Clair Township, Westmoreland County. Latitude: 40° 22' 42", Longitude: -79° 03' 53".

E0205223-010. Michael Porreca, 217 Malbec Lane, Wexford, PA 15090, Marshall Township, Allegheny County. U.S. Army Corps of Engineers Pittsburgh District. Application received: May 1, 2023.

The applicant proposes to: 1. Construct and maintain a 70' long by 142' wide by 91' high arch corrugated metal culvert with outlet protection in Big Sewickley Creek (TSF), which will be depressed 1 foot. 2. Construct and maintain a 15' long temporary road crossing within Big Sewickley Creek downstream of the aforementioned structure. 3. Construct and maintain an 80' long smooth lined corrugated plastic pipe (SLCPP) culvert with a diameter of 15" in an unnamed tributary (UNT) to Big Sewickley Creek (TSF). 4. Construct and maintain a 47.4' long SLCPP culvert with a diameter of 15" in another UNT to Big Sewickley Creek (TSF). 5. Construct and maintain a 50.5' long SLCPP culvert with a diameter of 15" in another UNT to Big Sewickley Creek (TSF). 6. Construct and maintain an 86.5' long SLCPP culvert with a diameter of 15" in another UNT to Big Sewickley Creek (TSF). 7. Construct and maintain an 82' long SLCPP outfall structure with a diameter of 15", via a 10' long concrete endwall to Big Sewickley Creek, which is an appurtenant work to a non-jurisdictional dam for a stormwater detention basin. 8. Construct and maintain a temporary stream bypass in Big Sewickley Creek and other associated Erosion and Sediment control structures. For the purpose of constructing a driveway and a new residential home. The project will cumulatively and permanently impact 396 LF and temporarily impact 33 LF of Big Sewickley Creek and its tributaries. The project site is located on the east side of Spang Road, about 0.9 mile from the intersection between Spang Road and Warrendale Bayne Road (Sub-basin 20G). Latitude: 40° 39' 2", Longitude: -80° 8' 11".

E6505223-010. William Sullivan, 29 College Drive, Monaco, PA 15061, Monaca Borough, **Beaver County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: May 26, 2023.

The applicant proposes to: 1. Construct and maintain a pre-fabricated steel I-beam vehicular bridge (12 feet wide and 50 feet long) with concrete abutments and wingwalls across Indian Creek (HQ-CWF). 2. Operate and maintain an existing wooden footbridge (6 feet wide and 59 feet long) across Indian Creek, approximately upstream of the

forementioned bridge. For the purpose of providing property access to the applicant's cabin home. Cumulatively permanent impacts include 51 linear feet of stream impacts and 1,949 square feet (0.04 acre) of floodway impacts. Temporary impacts include 57 linear feet of stream impacts and 3,135 square feet (0.07 acre) of floodway impacts. The project site is located at, 200 State Route 711, Jones Mills, PA 15646, (Sub-basin 18D). Latitude: 40° 4' 48", Longitude: -79° 21' 12".

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department of Environmental Protection (DEP) has taken the following actions on previously received applications for new, amended, and renewed National Pollutant Discharge Elimination System (NPDES) and Water Quality Management (WQM) permits, applications for permit waivers, and Notice of Intent (NOIs) for coverage under General Permits, as listed in the following tables. This notice of final action is published in accordance with 25 Pa. Code Chapters 91, 92a, and 102 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 official file for each listed action can be reviewed at the DEP or delegated County Conservation District (CCD) office identified in the table for the action. DEP/CCD office contact information is listed as follows for Section I and is contained within the table for Section II. Additional information for permits issued under 25 Pa. Code Chapters 91 and 92a and Individual permits under 25 Pa. Code Chapter 102, including links to Individual Chapter 92a NPDES and WQM Permits, may be reviewed by generating the "Final Actions Report" on DEP's website at www.dep.pa.gov/CWPublicNotice.

DEP office contact information to review official files relating to the final actions in Section I is as follows:

DEP Southeast Regional Office (SERO)—2 E. Main Street, Norristown, PA 19401-4915. File Review Coordinator: 484-250-5910. Email: RA-EPNPDES_SERO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-SERO@pa.gov for Chapter 102 permits.

DEP Northeast Regional Office (NERO)—2 Public Square, Wilkes-Barre, PA 18701-1915. File Review Coordinator: 570-826-5472. Email: RA-EPNPDES_NERO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-NERO@pa.gov for Chapter 102 permits.

DEP Southcentral Regional Office (SCRO)—909 Elmerton Avenue, Harrisburg, PA 17110. File Review Coordinator: 717-705-4732. Email: RA-EPNPDES_SCRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-SCRO@pa.gov for Chapter 102 permits.

DEP Northcentral Regional Office (NCRO)—208 W. Third Street, Suite 101, Williamsport, PA 17701. File Review Coordinator: 570-327-3693. Email: RA-EPNPDES_NCRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-NCRO@pa.gov for Chapter 102 permits.

DEP Southwest Regional Office (SWRO)—400 Waterfront Drive, Pittsburgh, PA 15222. File Review Coordinator: 412-442-4286. Email: RA-EPNPDES_SWRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-SWRO@pa.gov for Chapter 102 permits.

DEP Northwest Regional Office (NWRO)—230 Chestnut Street, Meadville, PA 16335. File Review Coordinator: 814-332-6078. Email: RA-EPNPDES_NWRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-NWRO@pa.gov for Chapter 102 permits.

DEP Bureau of Clean Water (BCW)—400 Market Street, Harrisburg, PA 17105. File Review Coordinator: 717-787-5017. Email: RA-EPNPDES_Permits@pa.gov.

DEP Regional Permit Coordination Office (RPCO)—400 Market Street, Harrisburg, PA 17105. File Review Coordinator: 717-772-5987. Email: RA-EPREGIONALPERMIT@pa.gov.

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, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. 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. 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. Individuals 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. 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. Important legal rights are at stake, however, so individuals should contact a lawyer at once.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

For actions taken on applications for pipelines that are regulated by the Federal Energy Regulatory Commission (FERC).

Any person aggrieved by this action may challenge it in an appropriate legal forum. The State and Federal courts are currently split on whether the proper forum to challenge a Department permit, authorization or approval for a facility or activity subject to the Federal Natural Gas Act, 15 U.S.C.A. §§ 717 et seq., is the United States Court of Appeals for the Third Circuit or the Pennsylvania Environmental Hearing Board. See *Delaware Riverkeeper Network v. Sec'y, Dep't of Env'tl. Prot.*, 833 F.3d 360 (3d Cir. 2016); *Delaware Riverkeeper Network v. Sec'y, Dep't of Env'tl. Prot.*, 903 F.3d 65 (3d Cir. 2018), cert. denied, 139 S. Ct. 1648, 203 L. Ed. 899 (2019) and *Cole v. Dep't. of Env'tl. Prot.*, 1577 C.D. 2019 WL 2420667 (Pa. Cmwlth Ct. June 15, 2021) (Pet. for Allowance of Appeal pending); *West Rockhill Twp. v. Dep't of Env'tl. Prot.*, No. 1595 C.D. 2019 WL 2426014 (Pa. Cmwlth. June 15, 2021) (Pet. for Allowance of Appeal pending).

I. Final Action(s) on NPDES and WQM Permit Application(s) and NOIs for Sewage, Industrial Waste, Industrial Stormwater, MS4s, Pesticides, CAFOs and Individual Construction Stormwater.

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0265926	CAFO Individual NPDES Permit	Issued	Penn England LLC 10341 Fox Run Road Williamsburg, PA 16693-6713	Catharine Township Blair County	SCRO
PA060001D	Chapter 102 Individual NPDES Permit	Issued	PPL Electric Utilities Corp 827 Hausman Road Genn 4 Allentown, PA 18104-9392	South Heidelberg Township Berks County	SCRO
PAD060067	Chapter 102 Individual NPDES Permit	Issued	Florez Trucking LLC 9525 Sleepy Hollow Lane Breinigsville, PA 18031-1180	Maxatawny Township Berks County	SCRO
PAD220009	Chapter 102 Individual NPDES Permit	Issued	Smith Jeffrey C 540 Clarks Valley Road Dauphin, PA 17018-9530	Middle Paxton Township Dauphin County	SCRO
PAD360102	Chapter 102 Individual NPDES Permit	Issued	McKinley Avenue Partners LLC 120 N Pointe Boulevard Suite 301 Lancaster, PA 17601-4100	Lancaster City Lancaster County	SCRO
PAD480189	Chapter 102 Individual NPDES Permit	Issued	Glovas Michael R 590 Browns Drive Easton, PA 18042-9449	Williams Township Northampton County	NERO
PAD480191	Chapter 102 Individual NPDES Permit	Issued	Bethlehem Parking Authority 85 W North Street Bethlehem, PA 18018-3920	Bethlehem City Northampton County	NERO
PA0253537	Concentrated Aquatic Animal Production Facility Individual NPDES Permit	Issued	Rolling Rock Club P.O. Box 747 Ligonier, PA 15658-0747	Ligonier Township Westmoreland County	SWRO
PA0217425	Industrial Stormwater Individual NPDES Permit	Issued	Pilot Travel Center LLC P.O. Box 10146 Knoxville, TN 37939-0146	Bentleyville Borough Washington County	SWRO
0918820	Joint DEP/PFBC Pesticides Permit	Issued	Pearson Donald 3102 Ash Mill Road Doylestown, PA 18902	Buckingham Township Bucks County	SERO
0918822	Joint DEP/PFBC Pesticides Permit	Issued	Bousum Nancy 168 East Dark Hollow Road Pipersville, PA 18947	Tinicum Township Bucks County	SERO
0923826	Joint DEP/PFBC Pesticides Permit	Issued	Great Swamp Fish & Game Association 2650 Schukraft Road Quakertown, PA 18951	West Rockhill Township Bucks County	SERO
5020801	Joint DEP/PFBC Pesticides Permit	Issued	Marley Melinda 1156 Dietz Road P.O. Box 67 Elliottsburg, PA 17024	Saville Township Perry County	SCRO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
2115201	Manure Storage and Wastewater Impoundments Individual WQM Permit	Issued	Wingert Farms Inc. 5497 Shade Lane Alexandria, PA 16611-2737	Porter Township Huntingdon County	SCRO
PA0083852	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Finicle Venture LLC 32 Ferry Lane Liverpool, PA 17045-9254	Buffalo Township Perry County	SCRO
PA0228524	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Duncan Township Tioga County 42 Duncan Township Road Wellsboro, PA 16901-8544	Duncan Township Tioga County	NCRO
PA0060411	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	Aqua PA Wastewater Inc. 1 Aqua Way White Haven, PA 18661-1115	Thornhurst Township Lackawanna County	NERO
PA0217786	Minor Sewage Facility >= 0.05 MGD and < 1 MGD Individual NPDES Permit	Issued	New Eagle Borough Municipal Sewer Authority 157 Main Street New Eagle, PA 15067-1145	New Eagle Borough Washington County	SWRO
4823403	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Lehigh Township Municipal Authority 1069 Municipal Road Walnutport, PA 18088-9718	Lehigh Township Northampton County	NERO
5075401	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	Finicle Venture LLC 32 Ferry Lane Liverpool, PA 17045-9254	Buffalo Township Perry County	SCRO
NOEXNC181	No Exposure Certification	Issued	Anthracite Ind Inc. P.O. Box 112 Sunbury, PA 17801-0112	Shamokin Township Northumberland County	NCRO
NOEXSC408	No Exposure Certification	Issued	York County Transportation Authority d/b/a Rabbittransit 415 N Zarfoss Drive York, PA 17404-8705	West Manchester Township York County	SCRO
NOEXSE228	No Exposure Certification	Issued	Kulicke & Soffa Ind Inc. 1005 Virginia Drive Fort Washington, PA 19034-3101	Upper Dublin Township Montgomery County	SERO
PAG030060	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Mazza Iron & Steel LLC 60 Solar Drive Fairless Hills, PA 19030	Falls Township Bucks County	SERO
PAG030082	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Stein Steel Mill Service Inc. 1155 Business Center Drive Horsham, PA 19044-3422	East Fallowfield Township Chester County	SERO
PAG030183	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	American Precision Ind Inc. 110 Westtown Road West Chester, PA 19382-4978	West Goshen Township Chester County	SERO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG030187	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Air Liquide Electronics US LP 19 Steel Road West Morrisville, PA 19067-3615	Falls Township Bucks County	SERO
PAG030207	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	First Student Inc. 600 Vine Street Suite 1400 Cincinnati, OH 45202	Plymouth Township Montgomery County	SERO
PAG030236	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	FedEx Ground Pkg System Inc. 1000 FedEx Drive Moon Township, PA 15108-9373	Philadelphia City Philadelphia County	SERO
PAG030247	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Baker Petrolite LLC 12645 West Airport Boulevard Sugarland, TX 77478	Eddystone Borough Delaware County	SERO
PAG030268	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Spring City Electric Manufacturing Co. P.O. Box 19 Spring City, PA 19475-0019	Spring City Borough Chester County	SERO
PAG030284	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Matheson Tri-Gas Inc. 1700 Scepter Road Waverly, TN 37185-3253	Upper Hanover Township Montgomery County	SERO
PAG030293	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	NCC Automated System Inc. 255 Schoolhouse Road Souderton, PA 18964-2430	Franconia Township Montgomery County	SERO
PAG030300	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Amazon Com Service LLC P.O. Box 80842 Seattle, WA 98108	Philadelphia City Philadelphia County	SERO
PAG032201	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Ben Weitsman & Son of Scranton LLC 1500 N Keyser Avenue Scranton, PA 18504-9737	Scranton City Lackawanna County	NERO
PAG032202	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Artex Inc. 300 Tamaqua Street Hazleton, PA 18201-7913	Rush Township Schuylkill County	NERO
PAG032355	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Environmental & Recycling Service Inc. 1100 Union Street Taylor, PA 18517-1604	Taylor Borough Lackawanna County	NERO
PAG033744	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Altium Pkg LLC 15 Lightner Road York, PA 17404-1610	Manchester Township York County	SCRO
PAG033805	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Hershey Co. 1033 Old West Chocolate Avenue Hershey, PA 17033	Derry Township Dauphin County	SCRO
PAG033819	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	United Parcel Service Inc. 55 Glenlake Parkway Atlanta, GA 30328-3474	Muhlenberg Township Berks County	SCRO
PAG033923	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Elk Corp of Texas 401 Weavertown Road Myerstown, PA 17067-2401	Jackson Township Lebanon County	SCRO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG033943	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	United Parcel Service Inc. 55 Glenlake Parkway Atlanta, GA 30328-3474	Straban Township Adams County	SCRO
PAG034016	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Keystone Wood Specialties Inc. 2225 Old Philadelphia Pike Lancaster, PA 17602-3416	East Lampeter Township Lancaster County	SCRO
PAG034059	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	United Parcel Service Inc. 1821 S 19th Street Harrisburg, PA 17104-3206	Dickinson Township Cumberland County	SCRO
PAG034813	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	WWF Operations Co. LLC 2592 Oklahoma Salem Road DuBois, PA 15801-8988	Sandy Township Clearfield County	NCRO
PAG034963	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Cummings Lumber Co. Inc. P.O. Box 6 Troy, PA 16947-0006	Troy Township Bradford County	NCRO
PAG034976	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Central Bldr Supply Co. P.O. Box 152 Sunbury, PA 17801-0152	Upper Augusta Township Northumberland County	NCRO
PAG034981	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Central Bldr Supply Co. P.O. Box 152 Sunbury, PA 17801-0152	Lewisburg Borough Union County	NCRO
PAG035029	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Hilex Poly Co. LLC P.O. Box 258 Milesburg, PA 16853-0258	Boggs Township Centre County	NCRO
PAG035036	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Penn Greenhouse LLC 1 Lorian Drive Selinsgrove, PA 17870-7203	Penn Township Snyder County	NCRO
PAG038419	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Venango County 1174 Elk Street 2nd Floor Courthouse Annex Franklin, PA 16323	Franklin City Venango County	NWRO
PAG038455	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Hovis Auto Wrecking Inc. 5074 Emlenton Clintonville Road Emlenton, PA 16373-6708	Scrubgrass Township Venango County	NWRO
PAG038485	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Commodore Homes LLC 20898 Paint Boulevard Shippenville, PA 16254-4712	Paint Township Clarion County	NWRO
PAG038604	PAG-03 NPDES General Permit for Industrial Stormwater	Issued	Gruppo EF Tech USA LLC 12 E 10th Street, 3r New York, NY 10003	Center Township Indiana County	NWRO
PAG044825	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Hall Cecil P.O. Box 129 Woodland, PA 16881-0129	Bradford Township Clearfield County	NCRO
PAG066101	PAG-06 NPDES General Permit for Combined Sewer Systems	Issued	Pitcairn Borough 609 Broadway Pitcairn, PA 15140-1535	Pitcairn Borough Allegheny County	SWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAG066112	PAG-06 NPDES General Permit for Combined Sewer Systems	Issued	McKees Rocks Borough 340 Bell Avenue McKees Rocks, PA 15136-3514	McKees Rocks Borough Allegheny County	SWRO
PAG083618	PAG-08 General Permit for Beneficial Use of Biosolids	Issued	Silver Spring Township Authority 5 Willow Mill Park Road Suite 3 Mechanicsburg, PA 17050-8238	Silver Spring Township Cumberland County	SCRO
PAG123816	PAG-12 NPDES General Permit for CAFOs	Issued	Horst Larry 1450 Hunsicker Road Lancaster, PA 17601-5312	Lykens Township Dauphin County	SCRO
PAG136201	PAG-13 NPDES General Permit for MS4s	Waived	North Braddock Borough 600 Anderson Street Braddock, PA 15104-2565	North Braddock Borough Allegheny County	SWRO
PAG153501	PAG-15 NPDES General Permit for Pesticides	Issued	Lake Meade Properties Owners Assoc Inc. 4 Forrest Drive East Berlin, PA 17316-9358	Latimore Township Adams County	SCRO
PAG153503	PAG-15 NPDES General Permit for Pesticides	Issued	Reading Area Water Authority 1801 Kutztown Road Reading, PA 19604-1515	Ontelaunee Township Berks County	SCRO
6123402	Pump Stations Individual WQM Permit	Issued	Cornplanter Township 21 Seneca Street Oil City, PA 16301-1379	Oil City Venango County	NWRO
4021401	Sewage Treatment Facilities Individual WQM Permit	Issued	Aqua PA Wastewater Inc. 762 W. Lancaster Avenue Bryn Mawr, PA 19010-3489	White Haven Borough Luzerne County	NERO
8494-S	Sewer Extensions Individual WQM Permit	Issued	Allegheny County Sanitary Authority ALCOSAN 3300 Preble Avenue Pittsburgh, PA 15233-1025	City of Pittsburgh Allegheny County	SWRO
PA0219240	Single Residence STP Individual NPDES Permit	Issued	Fortuna Wayne S 108 Hamilton Drive Sewickley, PA 15143-8410	Bell Acres Borough Allegheny County	SWRO
PA0233315	Single Residence STP Individual NPDES Permit	Issued	Spink James 631 Bear Gap Road Elysburg, PA 17824-9115	Cleveland Township Columbia County	NCRO
PA0272621	Single Residence STP Individual NPDES Permit	Issued	Chambers Larry 2320 William Flynn Highway Butler, PA 16001-0748	Center Township Butler County	NWRO
PA0295183	Single Residence STP Individual NPDES Permit	Issued	Dibble Dan 10140 Ridge Road Girard, PA 16417-9415	Girard Township Erie County	NWRO
PA0295213	Single Residence STP Individual NPDES Permit	Issued	Dunkle Corbin 6939 W Stancliff Road Girard, PA 16417-8624	Franklin Township Erie County	NWRO
PA0295272	Single Residence STP Individual NPDES Permit	Issued	Anderson Michael K 213 Deerfield Lane Tidioute, PA 16351-6625	Deerfield Township Warren County	NWRO
0202407	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Fortuna Wayne S 108 Hamilton Drive Sewickley, PA 15143-8410	Bell Acres Borough Allegheny County	SWRO
1722403	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Hall Cecil P.O. Box 129 Woodland, PA 16881-0129	Bradford Township Clearfield County	NCRO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
1922401	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Spink James 631 Bear Gap Road Elysburg, PA 17824-9115	Cleveland Township Columbia County	NCRO
2523420	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Dibble Dan 10140 Ridge Road Girard, PA 16417-9415	Girard Township Erie County	NWRO
2523421	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Dunkle Corbin 6939 W Stancliff Road Girard, PA 16417-8624	Franklin Township Erie County	NWRO
6223402	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Anderson Michael K 213 Deerfield Lane Tidioute, PA 16351-6625	Deerfield Township Warren County	NWRO
WQG02022302	WQG-02 WQM General Permit	Issued	Deer Creek Drainage Basin Authority P.O. Box 449 Mars, PA 16046-0449	West Deer Township Allegheny County	SWRO
WQG02042301	WQG-02 WQM General Permit	Issued	Beaver County 2326 Darlington Road Beaver Falls, PA 15010-1357	Chippewa Township Beaver County	SWRO

II. Final Action(s) on PAG-01 and PAG-02 General NPDES Permit NOIs.

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC510303	PAG-02 General Permit	Issued	Philadelphia Parks and Recreation 1515 Arch Street 10th Floor Philadelphia, PA 19102	City of Philadelphia Philadelphia County	DEP, SERO 2 E. Main Street Norristown, PA 19401 484-250-5821 RA-EPNPDES_SERO@pa.gov
PAC540024	PAG-02 General Permit	Issued	G.C.C. Realty Attn: James Moore 10 Gilberton Road Gilberton, PA 17934	West Mahanoy Township Schuylkill County	Schuylkill County Conservation District 1206 AG Center Drive Pottsville, PA 17901 570-622-3742 RA-EPWW-NERO@pa.gov
PAC150348	PAG-02 General Permit	Issued	West Whiteland Township 101 Commerce Drive Exton, PA 19341	West Whiteland Township Chester County	Chester County Conservation District 674 Unionville Road Suite 105 Kennett Square, PA 19348 610-455-1360 RA-EPNPDES_SERO@pa.gov
PAC150331A-1	PAG-02 General Permit	Issued	Cheyney University 1837 University Circle P.O. Box 200 Cheyney, PA 19319	Thornbury Township Chester County	Chester County Conservation District 674 Unionville Road Suite 105 Kennett Square, PA 19348 610-455-1360 RA-EPNPDES_SERO@pa.gov

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC150347	PAG-02 General Permit	Issued	Luther Duane Dunlap III 407 Valley Road West Grove, PA 19390	London Grove Township Chester County	Chester County Conservation District 674 Unionville Road Suite 105 Kennett Square, PA 19348 610-455-1360 RA-EPNPDES_SERO@ pa.gov
PAC150081	PAG-02 General Permit	Issued	North Walnut Holding Company LP 649 West South Street Kennett Square, PA 19348	Kennett Township Chester County	Chester County Conservation District 674 Unionville Road Suite 105 Kennett Square, PA 19348 610-455-1360 RA-EPNPDES_SERO@ pa.gov
PAC470040	PAG-02 General Permit	Issued	Wendall Graybill 880 Narehood Road Milton, PA 17847	Limestone Township Montour County	Montour County Conservation District 1210 Bloom Road Danville, PA 17821 570-271-1140
PAC600107	PAG-02 General Permit	Issued	Lewisburg Area School District Cathy Moser 1951 Washington Ave Lewisburg, PA 17837	East Buffalo Township Union County	Union County Conservation District 155 N 15th St Lewisburg, PA 17837 570-524-3860
PAC600109	PAG-02 General Permit	Issued	Kelly Township David Hassenplug Hospital Drive and JPM Road Lewisburg, PA 17837	Kelly Township Union County	Union County Conservation District 155 N 15th St Lewisburg, PA 17837 570 524-3860
PAC600110	PAG-02 General Permit	Issued	Luke Hoover 7146 Furnace Road Mifflinburg, PA 17844	Buffalo Township Union County	Union County Conservation District 155 N 15th St Lewisburg, PA 17837 570 524-3860
PAC600071	PAG-02 General Permit	Issued	East Buffalo Township 589 Fairground Road Lewisburg, PA 17837	East Buffalo Township Union County	Union County Conservation District 155 N 15th St Lewisburg, PA 17837 570 524-3860
PA320009C	PAG-02 General Permit	Issued	Air Liquide Advanced Tech US LLC 9811 Katy Fwy Houston, TX 77024	Center Township Indiana County	Indiana County Conservation District 435 Hamill Road Indiana, PA 15701 724-471-4751
PAC370075	PAG-02 General Permit	Issued	New Castle Area School District 101 E Euclid Ave New Castle, PA 16105	City of New Castle Lawrence County	Lawrence County Conservation District 430 Court Street New Castle, PA 16101 724-652-4512
PAC250201	PAG-02 General Permit	Issued	LECOM Health One LECOM Place Erie, PA 16505	Greene Township Erie County	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
PAC250199	PAG-02 General Permit	Issued	Mr. Allen Yingling 8670 Peach Street Erie, PA 16509	Millcreek Township Erie County	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC100294	PAG-02 General Permit	Issued	# 1 Cochran Automotive 4520 William Penn Highway Monroeville, PA 15146	Butler Township Butler County	Butler County Conservation District 120 Hollywood Drive Suite 201 Butler, PA 16001 724-284-5270
PAC250203	PAG-02 General Permit	Issued	US Army Corps of Engineers Pittsburgh District 1000 Liberty Avenue Suite 2100 Pittsburgh, PA 15222	Waterford Township Erie County	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
PAC090554 A1	PAG-02 General Permit	Issued	Margusity Development— Silverlake LLC 503 Hanley Avenue Downingtown, PA 19335-4848	Bristol Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 RA-EPNPDES_SERO@ pa.gov
PAC090639	PAG-02 General Permit	Issued	Keystone Turf Club, Inc. 3001 Street Road Bensalem, PA 19020-2006	Bensalem Township Bucks County	Bucks County Conservation District 1456 Ferry Road Doylestown, PA 18901-5550 215-345-7577 RA-EPNPDES_SERO@ pa.gov

**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. 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.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

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
CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Harvest Lane Farm 910 Jake Landis Road Lititz, PA 17543	Lancaster County	240.4	323.41	Layers	NA	Approved
Forry Farms—Daniel & Dwight Forry 1015 Prospect Road Columbia, PA 17512	Lancaster County	348.5	664.77	Swine	NA	Approved

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
West Donegal Farms— Leon Ray Zimmerman 2011 Maytown Road Elizabethtown, PA 17022	Lancaster County	237.6	674.82	Swine/ Pullets	NA	Approved
Hidden Acres Farms, LLC—J Kevin Rohrer 2115 Rohrer Road Manheim, PA 17545	Lancaster County	397.5	1,107.07	Swine/Beef	NA	Approved
Granite Ridge Farms 200 Ginzle Road New Oxford, PA 17350	Adams County	414.9	730.70	Grow-Finish Swine/ Beef Cattle	NA	Approved

PUBLIC WATER SUPPLY PERMITS

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. 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.

Individuals in need of accommodations should contact the Environmental Hearing Board through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

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 (35 P.S. §§ 721.1—721.17).

Northcentral Region: Safe Drinking Water Program, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636.

Contact: Nadera Bellows, Clerical Assistant II, 570-327-0551.

Construction Permit No. 1423507MA, Minor Amendment, Public Water Supply.

Applicant	Port Matilda Borough
Address	400 S High Street Port Matilda, PA 16870
Municipality	Point Marion Borough
County	Centre County
Consulting Engineer	Garett A Stoy 2568 Park Center Blvd State College, PA 16801
Application Received	July 18, 2023
Permit Issued	October 31, 2023
Description	This permit authorizes the rehabilitation of the 0.22 MG Aquastore glass coated, bolted steel water storage tank. Rehabilitation will include applying sealant to the interior tank seams, installation of cathodic protection anode bars, and minor glass surface repairs on the interior of the tank.

Northeast Region: Safe Drinking Water Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Lorrie Fritz, CA2, 570-830-3048.

Construction Permit No. 4023512MA, Minor Amendment, Public Water Supply.

Applicant	Pennsylvania American Water Company
Address	852 Wesley Drive Mechanicsburg, PA 17055
Municipality	Kingston Township
County	Luzerne County
Consulting Engineer	Mr. Daniel Hopkins, PE Entech Engineering 474 North Center Street Pottsville, PA 17901
Application Received	September 6, 2023
Permit Issued	November 1, 2023
Description	The proposed project is for modifications to their PAWC Hillcrest Well No. 1 facilities. Specifically, the project includes

the removal of the existing storage/chlorine contact tanks, installation of a new contact main for 4-Log for Well No. 1, installation of a new finished water storage tank, installation of two (2) 132-gallon hydro-pneumatic tanks, installation of chemical solution tanks (40-gallon) with chemical containment, installing a mixer in the polyphosphate solution tank, installing another chlorine analyzer, and replacing all the existing diaphragm chemical feed pumps with peristaltic feed pumps. Process piping modifications will be completed as necessary.

Southcentral Region: Safe Drinking Water Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Darin Horst, Environmental Engineer, 717-705-4708.

Construction Permit No. 3623518, Major Amendment, Public Water Supply.

Applicant	East Petersburg Borough
Address	6040 Main Street East Petersburg, PA 17520
Municipality	Manheim Township
County	Lancaster County
Consulting Engineer	ARRO Consulting, Inc. 108 West Airport Road Lititz, PA 17543
Application Received	May 12, 2023
Permit Issued	October 31, 2023
Description	Replacement of the Graver Spring raw water pumps.

Emergency Permit No. 3623544 E, Public Water Supply.

Applicant	Christiana Municipal Water Authority
Address	10 West Slokom Avenue P.O. Box 135 Christiana, PA 17509
Municipality	West Sadsbury Township
County	Chester County
Consulting Engineer	Becker Engineering, LLC 1848 Charter Lane Suite 214 Lancaster, PA 17601
Application Received	October 31, 2023
Permit Issued	November 1, 2023
Description	Emergency use of the unpermitted interconnect with Pennsylvania-American Water Company—Coatsville District (PWS ID No. 1150106).

Southcentral Region: Safe Drinking Water Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Daniel J. Cannistraci, Environmental Engineering Specialist, 717-705-4700.

Operation Permit 0123502 MA. PWSID No. 7010019. Gettysburg Municipal Authority, 601 E. Middle St, Gettysburg, PA 17325, Gettysburg Borough, **Adams County**. Application received: October 23, 2023. Permit Issued: October 31, 2023. This partial operation permit authorizes operation of 600 linear feet of 12-inch diameter ductile iron water main between Baltimore St and Hillcrest Place.

Construction Permit 2823511 MA. PWSID No. 7210043. Shippensburg Borough Authority, 111 North Fayette Street, Shippensburg, PA 17257, Lurgan Township, **Franklin County**. Application received: September 11, 2023. Permit Issued: November 2, 2023. This action authorizes the replacement of the media and underdrain systems in two filters at the Gunter Valley Water Treatment Plant.

Contact: Wade Cope, P.E., Environmental Engineer, 717-705-4708.

Emergency Permit 0123504 E. PWSID No. 7010055. Legacy Eagle View, LLC, 32313 Broadway Street, Suite 101, Sebring, FL 33870, Berwick Township, **Adams County**. Application received: October 27, 2023. Permit Issued: October 31, 2023. Reissuance of a limited duration emergency operation permit for bulk water hauling.

Construction Permit 4423505 MA. PWSID No. 4440010. Mifflin County Municipal Authority, 70 Chestnut Street, Lewistown, PA 17044, Granville Township, **Mifflin County**. Application received: August 14, 2023. Permit Issued: November 1, 2023. Construction permit for a waterline extension and new water storage tank.

Southwest Region: Safe Drinking Water Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: RA-EPSWSDW@pa.gov.

Construction Permit 2623511. PWSID No. 5260019. North Fayette County Municipal Authority, 1634 University Drive, P.O. Box 368, Dunbar, PA 15431, Dunbar Township, **Fayette County**. Application received: September 1, 2023. Permit Issued: November 1, 2023. Issuance of Construction Permit 2623511 for the replacement of the Porter Hill Reservoir liner, cover, and inlet piping for the purpose of utilizing the Porter Hill Reservoir for chlorine contact time.

Emergency Permit 1123515-E. PWSID No. 4110011. Gallitzin Borough Water Authority, 411 Convent Street, Suite 10, Gallitzin, PA 16641, Gallitzin Township, **Cambria County**. Application received: October 19, 2023. Permit Issued: October 24, 2023. Issuance of Emergency Water Supply Permit No. 2623507-E for the emergency use of Gallitzin Borough Water Authority Well No. 1.

Contact: Renee Diehl, Program Manager, ra-epswsdw@pa.gov.

NCWSA Operation Permit 4110078. PWSID No. 4110078. Lilly (53) DPP, LLC, 9010 Overlook Boulevard, Brentwood, TN 37027, Washington Township, **Cambria County**. Application received: October 25, 2023. Permit Issued: November 1, 2023. Operation of new public water

supply well and treatment for the Dollar General Lilly Store.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535, as Amended, 35 P.S. § 750.5.

Northwest Region: Clean Water Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: Cynthia Selby, Environmental Group Manager, 814-332-6643.

Plan Location:

Municipality	Address	County
Pleasant Township	8 Chari Lane Warren, PA 16365	Warren County

Plan Description:

Mohawk Avenue Sewer Extension, M6-18-108. The proposal consists of a gravity and low-pressure sewer line extension to serve 73 homes and construction of a new pump station at Callendar Street. The area served is along Mohawk Avenue, Elk Road, Shelby Circle, Lynn Drive, Valley View Drive, and Kimberly Court. A duplex electric pump system with propane generator backup is proposed. The review of the Planning Module Component 3m has not identified any significant environmental impacts resulting from this proposal. Any required NPDES permits or WQM permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location:

Municipality	Address	County
Jackson Township	140 Magill Road Zelienople, PA 16063	Butler County

Plan Description:

Route 19 South Service Area Development, M6-23-024. The Plan provides for the conversion of the existing private Abbey Woods wastewater treatment plant (NPDES Permit # PA0221325) located in the Abbey Woods Development into a pump station that will convey sewage through the Western Butler County Authority (WBCA) public sewerage system. The plan also includes the extension of gravity sewer from the Russell Road and Zehner School Road intersection to the proposed Abbey Woods Pump Station, which will provide public sewage service to the homes along Russell Road. There are 54 homes (54 EDUs) within the Abbey Woods development and 12 homes (12 EDUs)

Plan Description:

Borough or Township	Borough or Township Address	County
Dallas Borough	25 Main Street, Dallas, PA 18612	Luzerne
Dallas Township	105 Lt. Michael Cleary Drive, Dallas, PA 18612	
Kingston Township	180 East Center Street, Shavertown, PA 18708	
Lehman Township	P.O. Box 262, Lehman, PA 18627	

The Plan was disapproved because the following significant, technical deficiencies were not adequately addressed in the Plan:

The Plan failed to adequately address the continued, indefinite use of the unplanned and unpermitted Sanitary Sewer Overflow channel and related appurtenances lo-

located along Russell Road that will be served by this project. The project will be connected to the Western Butler County Authority collection system and will generate 26,400 gallons of sewage per day to be treated at the Western Butler County Authority Wastewater Treatment Facility. The review of this Planning Module Component 3m has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Southeast Region: Clean Water Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Elizabeth Mahoney, Environmental Group Manager, 484-250-5190.

Plan Location:

Municipality	Address	County
Towamencin Township	1090 Troxel Road Lansdale, PA 19446	Montgomery County

Plan Description:

Towamencin Township System Sale, Approval of an Act 537 Special Study providing for the sale of Towamencin Township's sewerage facilities to Pennsylvania American Water Company (PAWC).

Contact: Elizabeth Mahoney, Environmental Group Manager, 484-250-5190.

Plan Location:

Municipality	Address	County
Plumstead Township	5186 Stump Road Pipersville, PA 18947	Bucks County

Plan Description:

4829 Wismer Road—Benner Property, 1-09939-429-2. Approval of a sewage facilities planning module proposing a 2-lot residential subdivision (1 existing dwelling and 1 proposed dwelling), located at 4829 Wismer Road, New Hope, to be served by individual onlot sewage disposal systems.

SEWAGE FACILITIES ACT PLAN DISAPPROVAL

Plan Disapprovals Granted Under the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535, as Amended, 35 P.S. § 750.5.

Northeast Region: Clean Water Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Clean Water Program Manager, 570-826-2318.

cated adjacent to the Dallas Area Municipal Authority's (Authority) Main Pumping Station located in Kingston Township. The Plan failed to adequately identify the location and scope of the collection and conveyance system components and line alignments to rehabilitated and/or replaced.

For years, collection line rehabilitation has been occurring and there is still a hydraulic overload. There is no justification as to what the rehabilitation activities proposed in the Plan will accomplish what they haven't in the past. There is no clear identification of where collection system lines will be repaired versus replaced or the specific time frame and location for performing repairs and replacements.

The Plan is lacking in that there is no clear justification as to why a single, additional storage tank is the best choice to handle the hydraulic overload of the collection/conveyance system while collection system line work is being addressed. Also, the Plan's selected alternative does not appear to show that it is technically and environmentally acceptable as required by Section 71.21(a)(6) of the Department's regulations. As per Section 71.21.(b) and (c) of the Department's regulations, the Plan must clearly define what specific work will occur within five-years or less and what will occur in excess of five years.

The Plan does not clearly discuss how to address pumping the sewage flow to the Wyoming Valley Sanitary Authority's (WVSA) Loveland Avenue Pump Station Force Main when WVSA's permitted, combined conveyance system is at capacity or running above maximum capacity.

There is no map of where sanitary sewer overflows have occurred throughout the collection system in the recent past or points where the collection system is vulnerable to having a sanitary sewer overflow.

There is no detailed discussion of pump capacities being adequate or not adequate throughout the Authority's collection system.

There appears to be an inconsistency between the Authority committing to replacing X number of manholes a year, but at the same time saying that the manhole replacement program has been completed. There also appears to be an inconsistency between the Authority's position that collection line rehabilitation very rarely eliminates hydraulic overloads in the sewer system and the inclusion of further line rehabilitation as a component of the Authority's selected alternative.

Additional technical deficiencies beyond those listed above exist within the Plan. These additional deficiencies can be found in the Department's October 16, 2023 disapproval correspondence that has been forwarded to the four municipalities.

BIOSOLIDS INDIVIDUAL PERMITS (PABIG, SSN AND PABIS)

The Department of Environmental Protection has taken the following actions on the previously received individual permit applications for the land application of treated sewage sludge (biosolids).

Any person aggrieved by these actions may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, 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. Appeals must be filed with the Environmental Hearing 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 any right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge this action, the appeal must reach the board within 30-days. A lawyer is not needed to file an appeal.

Individuals in need of accommodations should contact the Environmental Hearing Board through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

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 717-787-3483 for more information.

Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Charline Bass, AA1, 484-250-5787.

HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

Public Notice of proposed Consent Order and Agreement

Easton Road PFC HSCA Site, Route 313 and Route 611, Doylestown 18901, and **Cross Keys HSCA Site**, North Easton Road and Route 313, Doylestown 18901, Doylestown, Buckingham, and Plumstead Townships, **Bucks County**.

The Department of Environmental Protection (Department), under the authority of the Pennsylvania Hazardous Sites Cleanup Act (HSCA), 35 P.S. § 6020.1113, has entered a Consent Order and Agreement (COA) with Valjon Industries, Inc., regarding the Easton Road PFC HSCA Site (Easton Road Site) and the Cross Keys HSCA Site (Cross Keys Site), both located in parts of Doylestown, Buckingham, and Plumstead Townships.

Hazardous substances and/or contaminants within the meaning of Section 103 of the Hazardous Sites Cleanup Act, 35 P.S. § 6020.103, were released and threatened to be released on the Easton Road Site and on the Cross Keys Site. Pursuant to Section 501(a) of HSCA, 35 P.S. § 6020.501(a), the Department completed response actions at the Easton Road Site and the Cross Keys Site to abate the release of hazardous substances and/or contaminants found, which included Perfluorooctanoic acid (PFOA) and Perfluorooctane sulfonic acid (PFOS) on the Easton Road Site and volatile organic compounds (VOCs) including Tetrachloroethene (PCE), 1,1-Dichloroethene (1,1-DCE), and 1,4-Dioxane on the Cross Keys Site. The Department's response actions included well sampling in the impacted areas; the provision of bottled water and then the installation and maintenance of whole-house filtration systems for impacted properties within the Easton Road Site and the installation of a municipal water line to the impacted properties within the Cross Keys Site; and the investigation of environmental media to determine the nature and extent of the contamination in the environment.

Valjon Industries, Inc. is a tenant at a certain property located at 3826 Old Easton Rd. in Doylestown Township (the "Property"). Valjon Industries, Inc. intends to purchase the Property and desires to resolve any potential liability it may incur from the purchase of the Property for the releases at the Easton Road Site and the Cross

Keys Site. Under the COA, Valjon Industries, Inc. will remediate contamination at the Property in accordance with the Land Recycling and Environmental Remediation Standards Act and will receive a covenant not to sue and be eligible for contribution protection in connection with certain claims described in the COA.

This notice is provided under Section 1113 of HSCA, 35 P.S. § 6020.1113, which states that, “settlement shall become final upon the filing of the Department’s response to significant written comments”. The COA is available for public review and comment. An electronic copy or hard copy of the proposed agreement may be requested by contacting either Wayne Harms at (484) 250-5730 or wharms@pa.gov or Brian Glass, Esquire at (484) 250-5870 or briaglass@pa.gov. A public comment period on the COA will extend for 60 days from today’s date. Persons may submit written comments regarding the COA by submitting them under the subject line “Valjon COA” via electronic mail to Mr. Harms at the previously listed email address or via U.S. Mail to Mr. Harms at 2 East Main Street, Norristown, PA 19401.

The Department has reserved the right to withdraw its consent to the COA if comments submitted during the public comment period disclose facts or considerations which indicate, in the Department’s discretion, that the COA is inappropriate or not in the public interest.

Easton Road PFC HSCA Site, Route 313 and Route 611, Doylestown 18901, and **Cross Keys HSCA Site**, North Easton Road and Route 313, Doylestown 18901, Doylestown, Buckingham, and Plumstead Townships, **Bucks County**.

The Department of Environmental Protection (Department), under the authority of the Pennsylvania Hazardous Sites Cleanup Act (HSCA), 35 P.S. § 6020.1113, has entered a Consent Order and Agreement (COA) with the Ian D. MacKnight Family Trust and Ian D. MacKnight, regarding the Easton Road PFC HSCA Site (Easton Road Site) and the Cross Keys HSCA Site (Cross Keys Site), both located in parts of Doylestown, Buckingham, and Plumstead Townships.

Hazardous substances and/or contaminants within the meaning of Section 103 of the Hazardous Sites Cleanup Act, 35 P.S. § 6020.103, were released and threatened to be released on the Easton Road Site and on the Cross Keys Site. Pursuant to Section 501(a) of HSCA, 35 P.S. § 6020.501(a), the Department completed response actions at the Easton Road Site and the Cross Keys Site to abate the release of hazardous substances and/or contaminants found, which included Perfluorooctanoic acid (PFOA) and Perfluorooctane sulfonic acid (PFOS) on the Easton Road Site and volatile organic compounds (VOCs) including Tetrachloroethene (PCE), 1,1-Dichloroethene (1,1-DCE), and 1,4-Dioxane on the Cross Keys Site. The Department’s response actions included well sampling in the impacted areas; the provision of bottled water and then the installation and maintenance of whole-house filtration systems for impacted properties within the Easton Road Site and the installation of a municipal water line to the impacted properties within the Cross Keys Site; and the investigation of environmental media to determine the nature and extent of the contamination in the environment.

The Ian D. MacKnight Family Trust owns a certain property within the Easton Road Site and the Cross Keys Site located at 3826 Old Easton Rd. in Doylestown Township (the “Property”) that was previously owned by Ian D. MacKnight. The Ian D. MacKnight Family Trust

intends to sell the Property and desires to resolve any potential liability that it and Ian D. MacKnight may have for releases or threatened releases of contaminants and/or hazardous substances at the Easton Road Site and the Cross Keys Site. Under the COA, the Ian D. MacKnight Family Trust will pay to the Department the sum of Twenty-Five Thousand Dollars (\$25,000) for response costs incurred by the Department, and the Ian D. MacKnight Family Trust and Ian D. MacKnight will receive a covenant not to sue and be eligible for contribution protection in connection with certain claims described in the COA.

This notice is provided under Section 1113 of HSCA, 35 P.S. § 6020.1113, which states that, “settlement shall become final upon the filing of the Department’s response to significant written comments”. The COA is available for public review and comment. An electronic copy or hard copy of the proposed agreement may be requested by contacting either Wayne Harms at (484) 250-5730 or wharms@pa.gov or Brian Glass, Esquire at (484) 250-5870 or briaglass@pa.gov. A public comment period on the COA will extend for 60 days from today’s date. Persons may submit written comments regarding the COA by submitting them under the subject line “MacKnight COA” via electronic mail to Mr. Harms at the previously listed email address or via U.S. Mail to Mr. Harms at 2 East Main Street, Norristown, PA 19401.

The Department has reserved the right to withdraw its consent to the COA if comments submitted during the public comment period disclose facts or considerations which indicate, in the Department’s discretion, that the COA is inappropriate or not in the public interest.

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— 6026.908).

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 of Environmental Protection (DEP) 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, please contact the Regional Office Program Manager previously listed in the notice.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

The Department has received the following plans and reports.

Northcentral Region: Environmental Cleanup & Brownfields Program, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636.

Contact: Randy Farmerie, P.G., Environmental Program Manager, 570-327-3716.

U.S. Prime Freight Systems, Inc. Diesel spill cleanup, Primary Facility ID # **868915**, 502 High Street, Woodland, PA 16881, Woodland Borough, **Clearfield County**. McKee Environmental, Inc., 86 Quartz Drive, Bellefonte, PA 16823, on behalf of U.S. Prime Freight Systems, Inc., 2125 W Eules Boulevard, Eules, TX 76040, submitted a Final Report concerning remediation of soil contaminated with diesel fuel. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

Northeast Region: Environmental Cleanup & Brownfields Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Eric Supey, Environmental Program Manager.

210, Primary Facility ID # **870416**, **2101 Barletta Road**, Hazleton, PA 18202, Hazle Township, **Luzerne County**. Barry Isett & Associates, 5420 Crackersport Road, Allentown, PA 18104, on behalf of One Maplewood, LLC, 22 South Avenue West, Westfield, NJ 07090, submitted a Final Report concerning remediation of soil contaminated with used motor oil. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

Northwest Region: Environmental Cleanup & Brownfields Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: Ben, 814-350-5132.

XPO Logistics Freight Inc Release, Primary Facility ID # **868739**, US Interstate 80 W, Mile Marker 3, West Middlesex, PA 16159, Shenango Township, **Mercer County**. Sovereign Consulting, Inc., 50 West Welsh Pool Road, Suite 6, Exton, PA 19341, on behalf of XPO Logistics Freight, Inc., 2211 Old Earhart Rd, Ann Arbor, MI 48105, submitted a Final Report concerning remediation of soil contaminated with Benzene, Toluene, Ethylbenzene, Xylenes, MTBE, Naphthalene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene, Isopropylbenzene (Cumene), and Methyl Ethyl Ketone (MEK). The Final Report is intended to document remediation of the site to meet the Statewide health standards.

Contact: Lee, 814-332-6127.

Vista Metals Inc., Primary Facility ID # **858012**, 189 Nolte Drive, Kittanning, PA 16201, East Franklin Township, **Armstrong County**. Cribbs & Associates, Inc., P.O. Box 44, Delmont, PA 15626, on behalf of Vista Metals Inc., 1024 East Smithfield Street, McKeesport, PA 16135, submitted a Remediation Investigation Report/Final Re-

port concerning remediation of soil and groundwater contaminated with Soil: Heptane. Groundwater: Benzene. The Remediation Investigation Report/Final Report is intended to document remediation of the site to meet the site-specific standards.

Southcentral Region: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Environmental Cleanup & Brownfields Program Manager, 717-705-4705.

John Huber Property, Primary Facility ID # **856214**, 222 West Maple Avenue, Myerstown, PA 17067, Myerstown Borough, **Lebanon County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of Mr. John Huber, 631 Weavertown Road, Myerstown, PA 17067, submitted a Final Report concerning remediation of soil and groundwater contaminated with No. 2 Fuel Oil. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

177 West Sun Hill Road, Primary Facility ID # **866104**, 177 West Sun Hill Road, Manheim, PA 17545, Penn Township, **Lancaster County**. Penn Environmental & Remediation, Inc., 400 Old Dublin Pike, Doylestown, PA 18901, on behalf of Miller Pipeline, 8850 Crawfordsville Road, Indianapolis, IN 46234, submitted a Final Report concerning remediation of soil contaminated with No. 2 Fuel Oil. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Charline Bass, Administrative Assistant, 484-250-5787.

River Pointe Parcel # 2, Primary Facility ID # **864477**, 75 East 4th Street, Bridgeport, PA 19405, Bridgeport Borough, **Montgomery County**. Jeffery K. Walsh, PG, Penn E&R, Inc., 400 Dublin Pike, Doylestown, PA 18901, on behalf of Anthony E. Maras, Esq., DPD-Brightview, LP, 740 Sansom Street, Suite 501, Philadelphia, PA 19106, submitted a Remedial Investigation Report/Risk Assessment Report/Cleanup Plan concerning remediation of soil contaminated with PAHs and metals. The Remedial Investigation Report/Risk Assessment Report/Cleanup Plan is intended to document remediation of the site to meet the site-specific standards.

Embreeville Property, Primary Facility ID # **863154**, 1818 West Strasburg Road, West Chester, PA 19382, West Bradford Township, **Chester County**. David B. Farrington, PG, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382, on behalf of William B. Myles, Embreeville Redevelopment, 929 South High Street, West Chester, PA 19382, submitted a Final Report concerning remediation of soil contaminated with SVOCs. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

3111 Grays Ferry Avenue, Primary Facility ID # **848277**, 3111 Grays Ferry Avenue, Philadelphia, PA 19146, City of Philadelphia, **Philadelphia County**. Liberty Environmental, Inc., 315 West Street, Suite 205, Lancaster, PA 17603, on behalf of Paul Frank, 3111 Grays Ferry, LLC, 2141 Downyflake Lane, Suite 400, Allentown, PA 18103, submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of groundwater contaminated with VOCs, SVOCs and metals. The Reme-

dial Investigation Report/Cleanup Plan is intended to document remediation of the site to meet the site-specific standards.

114 Forrest Avenue, Primary Facility ID # **844211**, 114 Forrest Avenue, Narberth, PA 19072, Nazareth Borough, **Montgomery County**. Trimpi, P.G., Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, on behalf of Max Berger, Narberth Associates/123 Coulter Avenue Investors, 308 East Lancaster Avenue, Suite 205, Wynnewood, PA 19096, submitted a combined Remedial Investigation Report/Cleanup Plan/Final Report concerning remediation of soil and groundwater contaminated with No. 2 fuel oil. The combined Remedial Investigation Report/Cleanup Plan/Final Report is intended to document remediation of the site to meet the Statewide health and site-specific standards.

Ardmore MGP Site, Primary Facility ID # **665878**, 44 Greenfield Avenue, Ardmore, PA 19003, Lower Merion Township, **Montgomery County**. Christopher Zeliznak, PG, 1060 Andrew Drive, Suite 140, West Chester, PA 19380, on behalf of Peter Farrand, PECO Energy, 2301 Market Street, Philadelphia, PA 19103, submitted a combined Remedial Investigation Report/Cleanup Plan/Final Report concerning remediation of soil and groundwater contaminated with naphthalene and 2-methylnaphthalene. The combined Remedial Investigation Report/Cleanup Plan/Final Report is intended to document remediation of the site to meet the site-specific standards.

Keystone Trade Center—Lot 19, Primary Facility ID # **839178**, One Ben Fairless Drive, Fairless Hills, PA 19030, Falls Township, **Bucks County**. Jeffrey A. Smith, PG, Langan Engineering and Environmental Services, Inc., 1818 Market Street, Suite 3300, Philadelphia, PA 19103, on behalf of Andy Mace, NP Falls Township Industrial, LLC, 3315 North Oak Trafficway, Kansas City, MO 64116, submitted a Final Report concerning remediation of soil contaminated with SVOCs, metals, cyanide, polychlorinated biphenyls, iron and vanadium. The Final Report is intended to document remediation of the site to meet the Statewide health and site-specific standards.

1400 North Howard Street, Primary Facility ID # **862032**, 1400-38 North Howard Street, Philadelphia, PA 19122, City of Philadelphia, **Philadelphia County**. Sean M. Damon, PG, Langan Engineering & Environmental Services, 2700 Kelly Road, Suite 200, Warrington, PA 18976, on behalf of Forrest Cherry, 1400 North Howard Street, LLC, 1616 Camden Road, Suite 210, Charlotte, NC 28203, submitted a Remedial Investigation Report/Risk Assessment/Cleanup Plan/Final Report concerning remediation of groundwater contaminated with tetrachloroethene, trichloroethene, cis-1,2-dichloroethene, trans-1,2-dichloroethene, 1,1-dichloroethene and vinyl chloride. The Remedial Investigation Report/Risk Assessment/Cleanup Plan/Final Report is intended to document remediation of the site to meet the site-specific standards.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 3

The Department Has Taken Action on the Following Plans and Reports Under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Stan-

dards Act (act) require the Department of Environmental Protection (DEP) 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 non-residential 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 DEP may approve or disapprove plans and reports submitted. This notice provides DEP's decision and, if relevant, the basis for disapproval.

For further information concerning plans or reports, please contact the Regional Office Program Manager previously listed in the notice.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

The DEP has received the following plans and reports.

Northcentral Region: Environmental Cleanup & Brownfields Program, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636.

Contact: Randy Farmerie, P.G., Environmental Program Manager, 570-327-3716.

Ward 4HC on the Ward BRA Pad, Primary Facility ID # **863166**, 1696 Peters Road, Troy, PA 16947, West Burlington Township, **Bradford County**. Creston Environmental, LLC, P.O. Box 1373, Camp Hill, PA 17701, on behalf of Chesapeake Appalachia LLC, 14 Chesapeake Lane, Sayre, PA 18840, submitted a Final Report concerning remediation of soil contaminated with produced water. The Final Report demonstrated attainment of the Statewide health standards. Approved: October 20, 2023.

Wissler 4HX on the Wissler Unit Pad, Primary Facility ID # **869554**, 1894 Ellenton Road, Canton, PA 17724, McNett Township, **Lycoming County**. Creston Environmental, LLC, P.O. Box 1373, Camp Hill, PA 17001, on behalf of Chesapeake Appalachia LLC, 14 Chesapeake Lane, Sayre, PA 18840, submitted a Final Report concerning remediation of soil contaminated with

produced water. The Final Report demonstrated attainment of the Statewide health and background standards. Approved: October 27, 2023.

Northeast Region: Environmental Cleanup & Brownfields Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Eric Supey, Environmental Program Manager.

Matt's Service Station, Primary Facility ID # **867004**, 1 Lonesome Road, Old Forge, PA 18518, Old Forge Borough, **Lackawanna County**. Quad 3 Group, 37 North Washington Street, Wilkes-Barre, PA 18701, on behalf of MMI Realty, LLC, 1 Lonesome Road, Old Forge, PA 18518, submitted a Final Report concerning remediation of soil contaminated with benzene. The Final Report demonstrated attainment of the Statewide health standards. Approved: November 1, 2023.

Southcentral Region: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Environmental Cleanup & Brownfields Program Manager, 717-705-4705.

R&M Commercial Properties, LLC, Primary Facility ID # **861175**, 959 South Reading Avenue, Boyertown, PA 19512, Douglass Township, **Berks County**. United Environmental Services, Inc., 1143 Long Run Road, Schuylkill Haven, PA 17972, on behalf of R&M Commercial Properties, LLC, 844 Prospect Avenue, Somerset, PA 15501, submitted a Remediation Investigation Report/Final Report concerning remediation of soil and groundwater contaminated with arsenic and lead. The Report demonstrated attainment of the site-specific standards. Approved: October 31, 2023.

Woodstream Corporation, Primary Facility ID # **622623**, 69 North Locust Street, Lancaster, PA 17543, Lititz Borough, **Lancaster County**. ARM Group, LLC, 1129 West Governor Road, Hershey, PA 17033, on behalf of Woodstream Corporation, 29 East King Street, Suite 201, Lancaster, PA 17602, submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of soil and groundwater contaminated with COCs. The Report did not demonstrate attainment of the site-specific standards. Issued a technical deficiency letter: November 1, 2023.

Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Charline Bass, Administrative Assistant, 484-250-5787.

1204 East Duval Street, Primary Facility ID # **868476**, 1204 East Duval Street, Philadelphia, PA 19138, City of Philadelphia, **Philadelphia County**. Alexander Ostrobrod, Union Technical Group, P.O. Box 8123, Pelham, NY 10803, on behalf of Louis J. Mastro, HOP Energy, LLC, 625 Sawkill Road, Kingston, NY 12401, submitted a Final Report concerning remediation of soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide health standards. Approved: October 23, 2023.

Philadelphia Union Sports Complex, Primary Facility ID # **861634**, 2501 Seaport Drive (between Highland Avenue and Commodore Barry Bridge), Chester, PA 19013, City of Chester, **Delaware County**. Nevin Diehl, Weston Solutions, 205 Campus Drive, Edison, NJ 08837,

on behalf of Dave Debusschere, Keystone Sports and Entertainment, LLC, 2501 Seaport Drive, BH Suite 100, Chester, PA 19013, submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of soil and groundwater contaminated with petroleum VOCs and PAHs. The Report demonstrated attainment of the site-specific standards. Approved: October 25, 2023.

East Tenth Street HSCA Site, Primary Facility ID # **630967**, 201 East 10th Street, Marcus Hook, PA 19061, Marcus Hook Borough, **Delaware County**. Peter D. Beyer, PG, Environmental Resources Management, Inc., 75 Valley Stream Parkway, Suite 200, Malvern, PA 19355, on behalf of Tiffany Kung, FMC Corporation, 2929 Walnut Street, Philadelphia, PA 19104, submitted a Risk Assessment/Final Report concerning remediation of soil and groundwater contaminated with SVOCs, VOCs and PCBs. The Report did not demonstrate attainment of the site-specific standards. Issued a technical deficiency letter: October 16, 2023.

Tinicum Release Site, Primary Facility ID # **829316**, 6 Industrial Highway, Essington, PA 19029, Tinicum Township, **Delaware County**. Stephanie Grillo, Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of Bradford L. Fish, Sunoco Pipeline LP, 100 Green Street, Marcus Hook, PA 19061, submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The Report demonstrated attainment of the site-specific standards. Disapproved: October 17, 2023.

816 Pennsylvania Avenue, Primary Facility ID # **863224**, 816 Pennsylvania Avenue, Croydon, PA 19021, Bristol Township, **Bucks County**. Alexander Ostrobrod, Union Technical Group, P.O. Box 8123, Pelham, NY 10803, on behalf of Greg Banks, Patriot Fuel Oil, LLC, Greg Banks, Patriot Fuel Oil, LLC, Penndel, PA 19047, submitted a Final Report concerning remediation of soil contaminated with No. 2 fuel oil. The Report did not demonstrate attainment of the Statewide health standards. Issued an administrative deficiency letter: October 16, 2023.

56 & 60 West Marshall Avenue, Primary Facility ID # **824326**, 56 and 60 West Marshall Avenue, Lansdowne, PA 19050, Lansdowne Borough, **Delaware County**. Kevin Davis, PE, Pennoni Associates, Inc., 1900 Market Street, Philadelphia, PA 19103, on behalf of Mark Fuessinger, One Creative, 16 Campus Boulevard, Newtown Square, PA 19073, submitted a Final Report concerning remediation of soil and groundwater contaminated with PCE, TCE, vinyl chloride, 1,1,1-trichloroethane and trans-1,2-dichloroethene. The Final Report demonstrated attainment of the site-specific standards. Approved: October 23, 2023.

Raceway Kia, Primary Facility ID # **865179**, 1402 Ridge Pike, Conshohocken, PA 19428, Plymouth Township, **Montgomery County**. David DiPascale, TTI Environmental, 1253 North Church Street, Morristown, NJ 08057, on behalf of Wayne Heilman, RW Real Estate, 1209 SW 54th Lane, Cape Coral, FL 33914, submitted a Remedial Investigation Report/Risk Assessment/Cleanup Plan/Final Report concerning remediation of soil contaminated with lead. The Report did not demonstrate attainment of the site-specific standards. Disapproved: October 12, 2023.

9345 Andover Road Transformer Oil Spill, Primary Facility ID # **869884**, 9345 Andover Road, Philadelphia, PA 19114, City of Philadelphia, **Philadelphia County**.

Chris Zelznak, PG, Stantec Consulting Services, Inc., 1060 Andrew Drive, Suite 140, West Chester, PA 19380, on behalf of George Horvat, PECO Energy Company, 2301 Market Street, S7-2, Philadelphia, PA 19103, submitted a Final Report concerning remediation of soil contaminated with PCBs. The Report did not demonstrate attainment of the Statewide health standards. Issued an administrative deficiency letter: October 30, 2023.

Sunoco Inc., Philadelphia Refinery (AOI 10), Primary Facility ID # **720775**, 3144 Passyunk Avenue, Philadelphia, PA 19145, City of Philadelphia, **Philadelphia County**. Colleen Costello, Sanborn, Head & Associates, Inc., 755 Business Center Drive, Suite 110, Horsham, PA 19044, on behalf of Tiffani L. Doerr, PG, Evergreen Resources Management, 2 Righter Parkway, Suite 120, Wilmington, DE 19803, submitted a Risk Assessment/Cleanup Plan concerning remediation of soil and groundwater contaminated with lead and organics. The Report site-specific standards. Issued a technical deficiency letter: October 16, 2023.

Raleigh Mill Roeper Facility, Primary Facility ID # **840813**, 1617-35 North 5th Street, Philadelphia, PA 19122, City of Philadelphia, **Philadelphia County**. Kevin J. Davis, PE, Pennoni Associates, Inc., 1900 Market Street, Suite 300, Philadelphia, PA 19103, on behalf of Lawrence McKnight, PE, The Riverwards Group, 320 Richmond Street, Philadelphia, PA 19134, submitted a Risk Assessment/Final Report concerning remediation of soil and groundwater contaminated with VOCs, SVOCs and metals. The Report did not demonstrate attainment of the site-specific standards. Issued a technical deficiency letter: October 20, 2023.

Spring Lake, Primary Facility ID # **848397**, 499 Wilmington Pike, Glen Mills, PA 19342, Concord Township, **Delaware County**. Richard Lake, Geo-Technology Associates, Inc., 2405 John Fries Highway, Building 3, Quakertown, PA 18951, on behalf of Bill Creeger, Pulte Homes, 1210 Northbrook Drive, Suite 260, Trevoise, PA 19053, submitted a Final Report concerning remediation of soil contaminated with lead, mercury and arsenic. The Final Report demonstrated attainment of the Statewide health standards. Approved: October 24, 2023.

HAZARDOUS WASTE TRANSPORTER LICENSE

Action(s) Taken on Hazardous Waste Transporter License Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101–6018.1003); and Hazardous Waste Regulations to Transport Hazardous Waste.

New Transporter License Issued

Central Office: Waste Management Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, 717-787-7561.

Contact: Jonathan Adams.

Boston Green Fuel Co. Inc., 102 Charles Eldridge Drive, Lakeville, MA 02347. License No. **PA-AH 0946**. Application received: September 26, 2023. Effective October 27, 2023.

Transporter License Reissued

Central Office: Waste Management Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, 717-787-7561.

Contact: Jonathan Adams.

Set Environmental, Inc., 450 Sumac Road, Wheeling, IL 60090. License No. **PA-AH S226**. Application received: October 16, 2023. Effective November 1, 2023.

AIR QUALITY

Actions(s) Taken on General Plan Approval(s) and Operating Permit(s) 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.

Northcentral Region: Air Quality Program, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636.

Contact: Muhammad Q. Zaman, Program Manager, 570-327-3648.

GP1-12-01B: Emporium Hardwoods Operating Co. LLC, 15970 Route 120, Emporium, PA 15834, Shippen Township, **Cameron County**. The Department authorized the continued operation of a Clever-Brooks 28.576 MMBtu/hr natural gas-fired boiler and a Superior Boiler Works 21 MMBtu/hr natural gas-fired boiler at the Emporium Hardwoods facility pursuant to the General Plan Approval and/or General Operating Permit BAQ-GPA/GP-1: Gas and No. 2 Oil Fired Small Combustion Units. Application received: October 16, 2023. Renewal issued: October 30, 2023. New expiration date: October 29, 2028.

Contact: Muhammad Q. Zaman, Program Manager, 570-327-3648.

GP9-49-342: Weis Markets, Inc., 16 South Industrial Park Rd., Milton, PA 17847, Milton Borough, **Northumberland County**. Was issued a re-authorization to operate the existing CAT emergency engine at their warehouse for emergency back-up power pursuant to the PA DEP Air Quality Bureau's General Plan Approval for Stationary Diesel Internal Combustion Engines (BAQ-GPA/GP-9). Application received: October 17, 2023. Issued: November 3, 2023.

Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Thomas Bianca, PE, West Permit Section Chief, 717-705-4862.

GP1-21-03106: UPMC Pinnacle, 218 S. 2nd Street, Harrisburg, PA 17104, Hampden Township, **Cumberland County**. For the two existing natural gas/No. 2 oil-fired boilers, under GP1, at the West Shore Hospital. The general permit authorization was renewed. Application received: September 28, 2023. Issued: October 31, 2023.

Contact: Thomas Hanlon, PE, East Permit Section Chief, 717-705-4862.

GP1-22-03113A: The Hershey Company, 1000 Reese Avenue, Hershey, PA 17033, Derry Township, **Dauphin County**. For four new Clever-Brooks Boilers Model FLX-PM-700-1050, each rated at 10.5 mmBtu/hr, under GP1, at the 1000 Reese Avenue facility. Application received: October 17, 2023. Issued: October 26, 2023.

GP3-06-03110G: The H&K Group, Inc., P.O. Box 196, 2052 Lucon Road, Skippack, PA 19474, Douglass Township, **Berks County**. For portable nonmetallic mineral processing equipment, under GP3, at the Pottstown Trap Rock Quarry. Application received: October 19, 2023. Issued: November 3, 2023.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Sheri Guerrieri, P.E., New Source Review Chief, 412-442-4174.

GP14-26-00560C: Ferguson Funeral Home & Crematory, Inc., 700 Broad Avenue, Belle Vernon, PA 15012, Belle Vernon Borough, **Fayette County**. To allow continued operation of a second human cremation unit at the Ferguson Funeral Home & Crematory in Belle Vernon Borough, Fayette County. Application received: July 19, 2023. Authorized: October 30, 2023.

Plan Approval Revision(s) Issued Including Extension(s), Minor Modification(s) and Transfer(s) of Ownership Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

Northcentral Region: Air Quality Program, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636.

Contact: Muhammad Q. Zaman, Program Manager, 570-327-3648.

08-00010Q: Global Tungsten & Powders Corp., 1 Hawes Street, Towanda, PA 18848, North Towanda Township, **Bradford County**. To extend the authorization to operate the sources pursuant to the plan approval from October 22, 2023 to April 19, 2024, at their Towanda Facility. The plan approval has been extended. Application received: September 23, 2023. Revised: October 30, 2023.

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Thomas Bianca, PE, West Permit Section Chief, 717-705-4862.

01-03040C: Sealed Air Corp., Hanover Plant, 260 North Blettner Avenue, Hanover, PA 17731, Conewago Township, **Adams County**. For the construction of a new central grinding system and new padded envelope production machine at the Hanover Facility. The new central grinding system will be controlled by two new IMS cyclones and a reverse jet fabric filter. The new padded envelope production machine will be controlled by two new cyclone/dust compactor units and a fabric filter. The project also involves modification of its existing padded envelope machines such that the existing baghouses are replaced by the new IMS cyclones and reverse jet fabric filter. The facility's existing hammer mills will be modified such that they are controlled by the two IMS cyclones and reverse jet fabric filter. The plan approval was extended. Application received: October 12, 2023. Issued: October 30, 2023.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: James Beach, New Source Review Chief, 484-250-5920.

46-0031G: GlaxoSmithKline, LLC/Upper Providence, 1250 S Collegeville Rd, Collegeville, PA 19426-2990, Upper Providence Township, **Montgomery County**. A plan approval extension for the installation of a selective catalytic reduction (SCR) unit, oxidation catalyst, diesel particulate filter (DPF), and associated equipment, to the exhaust of an existing 2,000 kW diesel-fired emergency electric generator engine (Source 106). The generator is being repurposed from emergency to non-emergency use. Application received: October 18, 2023. Issued: October 26, 2023.

09-0210B: Waste Management of Fairless, 1000 New Ford Mill Rd., Morrisville, PA 19067, Falls Township, **Bucks County**. Plan Approval to install three (3) ultra-low emissions flares at Fairless Landfill. Application received: October 24, 2023. Issued: November 6, 2023.

Title V Operating Permit(s) Issued Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Norman Frederick, Facility Permitting Chief, 570-826-2409.

40-00067: Wyoming Valley Sanitary Authority, 1000 Wilkes-Barre St, P.O. Box 33A, Wilkes-Barre, PA 18711, Hampton Township, **Luzerne County**. The Department issued a renewal Title V Operating Permit for the operation of sources at their wastewater treatment plant. The Operating Permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations. Application received: June 15, 2022. Accepted: June 29, 2022. Issued: October 16, 2023.

Operating Permit(s) for Non-Title V Facilities Issued Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Norman Frederick, Facility Permitting Chief, 570-826-2409.

39-00056: Lehigh County Authority WWTP, 7676 Industrial Blvd, Allentown, PA 18106, Upper Macungie Township, **Lehigh County**. The Department issued a renewal State-Only Operating Permit for the operation of sources at their wastewater treatment plant. The Operating Permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations. Application received: December 12, 2022. Accepted: December 16, 2022. Issued: October 25, 2023.

54-00090: Riverfront Cremation Services, LLC, 25 E Main St, Schuylkill Haven, PA 17972, Schuylkill Haven Borough, **Schuylkill County**. The Department issued a renewal State-Only Operating Permit for the operation of sources at their crematory. The Operating Permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations. Application received: December 28, 2022. Accepted: January 9, 2023. Issued: October 16, 2023.

40-00099: H & K Group, Inc., 2052 Lucon Rd, P.O. Box 1467, Skippack, PA 19474, Lehman Township, **Luzerne County**. The Department has issued a renewal State-Only Operating Permit for their units: batch asphalt plant, RAP jaw crusher, and an above ground storage tank. The units also include a baghouse and RAP fabric collector as control devices. The Operating Permit contains all applicable requirements for emission limitations, work practice standards, testing, monitoring, record-

keeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations. Application received: August 11, 2023. Accepted: August 11, 2023. Issued: November 1, 2023.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: Matthew Williams, Facilities Permitting Chief, 814-332-6940.

20-00303: Crawford Ctl Sch Dist/Biomass Dist Heating Plt, 11280 Mercer Pike, Meadville, PA 16335-6260, City of Meadville, **Crawford County**. The Department issued the renewal State Only Natural Minor Operating Permit for the Middle and High School. The facility's primary emission sources include the 9.5 mmBtu/hr biomass combustion unit, three natural gas-fired hot water boilers, miscellaneous natural gas usage, and an emergency generator. The potential emissions of the primary pollutants from the facility after permit limitations are as follows: 21.95 TPY NO_x, 9.68 TPY CO, 1.42 TPY VOC, 3.55 TPY PM₋₁₀ and PM_{-2.5}, and 1.26 TPY SO_x; thus, the facility is a natural minor. The biomass boiler is subject to 40 CFR Part 63, Subpart JJJJJ, NESHAP for Industrial, Commercial, and Institutional Boilers Area Sources. The emergency generator is not subject to 40 CFR Subpart ZZZZ, NESHAP for Stationary Reciprocating Internal Combustion Engines, due to the exemption criteria in § 63.6585(f)(3), which includes institutions. The renewal permit contains emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act. Application received: October 25, 2022. Renewal issued: October 31, 2023.

Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Thomas Hanlon, PE, East Permit Section Chief, 717-705-4862.

06-03190: Thermotec, LLC, 7 Hill Drive, Hamburg, PA 19526, Tilden Township, **Berks County**. For the riser mixing sleeve operation. Application received: May 13, 2022. Issued: October 31, 2023.

06-03054: Martin Stone Quarries, Inc., 1355 North Reading Avenue, Bechtelsville, PA 19505-9236, Colebrookdale Township, **Berks County**. For the stone crushing and soil processing operations at the quarry. The State-Only Permit was renewed. Application received: June 14, 2023. Issued: October 31, 2023.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Janine Tulloch-Reid, Facilities Permitting Chief, 484-250-5920.

23-00110: Bryn Hill Industries, 407 Industrial Park Dr, Yeadon, PA 19050-3010, Yeadon Borough, **Delaware County**. This action is for the renewal of a Synthetic Minor Operating Permit for the manufacture of urethane foam. Application received: February 8, 2023. Issued: October 30, 2023.

Operating Permit Revisions Issued Including Administrative Amendments, Minor Modifications or Transfer of Ownership Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) 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, 484-250-5900.

Contact: Janine Tulloch-Reid, Facilities Permitting Chief, 484-250-5920.

46-00299: Innovation 411 Fee Owner LLC, 411 Swedeland Rd., King of Prussia, PA 19406-2716, Upper Merion Township, **Montgomery County**. The Minor Operating Permit Modification (MOPM) was issued to allow the conversion of the four existing boilers burning from natural gas/No. 5 or 6 fuel oils to burning natural gas/No. 2 fuel oil. No changes in the permitted production throughputs or emission limitations are being requested. Application received: September 27, 2023. Issued: November 2, 2023.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Thomas Bianca, PE, West Permit Section Chief, 717-705-4862.

67-05001: Magnesita Refractories Co., 425 South Salem Church Road, York, PA 17408-5955, West Manchester Township, **York County**. Pursuant to 25 Pa. Code § 127.449(i), this *Pennsylvania Bulletin* Notice is for a de minimis emissions increase of 0.04 tpy VOC resulting from the installation of a fume hood and stencil spray painting operation at the Engineering Ceramics area of the refractories products manufacturing facility. As required by 25 Pa. Code § 127.449(i), facility de minimis emission increases since their Title V Operating Permit issuance on November 30, 2021 have been reviewed. Other de minimis items RFD 9791 issued 6/14/22 included a VOC increase of 0.08 tpy VOC. The expected emission increase from this project is 0.04 tpy VOC. VOC emission increase from this installation are less than 1 tpy VOC. Total VOC de minimis increases will remain less than 5 tons VOC during the permit term.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: Dave Balog, New Source Review Section Chief, 814-332-6328.

10-00359: Markwest Liberty Bluestone, LLC (4600 J Barry Ct., Suite 500, Canonsburg, PA 15317) for its facility located in the Forward Township, **Butler County**. The de minimis emission increase is for the installation and operation of a 12" pig receiver, the replacement of the existing enclosed combustor with a Cimarron enclosed combustor, and the installation and operation of a BTEX condenser as an additional control for the dehydration unit. The sources are exempt from plan approval requirements as it complies with 25 Pa. Code § 127.449. The Department hereby approves the de minimis emission increase. The following table is a list of the de minimis emission increases as required by 25 Pa. Code 127.449(i). This list includes the de minimis emission increases since the State Only Operating Permit issuance on February 12, 2019.

Date	Source	PM (tons)	SO _x (tons)	NO _x (tons)	VOC (tons)	CO (tons)
11/3/23	Pigging Equipment				0.001	
	Enclosed Combustor	0.06	0.04	-1.55	-1.33	0.52
Total Reported Increases		0.06	0.04	-1.55	-1.33	0.52
Allowable		0.6 ton/source 3 tons/facility	1.6 tons/source 8 tons/facility	1 ton/source 5 tons/facility	1 ton/source 5 tons/facility	4 tons/source 20 tons/facility

Operating Permit(s) Denied, Terminated, Suspended or Revoked Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.431 and 127.461.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: Matthew Williams, Facilities Permitting Chief, 814-332-6940.

32-00444: Diversified Production LLC McCoy Gas Compressor Station, 101 McQuiston Drive, Jackson Center, PA 16133, Green Township, **Indiana County**. The facility removed the compressor engine (Source 101). The only remaining sources at the facility are two gravity separators and one 50 barrel produced fluids tank. The potential emissions from the sources that remain at the facility are less than 1 TPY VOC. The permit was revoked since it was no longer necessary. Application received: October 6, 2023. Revoked: October 31, 2023.

ACTIONS ON COAL AND NONCOAL APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); 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); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the National Pollutant Discharge Elimination System (NPDES) permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to such applications will also address the application permitting requirements of the following statutes; the Air Quality 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—6018.1103). Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

Coal Permits

California District Mining Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100.

Contact: Bonnie Herbert, Clerical Assistant 3.

Mining Permit No. 32713707. NPDES No. PA0001392. Robindale Energy Services, Inc., 224 Grange Hall Road, Armagh, PA 15920, Pine Township,

Indiana County. To renew the permit and related NPDES permit. Application received: August 8, 2016. Accepted: January 11, 2017. Issued: October 26, 2023.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931-4119, 814-472-1800.

Contact: Melanie Ford-Wigfield, 814.472.1900, ra-epcambria@pa.gov.

Mining Permit No. 56130104. NPDES No. PA0269417. Coal Loaders, Inc., 210 East Main Street, P.O. Box 556, Ligonier, PA 15658, Stonycreek Township, **Somerset County**. Permit transfer from Fieg Brothers, P.O. Box 38, Berlin, PA 15530, for the continued operation and restoration of a bituminous surface and auger mine affecting 86.5 acres. Receiving streams: unnamed tributaries to Stonycreek River classified for the following use: CWF. Application received: December 13, 2022. Issued: November 1, 2023.

Noncoal Permits

Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.

Contact: Cayleigh Boniger, Clerical Supervisor 2, 814-797-0824.

Mining Permit No. 37200304. NPDES No. PA0280798. Amerikohl Aggregates, Inc., 202 Sunset Drive, Butler, PA 16001, Wayne Township, **Lawrence County**. Commencement, operation, and restoration of a large industrial minerals mine. Application received: April 19, 2022. Issued: November 1, 2023.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.

Contact: Cassie Stanton, Clerical Assistant 2.

Mining Permit No. 08120307. NPDES No. PA0269646. Glenn O. Hawbaker, Inc., 1952 Waddle Road, State College, PA 16803, Athens Township, **Bradford County**. Renewal of an NPDES permit associated with an existing large noncoal (industrial minerals) mining site affecting 77.0 acres. Receiving stream(s): Unnamed tributary to Buck Creek classified for the following use(s): WWF. Application received: April 24, 2023. Issued: November 1, 2023.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.

Contact: RA-EPPottsvilleDMO@pa.gov.

Mining Permit No. 58222802. GP104 No. PAM122046. Jorge Armando Tobon, 334 Alexander Road, New Milford, PA 18834, Great Bend Township, **Susquehanna County**. Coverage under the General NPDES Stormwater Permit for stormwater discharges associated with mining activities (BMP-GP-104). Receiving stream: UNT to Susquehanna River. Application received: September 30, 2022. Permit issued: November 1, 2023.

Mining Permit No. 7874SM3. NPDES Permit No. PA0612537. New Enterprise Stone & Lime Co., Inc., 3912 Brumbaugh Road, New Enterprise, PA 16664, Whitehall Township, **Lehigh County**. Renew NPDES Permit on a quarry operation. Receiving stream: Coplay Creek. Application received: December 16, 2022. Renewal issued: November 3, 2023.

Mining Permit No. 66232502. Tunnel Hill Quarry, LLC, 449 Milwaukee Avenue, Old Forge, PA 18518, Nicholson Township, **Wyoming County**. Commencement, operation and restoration of a GP105 quarry operation affecting 10.0 acres. Receiving stream: UNT to Tunkhannock Creek. Application received: March 27, 2023. Permit issued: November 3, 2023.

Mining Permit No. 66232502. GP104 Permit No. PAM123009. Tunnel Hill Quarry, LLC, 449 Milwaukee Avenue, Old Forge, PA 18518, Nicholson Township, **Wyoming County**. Coverage under the General NPDES Stormwater Permit for stormwater discharges associated with mining activities (BMP-GP-104). Receiving stream: UNT to Tunkhannock Creek. Application received: March 27, 2023. Coverage issued: November 3, 2023.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Action(s) Taken on Application(s) 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

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.

Contact: RA-EPPottsvilleDMO@pa.gov.

Permit No. 22234106. Maine Drilling & Blasting, Inc., P.O. Box 1140, Gardiner, ME 04345, City of Harrisburg, **Dauphin County**. Construction blasting for I-83 East Shore Section Reconstruction. Application received: October 18, 2023. Permit issued: October 30, 2023. Expiration date: October 18, 2024.

Permit No. 38234116. Keystone Blasting Service, 15 Hopeland Road, Lititz, PA 17543, Richland Borough, **Lebanon County**. Construction blasting for Rigidply Rafters Warehouse. Application received: October 27, 2023. Permit issued: October 30, 2023. Expiration date: December 30, 2023.

Permit No. 36234125. Keystone Blasting Service, 15 Hopeland Road, Lititz, PA 17543, Warwick Township, **Lancaster County**. Construction blasting for Chris Beiler Dwelling. Application received: November 1, 2023. Permit issued: November 2, 2023. Expiration date: December 30, 2023.

Permit No. 45234107. Holbert Explosives, Inc., 237 Mast Hope Plank Road, Suite A, Lackawaxen, PA 18435, Paradise Township, **Monroe County**. Construction blasting for Camp Lindenmere. Application received: October 30, 2023. Permit issued: November 2, 2023. Expiration date: October 30, 2024.

Permit No. 67234113. Keystone Blasting Service, 15 Hopeland Road, Lititz, PA 17543, Newberry Township, **York County**. Construction blasting for Red Mill Crossings. Application received: October 27, 2023. Permit issued: November 2, 2023. Expiration date: October 30, 2024.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (DEP) 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, DEP has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of 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.

Individuals aggrieved by these actions may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, 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. Appeals must be filed with the Environmental Hearing 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 any right of appeal beyond that permitted by applicable statutes and decisional law.

If you want to challenge this action, your appeal must reach the Board within 30-days. You do not need a lawyer to file an appeal with the Board.

Individuals in need of accommodations should contact the Environmental Hearing Board through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

Important legal rights are at stake, however, so you should show this notice to a lawyer at once. If you cannot afford a lawyer, you may qualify for free pro bono representation. Call the Secretary to the Board 717-787-3483 for more information.

WATER OBSTRUCTIONS AND ENCROACHMENTS

Action(s) Taken on Application(s) 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.

Northeast Region: Waterways & Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Michele Lauer, Clerical Assistant 2, 570-830-3077.

E6402222-004. Association of Property Owners of The Hideout, Inc., 640 The Hideout, Lake Ariel, PA 18436-9786, Salem Township, **Wayne County**. U.S. Army Corps of Engineers Philadelphia District.

To construct and maintain the following water obstructions and encroachments associated with the Hideout

Stream Relocation & Rehabilitation Project: 1. To relocate approximately 78 linear feet of a UNT to Ariel Creek (HQ—CWF, MF). The work consists of relocating the stream channel while also removing a retaining wall, dock, deck and walkway. The new watercourse will consist of approximately 63 linear feet of a new stream channel lined with R-3 rip rap, cobblestone and natural streambed material. R-5 riprap will be utilized to stabilize the new streambank slopes. 2. To restabilize 75 linear feet of additional streambanks on a UNT to Ariel Creek (HQ—CWF, MF) by removing trees and backfilling the banks with R-5 riprap. The project is located on the north side of Lakeview Drive West across from the intersection with Maplewood Court (Lakeville, PA Quadrangle Latitude: 41° 25' 19", Longitude: -75° 21' 4") in Salem Township, Wayne County. Latitude: 41° 25' 19", Longitude: -75° 21' 4". Application received: December 19, 2022. Issued: November 1, 2023.

E5402123-002. PA Department of Transportation, Eng District 5-0, 1002 Hamilton Street, Allentown, PA 18101, Frackville Borough, Saint Clair Borough, New Castle Township, West Mahanoy Township, Blythe Township, Ryan Township, **Schuylkill County**. U.S. Army Corps of Engineers Philadelphia District. Latitude: 40.778003°, Longitude: -76.227562°. Application received: April 7, 2023. Issued: November 2, 2023.

To authorize the following water obstructions and encroachments associated with the SR 0061 Section 14M Project:

Outfalls:

1. To construct and maintain an outfall in the floodway of Mill Creek (CWF, MF) consisting of an outfall pipe, endwall and riprap apron protection. (Impact S1fw-a-P-OF1).

2. To construct and maintain an outfall in the floodway of Mill Creek (CWF, MF) consisting of an outfall pipe, endwall and riprap apron protection. (Impact S1fw-b-P-OF2).

3. To construct and maintain an outfall in the floodway and watercourse of Mill Creek (CWF, MF) consisting of an outfall pipe, endwall and riprap apron protection. (Impacts S1fw-e-P-OF3 and S1d-P-OF3).

4. To construct and maintain an outfall in the floodway of Darkwater Creek (CWF, MF) consisting of an outfall pipe, endwall and riprap apron protection. (Impact S4fw-a-P-OF4).

5. To construct and maintain an outfall in the floodway of Mill Creek (CWF, MF) consisting of riprap apron protection. (Impact S1fw-i-P-OF5).

6. To construct and maintain an outfall in the floodway of Mill Creek (CWF, MF) consisting of an outfall pipe, endwall and riprap apron protection. (Impact S1fw-l-P-OF6).

7. To construct and maintain an outfall in the floodway of Mill Creek (CWF, MF) consisting of riprap apron protection. (Impact S1fw-m-P-OF7).

8. To construct and maintain an outfall in the floodway of a tributary to Mill Creek (CWF, MF) consisting of an outfall pipe, endwall and riprap apron protection. (Impact S44fw-a-P-OF1).

9. To construct and maintain an outfall in the floodway of Mill Creek (CWF, MF) consisting of riprap apron protection. (Impact S1fw-o-P-OF8).

10. To construct and maintain an outfall in the floodway and watercourse of Mill Creek (CWF, MF)

consisting of an outfall pipe, endwall and riprap apron protection. (Impacts S11-P-OF9 and S1fw-r-P-OF9).

11. To construct and maintain an outfall in the floodway and watercourse of Mill Creek (CWF, MF) consisting of an outfall pipe, endwall and riprap apron protection. (Impacts S1m-P-OF10 and S1fw-t-P-OF10).

12. To construct and maintain an outfall in the floodway of Mill Creek (CWF, MF) consisting of an outfall pipe and endwall. (Impact S1fw-u-P-OF11).

13. To construct and maintain an outfall in the floodway of Tar Run (CWF, MF) consisting riprap apron protection. (Impact S16fw-c-P-OF1).

14. To construct and maintain an outfall in the floodway of Mud Run (CWF, MF) consisting of an outfall pipe, endwall and riprap apron protection. (Impact S17fw-P-OF12).

15. To construct and maintain an outfall in the floodway and watercourse of Mud Run (CWF, MF) consisting of an outfall pipe and endwall. (Impacts S17d-P-OF13 and S17fw-b-P-OF13).

16. To construct and maintain an outfall in the floodway of Mud Run (CWF, MF) consisting of an outfall pipe, endwall and riprap apron protection. (Impact S17fw-e-P-OF14).

17. To construct and maintain an outfall in the floodway of Mud Run (CWF, MF) consisting of an outfall pipe, endwall and riprap apron protection. (Impact S17fw-g-P-OF15).

18. To construct and maintain an outfall in the floodway of Mud Run (CWF, MF) consisting of a riprap apron. (Impact S17fw-l-P-OF16).

Box Culverts:

19. To remove the existing structure and to construct and maintain an 81' wide single span pre-cast reinforced concrete box culvert carrying SR 0061 across Tar Run (CWF, MF) having a 9' normal clear span and an 8.5' minimum underclearance and to construct and maintain appurtenant structure features. (Impacts S16a-P-C3 and S16fw-b-P-C3).

20. To remove the existing structure and to construct and maintain an 84' wide single span pre-cast reinforced concrete box culvert carrying SR 0061 across Kauffman Run (CWF, MF) having a 15' normal clear span and a 6' minimum underclearance and to construct and maintain appurtenant structure features. (Impacts S26-P-C8 and S26fw-P-C8).

Bridges:

21. To construct and maintain a new 23' wide single span bridge that will carry a proposed driveway over Mill Creek (CWF, MF) having a normal clear span of 60' and a minimum underclearance of 12' and to construct and maintain appurtenant structure features. In addition, 467-LF of Mill Creek will be realigned in association with the new bridge and SR 0061 reconstruction. (Impacts S1g-P-SRL/B and S1fw-h-P-B).

Stream Enclosure Replacements and Rehabilitation:

22. To remove the existing structure and to construct and maintain a 36" diameter stream enclosure carrying a tributary to Mill Creek (CWF, MF) across SR 0061. (Impacts S3-P-SE and S3fw-P-F).

23. To remove the existing structure and to construct and maintain a 66" diameter 223' long stream enclosure carrying Darkwater Creek (CWF, MF) under SR 0061 and

to construct and maintain appurtenant structure features. (Impacts S4a-P-C1 and S4fw-P-C1).

24. To extend an existing stream enclosure with a 154-ft long 30-in diameter reinforced concrete pipe followed by an 85-ft long 36-in diameter reinforced concrete pipe carrying a tributary to Mill Creek under SR 0061 and discharging into Mill Creek and to construct and maintain appurtenant structure features. Approximately 175 LF of open channel loss will occur due to SR 0061 slope grading. (Impacts S8-P-SE, S8fw-P-F and S1fw-q-P-SE).

25. To perform maintenance on an existing stone masonry arch stream enclosure that carries SR 0061 over Tar Run (CWF, MF). The proposed maintenance consists of the installation of grouted cut-off walls, grouting of existing streambed material and the reconstruction of downstream wingwalls. The stream enclosure discharges to Mill Creek. (Impacts S1n-P-C2, S1fw-x-P-C2, S16b-P-C2 and S16fw-P-C2).

26. To perform maintenance on an existing stone masonry arch stream enclosure that carries SR 0061 over Mud Run (CWF, MF). The proposed maintenance consists of the installation of steel plate liner and a new concrete apron structure floor lining. The stream enclosure discharges to Mill Creek. (Impacts S1p-P-C4, S1fw-aa-P-C4, S17a-P-C4 and S17fw-P-C4).

27. To perform maintenance on an existing stone masonry arch stream enclosure that carries SR 0061 over Mud Run (CWF, MF). The proposed maintenance consists of grouting the existing streambed and filling scour holes with grouted riprap. (Impacts S17e-P-C5 and S17fw-c-P-C5).

28. To perform maintenance on an existing stone masonry arch stream enclosure that carries SR 0061 over Mud Run (CWF, MF). The proposed maintenance consists of the installation of a galvanized steel plate liner and a new concrete apron structure floor lining. Minor impacts to a tributary to Mud Run (CWF, MF) will also occur for the structure rehabilitation. (Impacts S17f-P-C6, S17fw-d-P-C6, S23-P-C6).

29. To remove the existing structure and to construct and maintain a 190' wide precast reinforced concrete box stream enclosure with a 15' normal clear span and a 9' minimum underclearance carrying Mud Run (CWF, MF) under SR 0061 and to construct and maintain appurtenant structure features. (Impacts S17fw-k-P-C7 and S17k-P-C7).

30. To perform maintenance on an existing CIP reinforced concrete box stream enclosure that carries SR 0061 over Mud Run (CWF, MF). The proposed maintenance consists of the placement of a concrete floor slab. (Impacts S17l-P-C9 and S17fw-m-P-C9).

Wetland Fill:

31. To permanently impact 0.21 acre of PUB/PEM wetlands for SR 0061 reconstruction, grading, outfall placements and culvert replacements.

Floodway Fill:

32. To place 0.007 acres of fill in the floodway of Mill Creek (CWF, MF) for the purpose of reconstruction and grading of SR 0061. (Impact S1fw-s-P-F).

33. To place 0.03 acre of fill in the floodway of Mill Creek (CWF, MF) for the purpose of reconstruction and grading of SR 0061. (Impact S1fw-w-P-F).

34. To place 0.02 acre of fill in the floodway of Tar Run (CWF, MF) for the purpose of reconstruction and grading of SR 0061. (Impact S16fw-a-P-F).

35. To place 0.20 acre of fill in the floodway of a tributary to Tar Run (CWF, MF) for the purpose of reconstruction and grading of SR 0061. (Impact S21fw-P-F).

Retaining Walls:

36. Approximately 400 LF of a new retaining wall (wall 5) will impact the watercourse and floodway of Mill Creek (CWF, MF). (Impacts S1c-P-W5 and S1fw-d-P-W5).

37. Approximately 555 LF of a new retaining wall (wall 6) will impact the watercourse and floodway of Mill Creek (CWF, MF). (Impacts S1e-P-W6 and S1fw-f-P-W6).

38. Approximately 250-LF of existing retaining wall (wall 2) located along Mill Creek (CWF, MF) will be permanently removed. The streambank/roadway slope in this location will be regraded and laid back at a 2:1 slope and grouted riprap will be placed along new slope. (Impacts S1i-P-W2 and S1fw-k-P-W2).

39. Approximately 256-LF of existing retaining wall (wall 4) located along Mill Creek (CWF, MF) will be rehabilitated. This work consists of a concrete U-channel with step pools and baffles that will be placed across the channel. (Impacts S1o-P-W4 and S1fw-y-P-W4).

Stream Mitigation Site 1:

40. Approximately 700-LF of work will occur in Mud Run (CWF, MF) at stream restoration site 1. Existing gabion wall W7 will be removed. An overbank bench at the base of a 1.7:1 rock slope with a 1:1 GRS slope will be constructed. (Impacts S17fw-a-P-W7 and S17c-P-SR).

Stream Mitigation Site 2:

41. Gabion Wall W9 will be removed. (Impacts S17i-P-SR and S17fw-h-P-W9).

42. Gabion Wall W8 will be removed. (Impacts S17h-P-SR and S17fw-f-P-W8).

43. An overbank bench on both sides of Mud Run (CWF, MF) will be constructed. In addition, 1.7:1 rock lined roadway slopes supporting the Southbound roadway will also be constructed. (Impact S28-P-SR).

Stream Channel Fill and Changes:

44. To partially fill 52-LF of the Mill Creek (CWF, MF) watercourse and 0.06 acre of floodway from SR 0061 reconstruction. (Impact S1f-P-FS and S1fw-g-P-F).

45. To partially fill 85-LF of the Mill Creek (CWF, MF) watercourse and 0.02 acre of floodway from SR 0061 reconstruction. (Impacts S1h-P-FS and S1fw-j-P-F).

46. To fill 208-LF of a tributary to Mill Creek (CWF, MF) watercourse and 0.37 acre of floodway from SR 0061 reconstruction (Impacts S46-P-FS and S46fw-P-F).

47. To fill 38-LF of a tributary to Mill Creek (CWF, MF) watercourse and 0.25 acre of floodway from SR 0061 roadway fill slope construction and the extension of the 24-in diameter cross pipe carrying flows from wetland 2 into stream 44. An outfall consisting of a 36-in pipe and riprap outlet protection carrying stormwater from basin E will discharge to stream 44 floodway. (Impacts S44-P-FS and S44fw-P-F).

48. To partially fill 124-LF of the Mill Creek (CWF, MF) watercourse and 0.07 acre of floodway from SR 0061 roadway fill slope construction. (Impacts S1j-P-FS and S1fw-n-P-F).

49. Approximately 22-LF of channel and associated floodway loss will occur in a tributary to Mill Creek (CWF, MF) due to SR 0061 slope grading. (Impacts S10-P-FS and S10fw-P-F).

50. Approximately 60-LF of channel and associated floodway loss will occur in a tributary to Mill Creek (CWF, MF) due to SR 0061 slope grading. (Impacts S11-P-FS and S11fw-P-F).

51. To partially fill 136-LF of Mud Run (CWF, MF) from SR 0061 grading and reconstruction. (Impact S17b-P-FS).

52. To fill 32-LF of a tributary to Mud Run (CWF, MF) watercourse and 0.007 acre of floodway from SR 0061 slope construction. (Impacts S19-P-FS and S19fw-P-F).

53. Approximately 5-LF of channel loss will occur in a tributary to Kauffman Run (CWF, MF) due to SR 0061 slope grading. (Impact 27-P-FS).

The proposed project is located along SR 0061 and extends south from West Spruce Street in Frackville Borough for approximately 4.5 miles (Pottsville and Shenandoah, PA Quadrangles, Latitude: 40.778003°, Longitude: -76.227562° to Latitude: 40.728828°; Longitude: -76.194233°) in Frackville and Saint Clair Boroughs and New Castle, West Mahanoy, Blythe and Ryan Townships, Schuylkill County.

E3902222-005. Jaindl Land Company, 3150 Coffeetown Road, Orefield, PA 18069, Upper Macungie Township, **Lehigh County**. U.S. Army Corps of Engineers Philadelphia District.

To construct and maintain the following water obstructions and encroachments associated with the Fallbrook Residential Subdivision Project: 1) A stormwater outfall within the floodway of a UNT to Breinig Run (HQ—CWF, MF) consisting of a 36-inch diameter reinforced concrete culvert, concrete endwall, and R-5 riprap apron. 2) A stormwater outfall within a UNT to Breinig Run (HQ—CWF, MF) consisting of an 18-inch diameter reinforced concrete culvert, concrete endwall, and R-4 riprap apron. 3) A utility line stream crossing of a Breinig Run (HQ—CWF, MF) consisting of a 6-inch diameter PVC spray irrigation pipe encased in a 12-inch diameter HDPE pipe. 4) A utility line stream crossing of a UNT to Breinig Run (HQ—CWF, MF) consisting of a 6-inch diameter PVC spray irrigation pipe encased in a 12-inch diameter HDPE pipe. 5) A stream crossing of a UNT to Breinig Run (HQ—CWF, MF) consisting of a 70-foot long, 8-foot wide, 3-foot high concrete box culvert, concrete headwall, concrete endwall, and R-5 riprap apron. 6) A stream crossing of a UNT to Breinig Run (HQ—CWF, MF) consisting of a 70-foot long, 10-foot wide, 3-foot high concrete box culvert, concrete headwall, concrete endwall, and R-5 riprap apron. 7) A stormwater outfall within a UNT to Breinig Run (HQ—CWF, MF) consisting of a 24-inch x 38-inch HERP pipe, concrete endwall, and R-4 riprap apron. 8) A utility line stream crossing of a UNT to Breinig Run (HQ—CWF, MF) consisting of an 8-inch diameter, concrete-encased ductile iron water line. 9) A utility line stream crossing of a UNT to Breinig Run (HQ—CWF, MF) consisting of an 8-inch diameter, concrete-encased ductile iron water line. 10) A utility line stream crossing of a UNT to Breinig Run (HQ—CWF, MF) consisting of a 3-inch diameter, concrete-encased PVC sewage force main. The project is located directly southwest of the intersection of Twin Ponds Road and Schantz Road (Allentown and Topton, PA Quadrangle,

Latitude: 40° 33' 17"; Longitude: -75° 38' 32") in the Upper Macungie Township, Lehigh County. Application received: September 14, 2022. Issued: November 3, 2023.

E3902222-004. Reynolds Acquisitions L.P., 404 Summeytown Pike, North Wales, PA 19454, Coopersburg Borough, **Lehigh County**. U.S. Army Corps of Engineers Philadelphia District.

To impact 0.17 acre of emergent wetlands for the construction of a residential development. The two emergent wetlands will be impacted by the development project. Wetland A includes 0.12 acre of direct impacts. Wetland B included 0.05 acre of temporary impact for utility installation. Latitude: 40° 30' 35", Longitude: -75° 23' 56". Application received: August 16, 2022. Issued: November 6, 2023.

E4002222-011. Thomas and Renee Boland, 30 White Tail Drive, Dallas, PA 18612, Harveys Lake Borough, **Luzerne County**. U.S. Army Corps of Engineers Baltimore District.

To remove an existing dock and boathouse and to construct and maintain an 875 ft² dock and an 1,840 ft² boathouse within normal pool elevation of Harveys Lake (HQ—CWF, MF). The project is located at 2613 Lakeside Drive (S.R. 415) (Harveys Lake, PA Quadrangle, Latitude: 41° 21' 44"; Longitude: -76° 2' 33") in Harveys Lake Borough, Luzerne County. Latitude: 41° 21' 44", Longitude: -76° 2' 33". Application received: September 27, 2022. Issued: November 3, 2023.

ENVIRONMENTAL ASSESSMENTS

Central Office: Waterways & Wetlands Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, 717-783-5784.

Contact: Niamh Hays, Water Program Specialist, 717-772-5959.

EA3615223-001. Elizabethtown Borough, 600 South Hanover Street, Elizabethtown, PA 17022, Elizabethtown Borough, **Lancaster County**. U.S. Army Corps of Engineers Baltimore District.

The Division of Wetlands, Encroachments, and Training has approved the restoration plan to remove approximately 37,516 cubic yards of legacy sediment and other historic fills from the floodplain along Conoy Creek (TSF-MF) and unnamed tributaries to Conoy Creek, for the purpose of restoring natural aquatic resources including approximately 4 acres of integrated wetland, stream, and floodplain areas; to realign approximately 3,100 linear feet of stream for the purpose of restoring watercourses; to place rock stream and valley grade control structures; to place log sills, woody debris, and other aquatic habitat structures within the restoration areas; to construct rock construction entrances, temporary stream crossings, and other erosion controls during restoration activities. The construction of outfalls, utility line crossings, and the reconstruction of an existing pedestrian bridge. The restoration project begins at the Radio Road bridge crossing and extends downstream to the pedestrian crossing at North Lime Street, Elizabethtown, PA Latitude: 40.162187°, Longitude: -76.594887°. Application received: February 9, 2023. Approved: October 27, 2023.

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, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. 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.

Individuals in need of accommodations should contact the Environmental Hearing Board through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

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.

Eastern District: Oil and Gas Management Program, 208 West Third Street, Williamsport, PA 17701-6448.

Contact: RA-EPEASTERNOGPRG@pa.gov.

ESCGP # 3 **ESG295823022-00**
 Applicant Name **Williams Field Services Co, LLC**
 Contact Person Barry Mahar
 Address 30351 Route 6
 City, State, Zip Wysox, PA 18854
 Township(s) Springville Township
 County **Susquehanna County**
 Receiving Stream(s) and Classification(s) UNT to Meshopen Creek # 3550 (CWF, MF)
 Application received: October 13, 2023
 Issued: October 31, 2023

ESCGP # 3 **ESG295823018-00**
 Applicant Name **Coterra Energy, Inc.**
 Contact Person Kenneth Marcum
 Address 2000 Park Lane, Suite 300
 City, State, Zip Pittsburgh, PA 15275
 Township(s) Auburn Township and Dimock Township
 County **Susquehanna County**
 Receiving Stream(s) and Classification(s) UNT to Riley Creek (CWF, MF), UNT to White Creek (CWF, MF)
 Application received: July 18, 2023
 Issued: November 2, 2023

ESCGP # 3 **ESG295823005-00**
 Applicant Name **Coterra Energy, Inc.**
 Contact Person Kenneth Marcum
 Address 2000 Park Lane, Suite 300
 City, State, Zip Pittsburgh, PA 15275
 Township(s) Jessup Township
 County **Susquehanna County**
 Receiving Stream(s) and Classification(s) S. Branch Wyalusing Creek (WWF), Elk Lake Stream (CWF)
 Application received: February 20, 2023
 Issued: November 2, 2023

Northwest Region: Oil and Gas Management Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: Kate Hogue Clerical Supervisor 814-332-6868.

ESCGP # 3 **ESG080323008-00**
 Applicant Name **Snyder Bros, Inc.**
 Contact Person Carl Rose
 Address P.O. Box 1022
 City, State, Zip Kittanning, PA 16201
 Township(s) Boggs Township, Mahoning Township
 County **Armstrong County**
 Receiving Stream(s) and Classification(s) Mahoning Creek (WWF); Tributary 47265 to Scrubgrass Creek (CWF); Tributary 47291 to Mahoning Creek (CWF); Unnamed Tributary to Tributary 47290 to Mahoning Creek (CWF)
 Application received: September 7, 2023
 Issued: November 1, 2023

Contact: Katelyn Hogue, Clerical Supervisor 2, (814-332-6868).

ESCGP # 3 **ESG080323007-00**
 Applicant Name **Snyder Bros, Inc.**
 Contact Person Carl Rose
 Address P.O. Box 1022
 City, State, Zip Kittanning, PA 16201
 Township(s) North Buffalo Township and South Buffalo Township
 County **Armstrong County**
 Receiving Stream(s) and Classification(s) Nicholson Run (WWF), Tributary 46173 to Nicholson Run (WWF), Tributary 46183 to Allegheny River (WWF), Unnamed Tributary to Nicholson Run (WWF), Unnamed Tributary to Tributary 46183 to Allegheny River (WWF)
 Application received: August 17, 2023
 Issued: October 27, 2023

ESCGP # 3 **ESG081023011-00**
 Applicant Name **Pine Run Midstream, LLC**
 Contact Person Heather Wilkinson
 Address 11400 Westmoor Cir., Ste 200A
 City, State, Zip Westminster, CO 80021
 Township(s) Clinton Township
 County **Butler County**
 Receiving Stream(s) and Classification(s) UNT to Lardintown Run (TSF), UNT to Sarver Run (HQ—TSF)
 Application received: September 27, 2023
 Issued: October 27, 2023

ESCGP # 3 **ESG081023008-00**
 Applicant Name **Pennenergy Resources, LLC**
 Contact Person Cody Salmon
 Address 1000 Commerce Drive, Park Place One Suite 400
 City, State, Zip Pittsburgh, PA 15725
 Township(s) Middlesex Township, Jefferson Township, and Clinton Township
 County **Butler County**
 Receiving Stream(s) and Classification(s) Davis Run (CWF), Thorn Creek (CWF), Trib 35222 to Davis Run (CWF), Trib 35225 to Davis Run (CWF), Trib 63717 of Glade Run (WWF), Trib 63723 to Glade Run (WWF), Trib 63730 to Glade Run (WWF), Tribe 63722 to Glade Run (WWF), Tribe 63729 to Glade Run (WWF), UNT 1 (CWF), UNT 1 to Davis Run (CWF), UNT 1 to Trib 35222 to Davis Run (CWF), UNT 1 to Trib 63723 to Glade Run (WWF), UNT 2 to Trib 63723 to Glade Run (WWF), UNT 3 to Davis Run (CWF), UNT 3 to Trib 63723 to Glade Run (WWF), UNT 4 to Davis Run

(CWF), UNT 4 to Trib 63723 to Glade Run (WWF),
 UNT 5 to Davis Run (CWF)
 Application received: September 12, 2023
 Issued: October 27, 2023

*Southwest District: Oil and Gas Management Program,
 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

Contact: RA-EPSW-OGSUBMISSION@pa.gov.

ESCGP # 3 **ESX180590025-01**
 Applicant Name **Greylock Production, LLC—
 SKIB A and B Well Pads**
 Contact Person Andrew McCallister
 dmccallister@greylockenergy.com
 (304) 925-6100
 Address 1273 East Roy Furman Highway
 City, State, Zip Carmichaels, PA 15320
 Township(s) Jefferson Borough
 County **Greene County**
 Receiving Stream(s) and Classification(s) Tributaries to
 Muddy Creek (WWF) Secondary Receiving Waters:
 Muddy Creek (WWF)
 Application received: October 20, 2023
 Renewed: October 31, 2023

*Southwest Region: Oil and Gas Management Program,
 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-
 442-4000.*

Contact: RA-EPSW-OGSUBMISSION@pa.gov.

ESCGP # 3 **ESG070223005-00**
 Applicant Name **Olympus Energy, LLC—
 TYCHE Well Pad**
 Contact Person Brian Dillemath, (724) 754-0110
 bdillemath@olympusenergy.com
 Address 0.35 mile north of Braidford Road and Lick Road
 City, State, Zip Gibsonia, PA 15044
 Township(s) West Deer Township
 County **Allegheny County**
 Receiving Stream(s) and Classification(s) 001. Lat
 40.64433, Long -79.88993, UNT to Dawson Run, Ch 93
 class CWF. 002. Lat 40.64317, Long -79.88667, UNT to
 Trib 42336 to Dawson Run, Ch 93 Class CWF. 003. Lat
 40.64302, Long -79.88458, Trib 42337 of Dawson Run,
 Ch 93 Class CWF.
 Application received: July 14, 2023
 Issued: October 31, 2023

ESCGP # 3 **ESG073023013-01**
 Applicant Name **EQM Gathering OPCO LLC—
 NIDBH013 Waterline**
 Contact Person Shyama Santiapillai
 Environmental Coordinator, (412) 627-7770
 ssantiapillai@equitransmidstream.com
 Address 0.1 Mile West of Pinke Bank Road and
 Jollytown Road
 City, State, Zip New Freeport, PA 15352
 Township(s) Gilmore Township
 County **Greene County**
 Receiving Stream(s) and Classification(s) 001. Lat
 39.74808, Long -80.31847, Clawson Run and UNTs to
 Clawson Run, Ch 93 Class WWF 002. Lat 39.72737,
 Long -80.31952, PA Fork Dunkard Creek & UNTs to PA
 Fork Dunkard Creek, Ch Class 93 WWF 003. Lat
 39.72163, Long -80.33317, UNTs to Pumpkin Run, Ch
 93 Class WWF
 Application received: September 25, 2023
 Issued: November 2, 2023

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The Following Storage Tank Site-Specific Installation Permit(s), Under the Authority of the Storage Tank Spill Prevention Act (35 P.S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and Under 25 Pa. Code Chapter 245, Subchapter C, Have Been Issued by the Bureau of Environmental Cleanup and Brownfields, Director, P.O. Box 8763, Harrisburg, PA 17105-8763.

SSIP Application No. **23004**
 Applicant Name **Global Tungsten & Powders, LLC**
 Address 1 Hawes St.
 City, State, Zip Towanda, PA 18848
 County **Bradford County**
 Municipality Towanda Borough
 Tank Type One AST storing hazardous substance
 Tank Capacity 25,000 gallons
 Application Received September 11, 2023
 Permit Issued October 31, 2023

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 2

The Following Plan(s) and Report(s) Were Submitted Under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

Provisions of 25 Pa. Code Chapter 245, Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion 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.

For further information concerning plans or reports, please contact the Regional Office Program Manager previously listed in the notice.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DEP has received the following plans and reports.

Northeast Region: Environmental Cleanup & Brownfields Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Eric Supey, Environmental Program Manager.

Uni Mart Blakslee (ARV Food Mart), Storage Tank Facility ID # **45-00752**, 5663 State Route 115, Blakeslee, PA 18610, Tobyhanna Township, **Monroe County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Nagi Vanga, 107 Squirrel Run, Clarks Green, PA 18411, submitted a Combined Remedial Action Plan and Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with gasoline. The combined plan and report is intended to document the remedial actions for meeting Statewide health and site-specific standards.

Bones Auto Parts, Storage Tank Facility ID # **40-22861**, 1110 Wilkes-Bare Township Boulevard, Wilkes-Barre, PA 18702, Wilkes-Barre Township, **Luzerne County**. Keystone Environmental Health & Safety Services, 1111 12th Avenue, Altoona, PA 16601, on behalf of EG America, 165 Flanders Road, Westborough, MA 01581, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum. The plan is intended to document the remedial actions for meeting site-specific standards.

Sunoco 0363 0233, Storage Tank Facility ID # **40-24230**, 308 South Main Street, Pittston, PA 18640, City of Pittston, **Luzerne County**. Groundwater & Environmental Services, 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of Evergreen Resources Group, LLC, 2 Righter Parkway, Suite 120, Wilmington, DE 19803, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The plan is intended to document the remedial actions for meeting Statewide health and site-specific standards.

Citizen's Steam Fire Company Number 2, Storage Tank Facility ID # **54-29162**, 202 West Centre Street, Mahanoy City, PA 17948, Mahanoy City Borough, **Schuylkill County**. United Environmental Services, P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of Citizen's Steam Fire Company Number 2, 202 West Centre Street, Mahanoy City, PA 17948, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with gasoline. The report is intended to document the remedial actions for meeting site-specific standards.

Northwest Region: Environmental Cleanup & Brownfields Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: Jordan, 814-332-6172.

Radhe Oil, Storage Tank Facility ID # **03-29674**, 222 Buffalo Street, Freeport, PA 16229, Freeport Borough, **Armstrong County**. CORE Environmental Services, Inc., 3960 William Flinn Highway, Suite 100, Allison Park, PA 15101, on behalf of Superior Petroleum Company, 8199 McKnight Road, Pittsburgh, PA 15237, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with Unleaded gasoline. The plan is intended to document the remedial actions for meeting nonresidential Statewide health and background standards.

Southcentral Region: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Robin L. Yerger, LPG, 717-705-4705.

Lindsay Service Center, Storage Tank Facility ID # **67-12529**, 3 Lewisberry Road, New Cumberland, PA 17070, Fairview Township, **York County**. Skelly and Loy, Inc., 449 Eisenhower Blvd., Suite 300, Harrisburg, PA 17111, on behalf of Matthew D'Agostino, 302 Shuey Road, New Cumberland, PA 17070, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with Petroleum. The report is intended to document the remedial actions for meeting nonresidential site-specific standards.

Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Richard M. Staron, Professional Geologist Manager, 484-250-5717.

Folcroft Sunoco, Storage Tank Facility ID # **23-40768**, 1898 Delmar Dr., Folcroft, PA 19032, Folcroft Borough, **Delaware County**. August Mack Environmental, LLC, 806 Fayette Street, Conshohocken, PA 19428, on behalf of John Vecchioli, 1898 Delmar Drive, Folcroft, PA 10932, submitted a Remedial Action Plan concerning remediation of soil contaminated with unleaded gasoline. The plan is intended to document the remedial actions for meeting nonresidential site-specific standards.

Knapps Svc Sta, Storage Tank Facility ID # **46-41579**, 1196 Easton Rd., Roslyn, PA 19001, Abington Township, **Montgomery County**. Mr. Paul Knapp, 2958 Banner Road, Willow Grove, PA 18013, on behalf of Mobile Environmental Analytical, Inc., 1365 Ackermanville Road, Bangor, PA 18013, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The report is intended to document the remedial actions for meeting site-specific standards.

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 3

Action(s) Taken on the Following Plans and Reports Under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

Provisions of 25 Pa. Code Chapter 245, Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports.

A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion 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.

DEP may approve or disapprove plans and reports submitted. This notice provides DEP's decision and, if relevant, the basis for disapproval.

For further information concerning plans or reports, please contact the Regional Office Program Manager previously listed in the notice.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DEP has received the following plans and reports.

Northeast Region: Environmental Cleanup & Brownfields Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Eric Supey, Environmental Program Manager.

Prem LTD, Storage Tank Facility ID # **45-12905**, Route 423 and Route 940, Pocono Pines, PA 18350, Tobyhanna Township, **Monroe County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Prem Ltd, LLC, 799 Coon Road, Wyoming, PA 18644, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum. The plan was not acceptable to meet the Statewide health and site-specific standards and was disapproved by DEP on November 1, 2023.

Sunoco 0364 1891, Storage Tank Facility ID # **40-24243**, 64 State Route 93, West Hazleton, PA 18202, Sugarloaf Township, **Luzerne County**. EnviroTrac, 176 Thorn Hill Road, Warrendale, PA 15086, on behalf of Sunoco, Inc., 2 Wrighter Parkway, Suite 102, Wilmington, DE 19803, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with gasoline. The report demonstrated attainment of the Statewide health standards and was approved by DEP on November 1, 2023.

Just Furniture, Storage Tank Facility ID # **48-98313**, 2499 Northampton Street, Easton, PA 18045, Palmer Township, **Northampton County**. Brownfield Science & Technology, 3157 Limestone Road, Cochranville, PA 19330, on behalf of 25th and Northampton Streets Associates, LP, 283 Second Street Pike, Suite 110, Southampton, PA 18966, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum. The plan was not acceptable to meet the Statewide health standards and was disapproved by DEP on November 1, 2023.

PA0219 Factoryville, Storage Tank Facility ID # **66-20613**, 50 Lackawanna Trail, Factoryville, PA 18419, Factoryville Borough, **Wyoming County**. Synergy Environmental, 155 Railroad Plaza, Royersford, PA 19468, on behalf of Dunne Manning Realty, LP, 645 Hamilton Street, Suite 500, Allentown, PA 18101, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with gasoline. The report demonstrated attainment of the site-specific standards and was approved by DEP on November 1, 2023.

Southcentral Region: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Cherie Campbell, Soil Scientist, 717-705-4705.

Hyndman Borough, Storage Tank Facility ID # **05-17700**, 123 Maple Street, Hyndman, PA 15545, Hyndman Borough, **Bedford County**. P. Joseph Lehman, Inc., P.O. Box 419, Hollidaysburg, PA 16648, on behalf of Hyndman Borough, 3945 Center Street, Suite 2, Hyndman, PA 15545, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with Petroleum Constituents. The plan nonresidential was acceptable to meet the Statewide health and site-specific standards and was approved by DEP on November 2, 2023.

Contact: Robin L. Yerger, LPG, 717-705-4705.

Lindsay Service Center, Storage Tank Facility ID # **67-12529**, 3 Lewisberry Road, New Cumberland, PA 17070, Fairview Township, **York County**. Skelly and Loy, Inc., 449 Eisenhower Blvd., Suite 300, Harrisburg, PA 17111, on behalf of Matthew D'Agostino, 302 Shuey Road, New Cumberland, PA 17070, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with Petroleum. The report nonresidential did not demonstrate attainment of the site-specific standards and was disapproved by DEP on October 31, 2023.

Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Richard M. Staron, Professional Geologist Manager, 484-250-5717.

Chester Delta, Storage Tank Facility ID # **15-42590**, 209 Wilmington Pike, West Chester, PA 19382, Thornbury Township, **Chester County**. EnviroTrac Ltd., 602 S. Bethlehem Pike, Suite A-2 and 3, Ambler, PA 19002, on behalf of Lukoil North America, LLC, 302 Harper Drive, Suite 303, Moorestown, NJ 08057, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The plan residential was acceptable to meet the Statewide health standards and was approved by DEP on October 20, 2023.

Ferraris Svc Ctr, Storage Tank Facility ID # **46-42445**, 2295 Huntingdon Pike, Huntingdon Valley, PA 19006, Lower Moreland Township, **Montgomery County**. ARM Brickhouse, 515 South Franklin Street, West Cheser, PA 19382, on behalf of Ferrari Sunoco Servicer Center, 2295 Huntingdon Pike, Huntingdon Valley, PA 19006, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline, diesel fuel, and kerosene. The report demonstrated attainment of the site-specific standards and was approved by DEP on October 23, 2023.

7 Eleven 40093, Storage Tank Facility ID # **15-20378**, 904 Kimberton Rd., Chester Springs, PA 19425, West Pikeland Township, **Chester County**. Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of Evergreen Resources Management Operations, 2 Righter Parkway, Suite 120, Wilmington, DE 19803, submitted a Remedial Action Plan concerning remediation of groundwater contaminated with unleaded gasoline, diesel fuel, and kerosene. The plan nonresidential was acceptable to meet the Statewide health standards and was approved by DEP on October 19, 2023.

2401 Haverford Rd., Ardmore, Storage Tank Facility ID # **23-06919**, 2401 Haverford Rd., Ardmore, PA 19003, Haverford Township, **Delaware County**. Synergy Environmental, Inc., 155 Railroad Plaza, First Floor, Royersford, PA 19468, on behalf of CrossAmerica Partners, 600 W. Hamilton St., Suite 500, Allentown, PA 19003, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded gasoline and diesel fuel. The report nonresidential was acceptable to meet the site-specific standards and was approved by DEP on October 25, 2023.

Texaco 51 006 0000, Storage Tank Facility ID # **23-45357**, 1000 Calcon Hook Road, Sharon Hill, PA 19079, Darby Township, **Delaware County**. TRC Environmental, Inc., 1801 Market Street, Suite 1380, Philadelphia, PA 19103, on behalf of Brigaloon, Inc., 112 Chesley Drive, Suite 200, Media, PA 19063, submitted a Remedial Action Plan concerning remediation of groundwater contaminated with unleaded gasoline. The plan nonresidential was not acceptable to meet the Statewide health standards and was disapproved by DEP on October 30, 2023.

Pennsbury Citgo, Storage Tank Facility ID # **09-32284**, 415 W. Trenton Ave., Morrisville, PA 19067, Falls Township, **Bucks County**. On-Site Environmental Inc., 119 Shepherds Way, Coatesville, PA 19320, on behalf of McKee Real Estate Holdings, LLC, 415 W. Trenton Ave., Morrisville, PA 19067, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with leaded and unleaded gasoline. The report nonresidential demonstrated attainment of the Statewide health and site-specific standards and was approved by DEP on November 2, 2023.

Sunoco 8000 0452, Storage Tank Facility ID # **46-20322**, 300 N. Lewis Rd., Royersford, PA 19468, Limerick Township, **Montgomery County**. Aquaterra Technologies, Inc., 901 S. Bolmar Street, Suite A, West Chester, PA 19382, on behalf of Evergreen Resources Group, LLC, 2 Righter Parkway, Suite 120, Wilmington, DE 19803, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The plan nonresidential was acceptable to meet the Statewide health and site-specific standards and was approved by DEP on November 3, 2023.

SPECIAL NOTICES

WATER PROGRAMS

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.

Central Office: Regional Permit Coordination Office, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.

Contact: RA-EPREGIONALPERMIT@pa.gov.

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).

Any person aggrieved by this action may challenge it in an appropriate legal forum. The state and Federal courts are currently split on whether the proper forum to challenge a Department permit, authorization or approval for a facility or activity subject to the Federal Natural Gas Act, 15 U.S.C.A. §§ 717 et seq., is the United States Court of Appeals for the Third Circuit or the Pennsylvania Environmental Hearing Board. See *Delaware Riverkeeper Network v. Sec'y, Dep't of Env'tl. Prot.*, 833 F.3d 360 (3d Cir. 2016); *Delaware Riverkeeper Network v. Sec'y, Dep't of Env'tl. Prot.*, 903 F.3d 65 (3d Cir. 2018), cert. denied, 139 S. Ct. 1648, 203 L. Ed. 899 (2019) and *Cole v. Dep't. of Env'tl. Prot.*, 1577 C.D. 2019 WL 2420667 (Pa. Cmwlth Ct. June 15, 2021) (Pet. for Allowance of Appeal pending); *West Rockhill Twp. v. Dep't of Env'tl. Prot.*, No. 1595 C.D. 2019 WL 2426014 (Pa. Cmwlth. June 15, 2021) (Pet. for Allowance of Appeal pending). You should promptly consult with a lawyer on the steps to take if you wish to challenge this action and to best protect your interests. Important legal rights are at stake. You should show this document to a lawyer at once.

WATER OBSTRUCTIONS AND ENCROACHMENTS

Applicant: Texas Eastern Transmission, LP, 890 Winter Street, Suite 320, Waltham, MA 02451; Appalachia to Market II & Armagh & Entriaken HP Replacement Project.

Project components involving water obstructions and encroachments include modifications to the Entriaken Compressor Station in Huntingdon County and the installation and maintenance of an approximately 2-mile long, 36-inch diameter pipeline and appurtenant facilities in Lebanon County. The project consists of one Chapter 105 Water Obstruction and Encroachment Permit, one Chapter 105 Waiver, and one Chapter 102 Erosion and Sediment Control Permit. The following are the Chapter 105 permit applications being reviewed by the Department.

E3883222-003. The **Lebanon County** portion of the project is located in Bethel and Jackson Townships, U.S. Army Corps of Engineers, Baltimore District. The proposed project starts at the existing receiver site off Halfway Drive (Latitude: 40.393475°; Longitude: -76.366350°) and ends at the proposed receiver site off East Rosebud Road (Latitude: 40.405699°; Longitude: -76.332384°).

To construct, operate, and maintain water obstructions and encroachments associated with the Lebanon County portion of the Appalachia to Market II Project which includes an approximately 2-mile long, 36-inch diameter pipeline and appurtenant facilities for improving the system reliability and providing additional natural gas to customers in New Jersey. The proposed project impacts in Lebanon County include a total of 26 feet of temporary impacts and 21 feet of permanent impacts to Deep Run (WWF, MF) and tributaries to Deep Run (WWF, MF); 0.14 acre of temporary floodway impacts, 0.09 acre of permanent floodway impacts; 0.48 acre of temporary impacts to PEM wetlands (Other); and 0.22 acre of permanent indirect impacts to PEM wetlands (Other). There is no permanent loss of aquatic resources.

WL3183222-001. The **Huntingdon County** portion of the project includes a request for a Chapter 105 Waiver of Permit Requirements under 105.12(a)(2) and is located in Todd Township, U.S. Army Corps of Engineers, Baltimore District. The proposed project is located at the Entriaken Compressor Station, off SR 3031 (Latitude: 40.310087°; Longitude: -78.139601°).

The proposed project impacts in Huntingdon County include a total of 0.01 acre of temporary impacts to UNT to Great Trough Creek (TSF, MF); 1.64 acres of permanent floodway impacts, of which 0.23 acre are permanent direct. There are no permanent stream impacts proposed.

EROSION AND SEDIMENT CONTROL

Central Office: Regional Permit Coordination Office, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.

Contact: RA-EPREGIONALPERMIT@pa.gov.

ESP83322200100E. The Department of Environmental Protection (Department) provides notice of final action

regarding the following Chapter 102, Erosion and Sediment Control Permit Application related to Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment Operations or Transmission Facilities. The Appalachia to Market II & Armagh & EntriKen HP Replacement Project proposes approximately 97 acres of earth disturbance for modifications of the Armagh Compressor Station in Indiana County, modifications of the EntriKen Compressor Station in Huntingdon County and construction of approximately 2.0 miles of 36-inch diameter pipeline adjacent to existing pipelines in Lebanon County

Permit No.	Applicant Name & Address
ESP83322200100E	Texas Eastern Transmission, LP 890 Winter Street Suite 320 Waltham, MA 02451

Counties	DEP Office
Huntingdon Indiana Lebanon	Regional Permit Coordination Office

Any person aggrieved by this action may challenge it in an appropriate legal forum. The state and Federal courts are currently split on whether the proper forum to challenge a Department permit, authorization or approval for a facility or activity subject to the Federal Natural Gas Act, 15 U.S.C.A. §§ 717 et seq., is the United States Court of Appeals for the Third Circuit or the Pennsylvania Environmental Hearing Board. See *Delaware Riverkeeper Network v. Sec’y, Dep’t of Env’tl. Prot.*, 833 F.3d 360 (3d Cir. 2016); *Delaware Riverkeeper Network v. Sec’y, Dep’t of Env’tl. Prot.*, 903 F.3d 65 (3d Cir. 2018), cert. denied, 139 S. Ct. 1648, 203 L. Ed. 899 (2019) and *Cole v. Dep’t. of Env’tl. Prot.*, 1577 C.D. 2019 WL 2420667 (Pa. Cmwlth Ct. June 15, 2021) (Pet. for Allowance of Appeal pending); *West Rockhill Twp. v. Dep’t of Env’tl. Prot.*, No. 1595 C.D. 2019 WL 2426014 (Pa. Cmwlth. June 15, 2021) (Pet. for Allowance of Appeal pending). You should promptly consult with a lawyer on the steps to take if you wish to challenge this action and to best protect your interests. Important legal rights are at stake. You should show this document to a lawyer at once.

WASTE, AIR, RADIATION AND REMEDIATION

Public Notification to Solicit Comments and Intend to Issue Plan Approval for Panther Creek Power Operating, LLC Plan Approval Application No: 13-00003B.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Mark J Wejkszner, Air Quality Program Manager, (570) 826-2511.

Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b) that the Department of Environmental Protection (DEP) is soliciting comments and intends to issue Plan Approval # 13-00003B, to Panther Creek Power Operating, LLC (the Permittee) 4 Dennison Road, Nesquehoning, PA 18240 for their facility located in Nesquehoning Borough, **Carbon County**. This plan approval will be incorporated into the facilities Title V operating permit # 13-00003 through an administrative

amendment at a later date, and the action will be published as a notice in the *Pennsylvania Bulletin*. Panther Creek submitted the application to combust tire derived fuel (TDF) as a supplemental fuel as described in the Permittee’s June 15, 2023 Plan Approval Application and any other subsequent supplemental submissions.

Plan Approval No. 13-00003B is to allow the two existing Panther Creek Power Operating, LLC (Panther Creek) circulating fluidized bed (CFB) combustors (Pyropower Unit # 1, Source 031 and Pyropower Unit # 2, Source 032), which are both currently permitted to combust culm and No. 2 fuel oil, to also combust tire derived fuel (TDF) as a supplemental fuel up to 15% by weight on a monthly basis. The TDF will be chipped and processed prior to delivery to Panther Creek, by other non-affiliated parties to meet the definition of a fuel under EPA’s Non-Hazardous Secondary Materials Rule (NHSM).

While a change in fuel can trigger Prevention of Significant Deterioration (PSD) applicability, the facility operates under a Plantwide Applicability Limit (PAL) permit (13-00003A, issued May 25, 2023) and since the PAL limits will not be exceeded by this modification, PSD is not applicable. The existing boilers are subject to 40 CFR Part 60 Subpart Da—standards of Performance for Electric Utility Steam Generating Units. The facility is subject to 40 CFR Part 63 Subpart UUUUU—National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units. The facility will be subject to 25 Pa. Code 127.12(a)(5) Best Available Technology (BAT) requirements. The facility shall be subject to and comply with 25 Pa. Code 123.31 for malodorous emissions. The amount of tires (TDF) to be burned is limited to 78,000 tons per year, 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 following shows the existing not to exceed PAL emission limits from the facility:

PAL Pollutant Emission Limitation TPY (12-month rolling sum)

PM Filterable	113.81
PM ₁₀ Filt + Condensable	86.12
PM _{2.5} Filt + Condensable	35.55
SO ₂	603.65
NO _x	586.85
CO	381.05
Fluorides (not including HF)	3.0
H ₂ SO ₄	15.15
Pb	0.03
CO ₂ e	1,116,217.64

Persons wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of the Plan Approval, may submit the information to the address shown as follows. The Department will consider any written comments received within 30 days of the publication of this notice. Each written comment must contain the following: name, address and telephone number of the person submitting the comments; identification of the proposed Plan Approval No. 13-00003B and a concise statement regarding the relevancy of the information or any objections to the issuance of the Plan Approval.

A public hearing will be held for the purpose of receiving comments on the proposed air quality plan approval. The hearing will be held on Monday, December 18, 2023 at The Panther Valley Junior/Senior High School Auditorium, 912 Coal Region Way, Lansford, PA 18232 and runs from 6:00 PM to 9:30 PM. Persons interested in commenting are invited to appear.

Copies of the applications, the Department's technical reviews and other supporting documents are available for public inspection between the hours of 8 a.m. and 4 p.m. at the Department's Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915. Appointments for scheduling a review may be made by calling (570) 826-2511.

The general procedures for the hearing are as follows:

To develop an agenda for the hearing, the Department requests that individuals wishing to testify at the hearing submit a written notice of their intent. The notice should be sent to Mark Wejkszner P.E, Northeast Region Air Quality Program Manager, Department of Environmental Protection, Air Quality Program, Wilkes-Barre Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915. The Department will accept notices up to the day of the public hearing.

This written notice should include the person's name, address, telephone number and a brief description as to the nature of the testimony. Individuals who submit a notice of intent to testify will be given priority on the agenda. If time permits, the Department will allow individuals who have not submitted a notice of intent to testify to present their comments.

Each individual will have up to 3 minutes to present testimony. The Department requests that individuals present written copies of their testimony in addition to their oral presentations.

To ensure that all speakers have a fair and equal opportunity to present their testimony, relinquishing of

time will be prohibited. Further details relating to the procedures to be followed at the hearing will be outlined at the beginning of the hearing.

Persons unable to attend the hearing can submit written testimony to the Department through December 28, 2023.

The Department will address comments from the public before any final actions are taken on the proposals. A summary report addressing the concerns raised by the public will be released should the Department decide to issue the Plan Approval. Send written comments to Mark Wejkszner, P.E., Northeast Region Air Quality Program Manager, Department of Environmental Protection, Air Quality Program, Wilkes-Barre Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations should contact the Department at the address previously shown, or the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD) to discuss how the Department may address their needs.

For additional information regarding the previously listed, contact Mark Wejkszner, P.E. at (570)-826-2511 or write to the Department at the Wilkes-Barre address given previously.

[Pa.B. Doc. No. 23-1600. Filed for public inspection November 17, 2023, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Agricultural Advisory Board Meeting Location Change

The December 13, 2023, meeting of the Agricultural Advisory Board (Board) will begin at 9 a.m. in the Susquehanna Room, Fish and Boat Commission, 1601 Elmerton Avenue, Harrisburg, PA. Individuals may attend the meeting in-person or remotely.

Information about Board meetings, including agendas, meeting materials and in-person and remote participation options, will be available on the Board's webpage, found through the Public Participation tab on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Advisory Committees," then "Water," then "Agricultural Advisory Board").

Individuals are encouraged to visit the Board's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the Board can be directed to Bob Haines at robhaines@pa.gov or (717) 787-7565.

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 Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

JESSICA SHIRLEY,
Interim Acting Secretary

[Pa.B. Doc. No. 23-1601. Filed for public inspection November 17, 2023, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Air Quality Technical Advisory Committee Meeting Cancellation

The December 14, 2023, Air Quality Technical Advisory Committee (Committee) meeting has been cancelled. The 2024 Committee meeting schedule will be published in a future issue of the *Pennsylvania Bulletin*. Individuals interested in providing public comments during a meeting are encouraged to sign up in advance by contacting ra-epAQTAC@pa.gov or Joseph Martini at (717) 772-5619.

Information on how to join a Committee meeting, as well as agenda and meeting materials, are available on the Committee's webpage, found through the Public Participation tab on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Advisory Committees," then "Air," then "Air Quality Technical Advisory Committee").

Individuals are encouraged to visit the Committee's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the December 14, 2023, meeting can be directed to ra-epAQTAC@pa.gov or Joseph Martini at (717) 772-5619.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Joseph Martini at (717) 772-5619 or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

JESSICA SHIRLEY,
Interim Acting Secretary

[Pa.B. Doc. No. 23-1602. Filed for public inspection November 17, 2023, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Extension of General Permit for the Beneficial Use of Biosolids by Land Application (PAG-08)

Under the authority of the Federal Clean Water Act (33 U.S.C. §§ 1251—1389), The Clean Streams Law (35 P.S. §§ 691.1—691.1001), sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P.S. §§ 510-5, 510-17 and 510-20), the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904), the Department of Environmental Protection (Department) is, by this notice, extending the availability of the current General Permit for the Beneficial Use of Biosolids by Land Application (PAG-08).

The existing PAG-08 General Permit in effect at this time will expire on November 30, 2023. By this notice, the Department is administratively extending the PAG-08 General Permit to November 30, 2024, or the date of final renewal as published, whichever is earlier. Persons that are operating under the PAG-08 General Permit may continue to operate under its terms until the date final renewal is published. Persons that have coverage beyond

the final renewal publication date as identified on their coverage approval page may continue to operate until that later date under the terms of the renewed PAG-08. Persons whose coverage expires or persons seeking new coverage during the extension period may submit a Notice of Intent for the Department's review in accordance with the procedures set forth in PAG-08 to obtain renewed or new coverage under the permit.

To access the General Permit and related documents, visit the Department's eLibrary at www.dep.greenport.state.pa.us/elibrary/ (select "Permit and Authorization Packages," then "Point and Non-Point Source Management").

Questions regarding the PAG-08 General Permit for Beneficial Use of Biosolids by Land Application can be directed to Kevin McLeary at kmcleary@pa.gov or (717) 705-4090.

JESSICA SHIRLEY,
Interim Acting Secretary

[Pa.B. Doc. No. 23-1603. Filed for public inspection November 17, 2023, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Extension of General Permit for the Beneficial Use of Exceptional Quality Biosolids by Land Appli- cation (PAG-07)

Under the authority of the Federal Clean Water Act (33 U.S.C. §§ 1251—1389), The Clean Streams Law (35 P.S. §§ 691.1—691.1001), sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P.S. §§ 510-5, 510-17 and 510-20), the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904), the Department of Environmental Protection (Department) is, by this notice, extending the availability of the current General Permit for the Beneficial Use of Exceptional Quality Biosolids by Land Application (PAG-07).

The existing PAG-07 General Permit in effect at this time will expire on November 30, 2023. By this notice, the Department is administratively extending the PAG-07 General Permit to November 30, 2024, or the date of final renewal as published, whichever is earlier. Persons that are operating under the existing PAG-07 General Permit may continue to operate under its terms until the date final renewal is published. Persons that have coverage beyond the final renewal publication date as identified on their coverage approval page may continue to operate until that later date under the terms of the renewed PAG-07. Persons whose coverage expires or persons seeking new coverage during the extension period may submit a Notice of Intent for the Department's review in accordance with the procedures set forth in PAG-07 to obtain renewed or new coverage under the permit.

To access the General Permit and related documents, visit the Department's eLibrary at www.dep.greenport.state.pa.us/elibrary/ (select "Permit and Authorization Packages," then "Point and Non-Point Source Management").

Questions regarding the PAG-07 General Permit for Beneficial Use of Exceptional Quality Biosolids by Land

Application can be directed to Kevin McLeary at kmcleary@pa.gov or (717) 705-4090.

JESSICA SHIRLEY,
Interim Acting Secretary

[Pa.B. Doc. No. 23-1604. Filed for public inspection November 17, 2023, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Extension of General Permit for the Beneficial Use of Residential Septage by Land Application (PAG-09)

Under the authority of the Federal Clean Water Act (33 U.S.C. §§ 1251–1389), The Clean Streams Law (35 P.S. §§ 691.1–691.1001), sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P.S. §§ 510-5, 510-17 and 510-20), the Solid Waste Management Act (35 P.S. §§ 6018.101–6018.1003) and the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101–4000.1904), the Department of Environmental Protection (Department) is, by this notice, extending the availability of the current General Permit for the Beneficial Use of Residential Septage by Land Application (PAG-09).

The existing PAG-09 General Permit in effect at this time will expire on November 30, 2023. By this notice, the Department is administratively extending the PAG-09 General Permit to November 30, 2024, or the date of final renewal as published, whichever is earlier. Persons that are operating under the PAG-09 General Permit may continue to operate under its terms until the date final renewal is published. Persons that have coverage beyond the final renewal publication date as identified on their coverage approval page may continue to operate until that later date under the terms of the renewed PAG-09. Persons whose coverage expires or persons seeking new coverage during the extension period may submit a Notice of Intent for the Department's review in accordance with the procedures set forth in PAG-09 to obtain renewed or new coverage under the permit.

To access the General Permit and related documents, visit the Department's eLibrary at www.dep.greenport.state.pa.us/elibrary/ (select "Permit and Authorization Packages," then "Point and Non-Point Source Management").

Questions regarding the PAG-09 General Permit for Beneficial Use of Residential Septage by Land Application can be directed to Kevin McLeary at kmcleary@pa.gov or (717) 705-4090.

JESSICA SHIRLEY,
Interim Acting Secretary

[Pa.B. Doc. No. 23-1605. Filed for public inspection November 17, 2023, 9:00 a.m.]

DEPARTMENT OF HEALTH

Ambulatory Surgical Facilities; Requests for Exceptions

The following ambulatory surgical facilities (ASF) have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license ASFs under the Health Care Facilities Act (35 P.S. §§ 448.101–448.904b). The following requests for exceptions relate to regulations governing ASF licensure in 28 Pa. Code Chapters 29, 51 and 551–571 (relating to miscellaneous health provisions; general information; and ambulatory surgical facilities).

<i>Facility Name</i>	<i>Regulation</i>
AHN North Fayette Surgery Center	28 Pa. Code § 553.31(a) (relating to administrative responsibilities)
Center for Same Day Surgery at Wilkes-Barre General Hospital	28 Pa. Code § 551.3 (relating to definitions)
	28 Pa. Code § 559.2(1)–(5) (relating to director of nursing)
	28 Pa. Code § 559.3(c) (relating to nursing personnel)
North Shore Endoscopy Center, LLC	28 Pa. Code § 553.31(a)
Penn Digestive and Liver Health Center University City	28 Pa. Code § 551.3
	28 Pa. Code § 559.2(1)–(5)
	28 Pa. Code § 559.3(c)
Surgery Center at Penn Medicine University City	28 Pa. Code § 551.3
	28 Pa. Code § 559.2(1)–(5)
	28 Pa. Code § 559.3(c)

The previously listed requests are 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 previously listed contact information. 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, or for speech and/or hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DR. DEBRA L. BOGEN,
Acting Secretary

[Pa.B. Doc. No. 23-1606. Filed for public inspection November 17, 2023, 9:00 a.m.]

DEPARTMENT OF HEALTH

Decisions on Requests for Exceptions to Health Care Facility Regulations

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), effective June 6, 1998, the Department of Health (Department) has published in the *Pennsylvania Bulletin* all requests by entities licensed under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b), for exceptions to regulations contained in 28 Pa. Code Part IV Subparts B—G.

Section 51.33(d) of 28 Pa. Code provides that the Department will publish notice of all approved exceptions on a periodic basis. The Department has determined that it will publish notice of all exceptions, both approved and denied. The following list contains the decisions made on exception requests published in the *Pennsylvania Bulletin* from September 1, 2023, through September 30, 2023. Future publications of decisions on exception requests will appear on a quarterly basis.

Requests for additional information on the exception request and the Department's decision should be made to the relevant division of the Department. Inquiries regarding hospitals, abortion facilities and ambulatory surgical facilities shall be addressed to Garrison E. Gladfelter, Jr., Director, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980. Inquiries regarding long-term care facilities shall be addressed to Susan Williamson, Director, Division of Nursing Care Facilities, Room 528, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816. Inquiries regarding Home Health agencies should be directed to Linda Chamberlain, Director, Division of Home Health, Forum Place, Suite 701, 555 Walnut Street, Harrisburg, PA 17101, (717) 783-1379.

Nursing Care Facilities

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
Abington Manor	§ 201.3 (relating to definitions)	10/2/2023	Granted
Avalon Place	§ 201.3	10/30/2023	Granted
Avalon Springs Place	§ 201.3	10/30/2023	Granted
The Ball Pavilion	§ 205.67(j) and (k) (relating to electric requirements for existing construction)	10/16/2023	Granted
Cheltenham Nursing and Rehabilitation Center	§ 205.7 (relating to basement or cellar)	10/30/2023	Granted
Cole Place	§ 201.3	10/30/2023	Granted
Complete Care at Harston Hall, LLC	§ 201.3	10/30/2023	Granted
Country Meadows Nursing Center of Bethlehem	§ 201.3	10/2/2023	Granted
Dock Terrace	§ 201.3	10/30/2023	Granted
Elm Terrace Gardens	§ 201.3	10/16/2023	Granted
Ephrata Manor	§ 205.7	10/30/2023	Granted
Fair Acres Geriatric Center	§ 201.3	10/23/2023	Granted
Green Home, Inc.	§ 201.3	10/30/2023	Granted
Haven Place	§ 201.3	10/30/2023	Granted
Kinzua Healthcare and Rehabilitation Center	§ 201.3	10/30/2023	Granted
Laurel Lakes Rehabilitation and Wellness Center	§ 201.3	10/2/2023	Granted
Lebanon Valley Brethren Home	§ 201.3	10/16/2023	Granted
Moravian Hall Square Health and Wellness Center	§ 201.3	10/30/2023	Granted
Mountain City Nursing and Rehabilitation Center	§ 201.3	10/30/2023	Granted
Muncy Place	§ 201.3	10/2/2023	Granted
Oil City Healthcare and Rehabilitation Center	§ 201.3	10/30/2023	Granted
Phoebe Allentown Health Care Center	§ 201.3	10/30/2023	Granted

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
Phoebe Berks Health Care Center, Inc.	§ 201.3	10/30/2023	Granted
Phoebe Richland Health Care Center	§ 201.3	10/30/2023	Granted
Phoebe Wyncote	§ 201.3	10/30/2023	Granted
Pleasant Ridge Manor West	§ 201.3	10/16/2023	Granted
Robert Packer Hospital Skilled Care and Rehabilitation Center	§ 201.3	10/16/2023	Granted
Schuykill Center	§ 201.3	10/16/2023	Granted
South Mountain Restoration Center	§ 201.3	10/16/2023	Granted
Sugar Creek Station Skilled Nursing and Rehabilitation Complex	§ 201.3	10/30/2023	Granted
Twinbrook Healthcare and Rehabilitation Center	§ 205.7	10/16/2023	Granted
UPMC Magee—Womens Hospital Transition Care Unit	§ 201.3	10/30/2023	Granted
UPMC Northwest Transitional Care Unit	§ 201.3	10/30/2023	Granted
Walnut Creek Healthcare and Rehabilitation Center	§ 201.3	10/30/2023	Granted
Watsontown Rehabilitation and Nursing Center	§ 201.3	10/16/2023	Granted
Wesley Enhanced Living—Doylestown	§ 201.3	10/23/2023	Granted
Wesley Enhanced Living Main Line Rehabilitation and Skilled Nursing	§ 201.3	10/23/2023	Granted
Wesley Enhanced Living Pennypack Park	§ 201.3	10/16/2023	Granted
Wesley Enhanced Living at Stapeley	§ 201.3	10/16/2023	Granted
Willowbrooke Court at Granite Farms Estates	§ 201.3	10/16/2023	Granted
Willowbrooke Court Skilled Care Center at Brittany Point Estates	§ 201.3	10/30/2023	Granted
Willowbrooke Court Skilled Care Center at Lima Estates	§ 201.3	10/2/2023	Granted
Willowbrooke Court Skilled Care Center at Normandy Farms Estates	§ 201.3	10/2/2023	Granted
Willowbrooke Court Skilled Care Center at Southampton Estates	§ 201.3	10/30/2023	Granted
The Willows of Presbyterian Senior Care	§ 201.3	10/16/2023	Granted

Home Health Agencies

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
365 Health Services, LLC	§ 601.6 (relating to definitions), specifically the definitions of licensed practical nurse and registered nurse	10/30/2023	Granted
Anova Home Healthcare Services, Inc.	§ 601.6	10/30/2023	Granted
	§ 601.31 (relating to acceptance of patients, plan of treatment and medical supervision)	10/30/2023	Granted
Bayada Home Health Care, Inc. (Bartonsville)	§ 601.6	10/30/2023	Granted
	§ 601.31	10/30/2023	Granted
Bayada Home Health Care, Inc. (Bethlehem)	§ 601.6	10/30/2023	Granted
	§ 601.31	10/30/2023	Granted
Bayada Home Health Care, Inc. (Blairsville)	§ 601.6	10/30/2023	Granted
	§ 611.51(a)(1) (relating to hiring or rostering of direct care workers)	10/30/2023	Granted
Bayada Home Health Care, Inc. (Bloomsburg)	§ 601.6	10/30/2023	Granted
	§ 611.51(a)(1)	10/30/2023	Granted
Bayada Home Health Care, Inc. (Blue Bell)	§ 601.6	10/30/2023	Granted
	§ 611.51(a)(1)	10/30/2023	Granted

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<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
Bayada Home Health Care, Inc. (Campus Boulevard, Newtown Square)	§ 601.6	10/30/2023	Granted
	§ 611.51(a)(1)	10/30/2023	Granted
Bayada Home Health Care, Inc. (Clarks Summit)	§ 601.6	10/30/2023	Granted
	§ 611.51(a)(1)	10/30/2023	Granted
Bayada Home Health Care, Inc. (Downingtown)	§ 601.6	10/30/2023	Granted
	§ 611.51(a)(1)	10/30/2023	Granted
Bayada Home Health Care, Inc. (Exton)	§ 601.6	10/30/2023	Granted
	§ 611.51(a)(1)	10/30/2023	Granted
Bayada Home Health Care, Inc. (Harrisburg)	§ 601.6	10/30/2023	Granted
	§ 611.51(a)(1)	10/30/2023	Granted
Bayada Home Health Care, Inc. (Highway 315, Wilkes-Barre)	§ 601.6	10/30/2023	Granted
	§ 611.51(a)(1)	10/30/2023	Granted
Bayada Home Health Care, Inc. (Lehighton)	§ 601.6	10/30/2023	Granted
	§ 611.51(a)(1)	10/30/2023	Granted
Bayada Home Health Care, Inc. (Lock Haven)	§ 601.6	10/30/2023	Granted
	§ 611.51(a)(1)	10/30/2023	Granted
Bayada Home Health Care, Inc. (Marcon Boulevard, Allentown)	§ 601.6	10/30/2023	Granted
	§ 611.51(a)(1)	10/30/2023	Granted
Bayada Home Health Care, Inc. (Meadville)	§ 601.6	10/30/2023	Granted
	§ 611.51(a)(1)	10/30/2023	Granted
Bayada Home Health Care, Inc. (Mechanicsburg)	§ 601.6	10/30/2023	Granted
	§ 611.51(a)(1)	10/30/2023	Granted
Bayada Home Health Care, Inc. (Norristown)	§ 611.51(a)(1)	10/30/2023	Granted
Bayada Home Health Care, Inc. (North Wilkes-Barre Road, Willkes-Barre)	§ 601.6	10/30/2023	Granted
	§ 601.6	10/30/2023	Granted
Bayada Home Health Care, Inc. (Old William Penn Highway, Monroeville)	§ 601.6	10/30/2023	Granted
	§ 611.51(a)(1)	10/30/2023	Granted
Bayada Home Health Care, Inc. (Oxford Drive, Monroeville)	§ 601.6	10/30/2023	Granted
	§ 611.51(a)(1)	10/30/2023	Granted
Bayada Home Health Care, Inc. (Peninsula Drive, Erie)	§ 601.6	10/30/2023	Granted
	§ 611.51(a)(1)	10/30/2023	Granted
Bayada Home Health Care, Inc. (Philadelphia)	§ 601.6	10/30/2023	Granted
	§ 611.51(a)(1)	10/30/2023	Granted
Bayada Home Health Care, Inc. (Pond Road, Allentown)	§ 601.6	10/30/2023	Granted
	§ 611.51(a)(1)	10/30/2023	Granted
Bayada Home Health Care, Inc. (Reading)	§ 611.51(a)(1)	10/30/2023	Granted
	§ 601.6	10/30/2023	Granted
Bayada Home Health Care, Inc. (Selingsgrove)	§ 601.6	10/30/2023	Granted
	§ 611.51(a)(1)	10/30/2023	Granted
Bayada Home Health Care, Inc. (State College)	§ 601.6	10/30/2023	Granted
	§ 611.51(a)(1)	10/30/2023	Granted
Bayada Home Health Care, Inc. (Towanda)	§ 601.6	10/30/2023	Granted
Bayada Home Health Care, Inc. (West 12th Street, Erie)	§ 601.6	10/30/2023	Granted
	§ 611.51(a)(1)	10/30/2023	Granted

<i>Facility Name</i>	<i>28 Pa. Code Regulation</i>	<i>Dec. Date</i>	<i>Decision</i>
Bayada Home Health Care, Inc. (West Chester Pike, Newtown Square)	§ 601.6	10/30/2023	Granted
	§ 611.51(a)(1)	10/30/2023	Granted
Bayada Home Health Care, Inc. (William Penn Way, Suite 110, Lancaster)	§ 601.6	10/30/2023	Granted
	§ 611.51(a)(1)	10/30/2023	Granted
Bayada Home Health Care, Inc. (William Penn Way, Suite 201, Lancaster)	§ 601.6	10/30/2023	Granted
	§ 611.51(a)(1)	10/30/2023	Granted
Bayada Home Health Care, Inc. (Williamsport)	§ 601.6	10/30/2023	Granted
	§ 611.51(a)(1)	10/30/2023	Granted
Bayada Home Health Care, Inc. (Willow Grove)	§ 601.6	10/30/2023	Granted
	§ 611.51(a)(1)	10/30/2023	Granted
Bayada Home Health Care, Inc. (Wyomissing)	§ 601.6	10/30/2023	Granted
	§ 611.51(a)(1)	10/30/2023	Granted
Bayada Home Health Care, Inc. (York Road, Suite 140, Jamison)	§ 601.6	10/30/2023	Granted
	§ 611.51(a)(1)	10/30/2023	Granted
Bayada Home Health Care, Inc. (York Road, Suite 150, Jamison)	§ 601.6	10/30/2023	Granted
	§ 611.51(a)(1)	10/30/2023	Granted
Bayada Home Health Care, Inc. (Zelienople)	§ 601.6	10/30/2023	Granted
Deer Meadows Home Health and Support Services, LLC	§ 601.6	10/30/2023	Granted
Guthrie Home Health	§ 601.6	10/30/2023	Granted
	§ 611.51(a)(1)	10/30/2023	Granted
Jefferson at Home by Bayada (Horsham)	§ 601.6	10/30/2023	Granted
	§ 611.51(a)(1)	10/30/2023	Granted
Jefferson at Home by Bayada (Philadelphia)	§ 601.6	10/30/2023	Granted
	§ 611.51(a)(1)	10/30/2023	Granted
Penn Home Palliative Care	§ 601.6	10/30/2023	Granted
Penn Medicine Home Health	§ 601.6	10/30/2023	Granted
Saint Luke's Home Health Wellspan VNA Home Care	§ 601.6	10/30/2023	Granted
	§ 611.51(a)(1)	10/30/2023	Granted
WVUHS, LLC	§ 601.6	10/30/2023	Granted
	§ 611.51(a)(1)	10/30/2023	Granted

Persons with a disability who require an alternative format of this notice (for example, large print, audiotope, Braille) should contact the Division of Acute and Ambulatory Care or the Division of Nursing Care Facilities at the previously referenced address or telephone number, or for speech and/or hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DR. DEBRA L. BOGEN,
Acting Secretary

[Pa.B. Doc. No. 23-1607. Filed for public inspection November 17, 2023, 9:00 a.m.]

DEPARTMENT OF HEALTH

Home Health Agencies; Requests for Exception

The following home health care agencies are seeking MSL Compact exceptions to 28 Pa. Code § 601.6 (relating to definitions), specifically the definitions of licensed practical nurse and registered nurse:

Advanced Home Health
100 Ryan Court
Suite 22
Pittsburgh, PA 15205
LIC # 77590501

Amedisys Home Health
240 Pullman Square
Suite 255
Butler, PA 16001
LIC # 04110501

Amedisys Home Health
480 New Holland Avenue
Building 8
Suite 8101
Lancaster, PA 17602
LIC # 740105

Amedisys Home Health of PA
1368 Mall Run Road
Suite 628
Uniontown, PA 15401
LIC # 713905

Penn Highland Healthcare at Home
504 Park Avenue
Clearfield, PA 16830
LIC # 709105

Penn Highland Healthcare at Home
757 Johnsonburg Road
Suite 255
Saint Marys, PA 15857
LIC # 14263601

Traditional Home Health Care
113 West Drinker Street
Dunmore, PA 18572
LIC # 77740501

Traditional Pediatric and Adult Skilled Home Care
562 Hepburn Street
Williamsport, PA 17701
LIC # 08860501

The following home health care agencies are seeking MSL Compact exceptions to 28 Pa. Code § 601.31 (relating to acceptance of patients, plan of treatment and medical supervision):

Advanced Home Health
100 Ryan Court
Suite 22
Pittsburgh, PA 15205
LIC # 77590501

Amedisys Home Health
240 Pullman Square
Suite 255
Butler, PA 16001
LIC # 04110501

Amedisys Home Health
480 New Holland Avenue
Building 8
Suite 8101
Lancaster, PA 17602
LIC # 740105

Amedisys Home Health of PA
1368 Mall Run Road
Suite 628
Uniontown, PA 15401
LIC # 713905

Penn Highland Healthcare at Home
504 Park Avenue
Clearfield, PA 16830
LIC # 709105

Penn Highland Healthcare at Home
757 Johnsonburg Road
Suite 255
Saint Marys, PA 15857
LIC # 14263601

Traditional Home Health Care
113 West Drinker Street
Dunmore, PA 18572
LIC # 77740501

Traditional Pediatric and Adult Skilled Home Care
562 Hepburn Street
Williamsport, PA 17701
LIC # 08860501

The following home health care agency is seeking an MSL Compact exception to 28 Pa. Code § 611.51(a)(1) (relating to hiring or rostering of direct care workers):

Help at Home
337 Pennsylvania Avenue
Suite 4
Warren, PA 16365
LIC # 71823601

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 Home Health, Forum Place, Suite 701, 555 Walnut Street, Harrisburg, PA 17101, (717) 783-1379, fax (717) 787-3188, ra-communityprogramlicensure@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 previously listed contact information.

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 previously listed address or phone number, or for speech and/or hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DR. DEBRA L. BOGEN,
Acting Secretary

[Pa.B. Doc. No. 23-1608. Filed for public inspection November 17, 2023, 9:00 a.m.]

DEPARTMENT OF HEALTH

Hospitals; Requests for Exceptions

The following hospitals have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license hospitals under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing hospital licensure in 28 Pa. Code Chapters 51 and 101—158 (relating to general information; and general and special hospitals).

<i>Facility Name</i>	<i>Regulation and relating to</i>
Good Shepherd Penn Partners Specialty Hospital at Rittenhouse	28 Pa. Code § 101.4 (relating to definitions)
	28 Pa. Code § 109.7 (relating to nursing staff qualifications)
Hospital of the Fox Chase Cancer Center	28 Pa. Code § 101.4
	28 Pa. Code § 109.7
Penn Presbyterian Medical Center	28 Pa. Code § 101.4
	28 Pa. Code § 109.7
Temple Health—Chestnut Hill Hospital	28 Pa. Code § 101.4
	28 Pa. Code § 109.7
Temple University Hospital, Inc.	28 Pa. Code § 101.4
	28 Pa. Code § 109.7
Uniontown Hospital	28 Pa. Code § 117.52(a)(1) (relating to minimum requirements for sexual assault emergency services)
UPMC Pinnacle Hospitals	28 Pa. Code § 107.2 (relating to medical staff membership)
	28 Pa. Code § 107.61 (relating to written orders)

The previously listed requests are 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 previously listed contact information. 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 for speech and/or hearing impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DR. DEBRA L. BOGEN,
Acting Secretary

[Pa.B. Doc. No. 23-1609. Filed for public inspection November 17, 2023, 9:00 a.m.]

DEPARTMENT OF HEALTH

Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facilities are seeking exceptions to 28 Pa. Code § 201.3 (relating to definitions):

ACCElerate Skilled Nursing and Rehabilitation Wil-
low Grove
3485 Davisville Road
Hatboro, PA 19040
FAC ID # 069002

Beaver Valley Healthcare and Rehabilitation Center
257 Georgetown Road
Beaver Falls, PA 15010
FAC ID # 050402

Belair Healthcare and Rehabilitation Center
100 Little Road
Lower Burrell, PA 15068
FAC ID # 021002

Chapel Manor
1104 Welsh Road
Philadelphia, PA 19115
FAC ID # 031602

Complete Care at Berkshire
5501 Perkiomen Avenue
Reading, PA 19606
FAC ID # 044502

Ellen Memorial Health Care Center
23 Ellen Memorial Lane
Honesdale, PA 18431
FAC ID # 318502

Gettysburg Center
867 York Road
Gettysburg, PA 17325
FAC ID # 078502

Kingston Court Skilled Nursing and Rehabilitation Center
2400 Kingston Court
York, PA 17402
FAC ID # 026302

Mifflin Center
500 East Philadelphia Avenue
Shillington, PA 19607
FAC ID # 081002

Penn Highlands Jefferson Manor
417 Route 28
Brookville, PA 15825
FAC ID # 100802

Peters Township Skilled Nursing and Rehabilitation Center
113 West McMurray Road
McMurray, PA 15317
FAC ID # 126302

Pinecrest Manor
763 Johnsonburg Road
Saint Mary's, PA 15857
FAC ID # 010902

Sarah A. Todd Memorial Home
1000 West South Street
Carlisle, PA 17013
FAC ID # 711402

Shenango Presbyterian SeniorCare
238 South Market Street
New Wilmington, PA 16142
FAC ID # 191102

Shippenville Healthcare and Rehabilitation Center
21158 Paint Boulevard
Shippenville, PA 16254
FAC ID # 026002

The Pavilion at Saint Luke Village
1000 Stacie Drive
Hazleton, PA 18201
FAC ID # 455202

Thornwald Home
442 Walnut Bottom Road
Carlisle, PA 17013
FAC ID # 082802

York South Skilled Nursing and Rehabilitation Center
200 Pauline Drive
York, PA 17402
FAC ID # 280402

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-DHPADNCFEXCEPT@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 previously listed contact information.

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 previously listed address or phone number, or for speech and/or hearing-impaired persons, call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DR. DEBRA L. BOGEN,
Acting Secretary

[Pa.B. Doc. No. 23-1610. Filed for public inspection November 17, 2023, 9:00 a.m.]

DEPARTMENT OF HEALTH

Recognized Lifeguard Certifying Authorities for 2024

The Department of Health (Department) has determined that the following lifeguard certifying authorities meet the requirements in 28 Pa. Code § 18.42 (relating to certified lifeguards) and are recognized by the Department as lifeguard certifying authorities for 2024: The American Red Cross; Jeff Ellis and Associates; Lifeguard-Pro; YMCA; The Boy Scouts of America; StarGuard ELITE; National Aquatic Safety Company; American Aquatics and Safety Training; United States Lifesaving Association (beach and open water); and the World Academy of Safety and Health.

For additional information or persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Nancy Nork, Limited English Proficiency Coordinator, Department of Health, Bureau of Community Health Systems, 30 Kline Plaza, Harrisburg, PA 17104, (717) 787-4366. Speech and/or hearing-impaired persons should call the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DR. DEBRA L. BOGEN,
Acting Secretary

[Pa.B. Doc. No. 23-1611. Filed for public inspection November 17, 2023, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Medical Assistance Program Fee Schedule; Addition of a Procedure Code for Sexually Transmitted Infection Test Kits

In accordance with 55 Pa. Code § 1150.61(a) (relating to guidelines for fee schedule changes), the Department of Human Services (Department) announces it will add sexually transmitted infection (STI) test kits for at-home specimen collection to the Medical Assistance (MA) Program Fee Schedule, effective with dates of services on and after December 1, 2023.

Background

The MA Program currently covers STI testing, sometimes referred to as sexually transmitted disease testing, for MA beneficiaries in the in-person setting, including at a laboratory, clinic or provider's office. The Department received requests to cover at-home testing to increase access to STI testing. The Department is expanding testing options and will cover at-home test kits purchased at the pharmacy or mailed, when prescribed by an enrolled provider.

New Procedure Code and Modifiers

The Department is adding procedure code A9999 with U3 (pricing), U4 (pricing) and U5 (pricing) modifiers for provider type 24 (Pharmacy), for the coverage of at-home specimen collection STI test kits that are picked up at the pharmacy by MA beneficiaries and returned by the MA beneficiary through the mail to the laboratory for processing.

The Department is adding procedure code A9999 with U6 (pricing), U7 (pricing) and U8 (pricing) modifiers for provider type 28 (Laboratory), for the coverage of at-home specimen collection STI test kits that are mailed by the laboratory to MA beneficiaries and returned by the MA beneficiary through the mail to the laboratory for processing.

<i>Procedure Code</i>	<i>National Code Description</i>	<i>Modifier</i>	<i>MA Fee</i>
A9999	Miscellaneous DME supply or accessory, not otherwise specified	U3 (To be used for STI Test Kit, up to 3 panels, includes return shipping to laboratory)	\$66
A9999	Miscellaneous DME supply or accessory, not otherwise specified	U4 (To be used for STI Test Kit, up to 5 panels, includes return shipping to laboratory)	\$164.75
A9999	Miscellaneous DME supply or accessory, not otherwise specified	U5 (To be used for STI Test Kit, 6 or more panels, includes return shipping to laboratory)	\$169
A9999	Miscellaneous DME supply or accessory, not otherwise specified	U6 (To be used for STI Test Kit, up to 3 panels, includes shipping both to the home of the beneficiary and return to laboratory)	\$86
A9999	Miscellaneous DME supply or accessory, not otherwise specified	U7 (To be used for STI Test Kit, up to 5 panels, includes shipping both to the home of the beneficiary and return to laboratory)	\$184.75
A9999	Miscellaneous DME supply or accessory, not otherwise specified	U8 (To be used for STI Test Kit, 6 or more panels, includes shipping both to the home of the beneficiary and return to laboratory)	\$189

The Department will issue an MA Bulletin to providers enrolled in the MA Program advising of the addition of this new procedure code and modifiers to the MA Program Fee Schedule for coverage of at-home specimen collection STI testing kits.

Fiscal Impact

The estimated annualized cost beginning in Fiscal Year 2023-2024 is \$0.00 million in total funds.

Public Comment

Interested persons are invited to submit written comments regarding the addition of the procedure codes for STI test kits to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, P.O. Box 2675, Harrisburg, PA 17120 or to RA-PWMAProgComments@pa.gov. Comments received within 30 days will be reviewed and considered for any subsequent revision to the MA Program Fee Schedule.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

VALERIE A. ARKOOSH,
Secretary

Fiscal Note: 14-NOT-1598. No fiscal impact; recommends adoption.

[Pa.B. Doc. No. 23-1612. Filed for public inspection November 17, 2023, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania \$10 Frenzy Instant Lottery Game 1667

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania \$10 Frenzy (“\$10 Frenzy”). The game number is PA-1667.

2. *Price:* The price of a \$10 Frenzy instant lottery game ticket is \$1.

3. *Play symbols:* Each \$10 Frenzy instant lottery game ticket will contain one play area featuring a “WINNING NUMBER” area, a “YOUR NUMBERS” area and a “FRENZY SPOT.” The play symbols and their captions located in the “WINNING NUMBER” area and the “YOUR NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT). The play symbols and their captions located in the “FRENZY SPOT” are: Bowtie (BOW) symbol, Ring (RING) symbol, Musical Note (NOTE) symbol, Balloon (BALLOON) symbol, Star (STAR) symbol, Swirl (SWIRL) symbol, Lightning Bolt (BOLT) symbol and a 10 (TEN) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the “YOUR NUMBERS” area are: FREE (TICKET), \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$30⁰⁰ (THIRTY), \$40⁰⁰ (FORTY), \$100 (ONE HUN), \$500 (FIV HUN) and \$5,000 (FIV THO).

5. *Prizes:* The prizes that can be won in this game are: Free \$1 Ticket, \$1, \$2, \$5, \$10, \$20, \$30, \$40, \$100, \$500 and \$5,000. For a complete description of how these prizes can be won, see section 8 (relating to number and description of prizes and approximate odds). A player can win up to four times on a ticket.

6. *Approximate number of tickets printed for the game:* Approximately 8,400,000 tickets will be printed for the \$10 Frenzy instant lottery game.

7. *Determination of prize winners:*

(a) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match the “WINNING NUMBER” play symbol and a prize symbol of \$5,000 (FIV THO) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(b) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match the “WINNING NUMBER” play symbol and a prize symbol of \$500 (FIV HUN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(c) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match the “WINNING NUMBER” play symbol and a prize symbol of \$100 (ONE HUN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match the “WINNING NUMBER” play symbol and a prize symbol of \$40⁰⁰ (FORTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$40.

(e) Holders of tickets upon which a 10 (TEN) play symbol appears in the “FRENZY SPOT” and a prize symbol of \$10⁰⁰ (TEN DOL) appears in all four of the “Prize” areas in the “YOUR NUMBERS” area, on a single ticket, shall be entitled to a prize of \$40.

(f) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match the “WINNING NUMBER” play symbol and a prize symbol of \$30⁰⁰ (THIRTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$30.

(g) Holders of tickets upon which a 10 (TEN) play symbol appears in the “FRENZY SPOT” and a prize symbol of \$10⁰⁰ (TEN DOL) appears in three of the “Prize” areas in the “YOUR NUMBERS” area, on a single ticket, shall be entitled to a prize of \$30.

(h) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match the “WINNING NUMBER” play symbol and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(i) Holders of tickets upon which a 10 (TEN) play symbol appears in the “FRENZY SPOT” and a prize symbol of \$10⁰⁰ (TEN DOL) appears in two of the “Prize” areas in the “YOUR NUMBERS” area, on a single ticket, shall be entitled to a prize of \$20.

(j) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match the “WINNING NUMBER” play symbol and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(k) Holders of tickets upon which a 10 (TEN) play symbol appears in the “FRENZY SPOT” and a prize symbol of \$10⁰⁰ (TEN DOL) appears in one of the “Prize” areas in the “YOUR NUMBERS” area, on a single ticket, shall be entitled to a prize of \$10.

(l) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match the “WINNING NUMBER” play symbol, and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5.

(m) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match the “WINNING NUMBER” play symbol and a prize symbol of \$2⁰⁰ (TWO DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$2.

(n) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match the “WINNING NUMBER” play symbol and a prize symbol of \$1⁰⁰ (ONE DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1.

(o) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match the “WINNING NUMBER” play symbol and a prize symbol of FREE (TICKET) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of one \$10 Frenzy instant game ticket

or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

8. *Number and description of prizes and approximate odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>When Any Of YOUR NUMBERS Match The WINNING NUMBER, Win PRIZE Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 8,400,000 Tickets:</i>
FREE	FREE \$1 TICKET	9.09	924,000
\$1 × 2	\$2	33.33	252,000
\$2	\$2	33.33	252,000
(\$1 × 3) + \$2	\$5	90.91	92,400
(\$2 × 2) + \$1	\$5	100	84,000
\$5	\$5	1,000	8,400
\$5 × 2	\$10	1,000	8,400
(\$2 × 2) + \$5 + \$1	\$10	1,000	8,400
FRENZY SPOT w/ \$10	\$10	58.82	142,800
\$10	\$10	1,000	8,400
\$5 × 4	\$20	24,000	350
\$10 × 2	\$20	24,000	350
(FRENZY SPOT w/ \$10) + (\$5 × 2)	\$20	1,000	8,400
FRENZY SPOT w/ (\$10 × 2)	\$20	1,000	8,400
\$20	\$20	12,000	700
\$10 × 3	\$30	24,000	350
(FRENZY SPOT w/ \$10) + \$20	\$30	6,000	1,400
(FRENZY SPOT w/ (\$10 × 2)) + (\$5 × 2)	\$30	6,000	1,400
FRENZY SPOT w/ (\$10 × 3)	\$30	4,000	2,100
\$30	\$30	24,000	350
\$10 × 4	\$40	24,000	350
(FRENZY SPOT w/ \$10) + (\$5 × 2) + \$20	\$40	12,000	700
(FRENZY SPOT w/ (\$10 × 2)) + \$20	\$40	12,000	700
FRENZY SPOT w/ (\$10 × 4)	\$40	8,000	1,050
\$40	\$40	24,000	350
\$40 + \$30 + \$20 + \$10	\$100	24,000	350
(FRENZY SPOT w/ (\$10 × 2)) + (\$40 × 2)	\$100	4,800	1,750
\$100	\$100	24,000	350
\$500	\$500	420,000	20
\$5,000	\$5,000	840,000	10

FRENZY SPOT: Reveal a “10” (TEN) symbol, win ANY \$10 PRIZE shown in the YOUR NUMBERS area!

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer incentive awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell \$10 Frenzy instant lottery game tickets.

10. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described

in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles

the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed prize money:* For a period of 1 year from the announced close of \$10 Frenzy, prize money from winning \$10 Frenzy instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the \$10 Frenzy instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote \$10 Frenzy or through normal communications methods.

PATRICK BROWNE,
Secretary

[Pa.B. Doc. No. 23-1613. Filed for public inspection November 17, 2023, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania \$500,000 Crossword Blowout Instant Lottery Game 1665

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania \$500,000 Crossword Blowout (“\$500,000 Crossword Blowout”). The game number is PA-1665.

2. *Price:* The price of a \$500,000 Crossword Blowout instant lottery game ticket is \$10.

3. *Play symbols:* Each \$500,000 Crossword Blowout instant lottery game ticket will feature a “YOUR LETTERS” area, a “BONUS LETTERS” area, two crossword puzzle play grids, known as “GRID 1,” and “GRID 2,” respectively, and an “INSTANT BLOWOUT” area. Each crossword “GRID” is played separately. Each crossword “GRID” contains one “BONUS WORD” area. Each “BONUS WORD” area is played separately and cannot be used to create or add to a corresponding “GRID 1” or “GRID 2” win. The “INSTANT BLOWOUT” area is played separately. The play symbols located in the “YOUR LETTERS” area are: the letters A through and including Z. The play symbols located in the “BONUS LETTERS” area are: the letters B, C, D, F, G, H, J, K, L, M, N, P, Q,

R, S, T, V, W, X, Y and Z. The play symbols located in “GRID 1” and “GRID 2” are: the letters A through and including Z.

4. *Prize Symbols:* The prize symbols and their captions located in the “BONUS WORD” area in “GRID 1” are: \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$30⁰⁰ (THIRTY), \$100 (ONE HUN) and \$200 (TWO HUN). The prize symbols and their captions located in the “BONUS WORD” area in “GRID 2” are: \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$50⁰⁰ (FIFTY) and \$200 (TWO HUN). The play symbols, prize amounts and their captions located in the “INSTANT BLOWOUT” area are: Bomb (TRYAGAIN) symbol, Campfire (NOBONUS) symbol, Candle (TRYAGAIN) symbol, BOOM (NOBONUS) symbol, Dynamite (TRYAGAIN) symbol, Fireworks (NOBONUS) symbol, Rocket (TRYAGAIN) symbol, \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$30⁰⁰ (THIRTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN) and \$200 (TWO HUN).

5. *Prizes:* The prizes that can be won in this game are: \$10, \$20, \$30, \$50, \$100, \$200, \$400, \$1,000, \$5,000, \$10,000, \$50,000 and \$500,000. The prizes that can be won in the “BONUS WORD” area in “GRID 1” are: \$10, \$20, \$30, \$100 and \$200. The prizes that can be won in the “BONUS WORD” area in “GRID 2” are: \$10, \$20, \$50 and \$200. The prizes that can be won in the “INSTANT BLOWOUT” area are: \$10, \$20, \$30, \$50, \$100 and \$200. For a complete description of how these prizes can be won, see section 8 (relating to number and description of prizes and approximate odds). A player can win up to five times on a ticket.

6. *Approximate number of tickets printed for the game:* Approximately 10,800,000 tickets will be printed for the \$500,000 Crossword Blowout instant lottery game.

7. Determination of prize winners:

(a) Holders of tickets upon which the player completely matches ten entire words in “GRID 2,” using only the letters found in the “YOUR LETTERS” area and the “BONUS LETTERS” area, on a single ticket, shall be entitled to a prize of \$500,000.

(b) Holders of tickets where the player completely matches nine entire words in “GRID 2,” using only the letters found in the “YOUR LETTERS” area and the “BONUS LETTERS” area, on a single ticket, shall be entitled to a prize of \$50,000.

(c) Holders of tickets where the player completely matches ten entire words in “GRID 1,” using only the letters found in the “YOUR LETTERS” area and the “BONUS LETTERS” area, on a single ticket, shall be entitled to a prize of \$10,000.

(d) Holders of tickets where the player completely matches nine entire words in “GRID 1,” using only the letters found in the “YOUR LETTERS” area and the “BONUS LETTERS” area, on a single ticket, shall be entitled to a prize of \$5,000.

(e) Holders of tickets where the player completely matches eight entire words in “GRID 2,” using only the letters found in the “YOUR LETTERS” area and the “BONUS LETTERS” area, on a single ticket, shall be entitled to a prize of \$5,000.

(f) Holders of tickets where the player completely matches eight entire words in “GRID 1,” using only the letters found in the “YOUR LETTERS” area and the “BONUS LETTERS” area, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets where the player completely matches seven entire words in “GRID 2,” using only the

upon which a prize symbol of \$10^{.00} (TEN DOL) appears in the “BONUS WORD PRIZE” area above that “BONUS WORD,” on a single ticket, shall be entitled to a prize of \$10.

(ee) Holders of tickets where the player completely matches two entire words in “GRID 2,” using only the letters found in the “YOUR LETTERS” area and the “BONUS LETTERS” area, on a single ticket, shall be entitled to a prize of \$10.

(ff) Holders of tickets where the player completely matches the entire word in the “BONUS WORD” area in “GRID 2” using only the letters found in the “YOUR

LETTERS” area and the “BONUS LETTERS” area, and upon which a prize symbol of \$10^{.00} (TEN DOL) appears in the “BONUS WORD PRIZE” area above that “BONUS WORD,” on a single ticket, shall be entitled to a prize of \$10.

(gg) Holders of tickets upon which a prize symbol of \$10^{.00} (TEN DOL) appears in the “INSTANT BLOWOUT” area, on a single ticket, shall be entitled to a prize of \$10.

8. *Number and description of prizes and approximate odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

“GRID 1” Win With:	“GRID 1 BONUS WORD” Win With:	“GRID 2” Win With:	“GRID 2 BONUS WORD” Win With:	“INSTANT BLOWOUT” Win With:	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 10,800,000 Tickets:
				\$10	\$10	37.5	288,000
			\$10		\$10	40	270,000
		2 WORDS			\$10	40	270,000
	\$10				\$10	40	270,000
2 WORDS					\$10	40	270,000
		2 WORDS	\$10		\$20	150	72,000
2 WORDS				\$10	\$20	150	72,000
2 WORDS		2 WORDS			\$20	120	90,000
2 WORDS	\$10				\$20	120	90,000
				\$20	\$20	100	108,000
			\$20		\$20	85.71	126,000
		3 WORDS			\$20	85.71	126,000
	\$20				\$20	85.71	126,000
3 WORDS					\$20	85.71	126,000
2 WORDS		2 WORDS	\$10		\$30	300	36,000
3 WORDS		2 WORDS			\$30	300	36,000
				\$30	\$30	600	18,000
	\$30				\$30	300	36,000
4 WORDS					\$30	200	54,000
2 WORDS	\$10	2 WORDS	\$10	\$10	\$50	200	54,000
		3 WORDS	\$20	\$10	\$50	300	36,000
3 WORDS	\$10	2 WORDS		\$10	\$50	300	36,000
4 WORDS	\$10	2 WORDS			\$50	300	36,000
				\$50	\$50	600	18,000
			\$50		\$50	300	36,000
		4 WORDS			\$50	300	36,000
2 WORDS	\$30	2 WORDS	\$50		\$100	600	18,000
3 WORDS	\$20	3 WORDS	\$20	\$20	\$100	300	36,000
4 WORDS	\$10	4 WORDS	\$10		\$100	600	18,000
				\$100	\$100	600	18,000
	\$100				\$100	600	18,000
5 WORDS					\$100	600	18,000
3 WORDS	\$100	2 WORDS	\$20	\$50	\$200	2,000	5,400
4 WORDS	\$20	4 WORDS	\$50	\$50	\$200	2,000	5,400
				\$200	\$200	6,000	1,800

"GRID 1" Win With:	"GRID 1 BONUS WORD" Win With:	"GRID 2" Win With:	"GRID 2 BONUS WORD" Win With:	"INSTANT BLOWOUT" Win With:	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 10,800,000 Tickets:
			\$200		\$200	6,000	1,800
		5 WORDS			\$200	4,000	2,700
	\$200				\$200	6,000	1,800
6 WORDS					\$200	6,000	1,800
5 WORDS		4 WORDS	\$50	\$200	\$400	6,000	1,800
5 WORDS	\$30	5 WORDS	\$20	\$50	\$400	8,000	1,350
6 WORDS		5 WORDS			\$400	12,000	900
		6 WORDS			\$400	8,000	1,350
7 WORDS					\$400	12,000	900
5 WORDS	\$200	4 WORDS	\$50	\$100	\$500	12,000	900
5 WORDS	\$100	5 WORDS		\$100	\$500	12,000	900
6 WORDS	\$30	5 WORDS	\$50	\$20	\$500	12,000	900
		6 WORDS	\$50	\$50	\$500	24,000	450
7 WORDS	\$100				\$500	40,000	270
6 WORDS	\$200	5 WORDS	\$200	\$200	\$1,000	12,000	900
7 WORDS	\$100	5 WORDS	\$200	\$100	\$1,000	12,000	900
7 WORDS		6 WORDS		\$200	\$1,000	40,000	270
		7 WORDS			\$1,000	120,000	90
8 WORDS					\$1,000	120,000	90
		8 WORDS			\$5,000	1,080,000	10
9 WORDS					\$5,000	1,080,000	10
9 WORDS		8 WORDS			\$10,000	1,080,000	10
10 WORDS					\$10,000	1,080,000	10
		9 WORDS			\$50,000	1,080,000	10
		10 WORDS			\$500,000	1,080,000	10

Scratch the YOUR LETTERS to reveal 18 letters and the BONUS LETTERS to reveal 3 more letters. Scratch each matching letter every time it is found in the Crossword GRIDS and the BONUS WORDS. Both the YOUR LETTERS and BONUS LETTERS apply to the Crossword GRIDS and BONUS WORDS. Each letter's square, when scratched gently, will turn white.

When you have matched the letters of two (2) or more entire words in either Crossword GRID, win the corresponding PRIZE shown in the PRIZE KEY for that Crossword GRID. Only the highest PRIZE won in each Crossword GRID will be paid.

Each Crossword GRID is played separately.

BONUS WORDS: Match all the letters in the BONUS WORD in Crossword GRID 1 or Crossword GRID 2, win the corresponding BONUS WORD PRIZE for that BONUS WORD! BONUS WORDS are played separately and cannot be used to create or add to a corresponding Crossword GRID 1 or Crossword GRID 2 win.

INSTANT BLOWOUT: Reveal a cash prize amount, win that amount instantly! INSTANT BLOWOUT is played separately.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer incentive awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell \$500,000 Crossword Blowout instant lottery game tickets.

10. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket

that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled

only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed prize money:* For a period of 1 year from the announced close of \$500,000 Crossword Blowout, prize money from winning \$500,000 Crossword Blowout instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the \$500,000 Crossword Blowout instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote \$500,000 Crossword Blowout or through normal communication methods.

PATRICK BROWNE,
Secretary

[Pa.B. Doc. No. 23-1614. Filed for public inspection November 17, 2023, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Cloud 9 Bingo Instant Lottery Game 1666

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Cloud 9 Bingo (“Cloud 9 Bingo”). The game number is PA-1666.

2. *Price:* The price of a Cloud 9 Bingo instant lottery game ticket is \$5.

3. *Play symbols:*

(a) Each Cloud 9 Bingo instant lottery game ticket will contain eight BINGO CARD play areas designated as “CARD 1,” “CARD 2,” “CARD 3,” “CARD 4,” “CARD 5,” “CARD 6,” “CARD 7” and “CARD 8.” A player may win more than one time on a ticket, however a player may only win one prize on each “CARD.” Each “CARD” will consist of 25 spaces on a 5 x 5 grid. The 76 play symbols that may be located in the eight BINGO CARD play areas are: the numbers 1 through 8 and the numbers 10 through 75, a Cloud 9 symbol and a FREE symbol. The Cloud 9 symbol and the FREE symbol are each free spaces. When the Cloud 9 symbol appears in any winning

pattern, the player wins nine times the prize shown for that winning pattern.

(b) Each ticket will contain a “CALLER’S CARD” area. The “CALLER’S CARD” area will consist of 30 spaces on a 3 x 10 grid. The play symbols that may be located in each space on the grid are: the letter B with a number 1 through 8 and a number 10 through 15; the letter I with a number 16 through 30; the letter N with a number 31 through 45; the letter G with a number 46 through 60 and the letter O with a number 61 through 75.

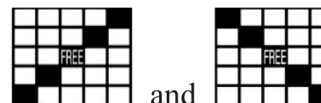
(c) Each Cloud 9 Bingo ticket will also contain a separate “IN THE CLOUDS” area containing four play/prize symbols. The play/prize symbols and their captions, located in the “IN THE CLOUDS” area, are: Clouds (TRYAGAIN) symbol, Sun (NOBONUS) symbol, Moon (TRYAGAIN) symbol, Lightning Bolt (NOBONUS) symbol, Stars (TRYAGAIN) symbol, Wind (NOBONUS) symbol, Double Rainbow (TRYAGAIN) symbol, Sun and Clouds (NOBONUS) symbol, Ice (TRYAGAIN) symbol, Snowflake (NOBONUS) symbol, \$9⁰⁰ (NINE) symbol, \$90⁰⁰ (NINETY) symbol and a \$900 (NIN HUN) symbol. The “IN THE CLOUDS” area is played separately.

4. *Prizes:* The prizes that can be won in this game are: \$5, \$9, \$10, \$20, \$50, \$90, \$200, \$500, \$900, \$5,000, \$10,000 and \$200,000. For a complete description of how these prizes can be won, see section 8 (relating to number and description of prizes and approximate odds). A player can win up to seven times on a ticket.

5. *Approximate number of tickets printed for the game:* Approximately 13,200,000 tickets will be printed for the Cloud 9 Bingo instant lottery game.

6. *Winning Patterns:* The patterns described below, when matched on any “CARD,” shall determine whether a player wins a prize as further detailed in section 7.

(i) *LINE:* Match the “CALLER’S CARD” numbers in a four-space diagonal line through the “FREE” space, or a five-space horizontal or vertical line. Diagonal LINE matches are exactly as follows:



Examples of horizontal and vertical LINE matches include, but are not limited to:

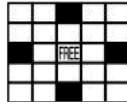


(ii) *4 CORNERS:* Match the “CALLER’S CARD” numbers in each of the four corners of any “CARD,” exactly as follows:



(iii) *DIAMOND:* Match four of the “CALLER’S CARD” numbers to form a diamond which includes the space appearing in the top horizontal row in the “N” column; the spaces appearing in the third horizontal row from the top in the “B” and “O” columns; and the space appearing

in the fifth horizontal row from the top in the "N" column on any "CARD," exactly as follows:



(iv) X: Match eight of the "CALLER'S CARD" numbers to form an X pattern extending through the "FREE" space and through to each of the four corner spaces, on any "CARD," exactly as follows:



7. Determination of prize winners:

(a) Holders of tickets matching the "CALLER'S CARD" play symbols in an X pattern on "CARD 8," on a single ticket, shall be entitled to a prize of \$200,000.

(b) Holders of tickets matching the "CALLER'S CARD" play symbols in a DIAMOND pattern on "CARD 8," on a single ticket, shall be entitled to a prize of \$10,000.

(c) Holders of tickets matching the "CALLER'S CARD" play symbols in an X pattern on "CARD 7," on a single ticket, shall be entitled to a prize of \$10,000.

(d) Holders of tickets matching the "CALLER'S CARD" play symbols in a DIAMOND pattern on "CARD 7," on a single ticket, shall be entitled to a prize of \$5,000.

(e) Holders of tickets matching the "CALLER'S CARD" play symbols in an X pattern on "CARD 6," on a single ticket, shall be entitled to a prize of \$5,000.

(f) Holders of tickets matching the "CALLER'S CARD" play symbols in a LINE pattern on "CARD 8," on which the winning pattern contains a Cloud 9 symbol, on a single ticket, shall be entitled to a prize of \$4,500.

(g) Holders of tickets matching the "CALLER'S CARD" play symbols in a 4 CORNERS pattern on "CARD 8," on a single ticket, shall be entitled to a prize of \$900.

(h) Holders of tickets upon which a \$900 (NIN HUN) symbol appears in the "IN THE CLOUDS" area, on a single ticket, shall be entitled to a prize of \$900.

(i) Holders of tickets matching the "CALLER'S CARD" play symbols in a LINE pattern on "CARD 8," on a single ticket, shall be entitled to a prize of \$500.

(j) Holders of tickets matching the "CALLER'S CARD" play symbols in a 4 CORNERS pattern on "CARD 7," on a single ticket, shall be entitled to a prize of \$500.

(k) Holders of tickets matching the "CALLER'S CARD" play symbols in a DIAMOND pattern on "CARD 6," on a single ticket, shall be entitled to a prize of \$500.

(l) Holders of tickets matching the "CALLER'S CARD" play symbols in an X pattern on "CARD 5," on a single ticket, shall be entitled to a prize of \$500.

(m) Holders of tickets matching the "CALLER'S CARD" play symbols in a LINE pattern on "CARD 7," on which the winning pattern contains a Cloud 9 symbol, on a single ticket, shall be entitled to a prize of \$450.

(n) Holders of tickets matching the "CALLER'S CARD" play symbols in a 4 CORNERS pattern on "CARD 6," on a single ticket, shall be entitled to a prize of \$200.

(o) Holders of tickets matching the "CALLER'S CARD" play symbols in a DIAMOND pattern on "CARD 5," on a single ticket, shall be entitled to a prize of \$200.

(p) Holders of tickets matching the "CALLER'S CARD" play symbols in an X pattern on "CARD 4," on a single ticket, shall be entitled to a prize of \$200.

(q) Holders of tickets matching the "CALLER'S CARD" play symbols in a 4 CORNERS pattern on "CARD 5," on a single ticket, shall be entitled to a prize of \$90.

(r) Holders of tickets matching the "CALLER'S CARD" play symbols in a DIAMOND pattern on "CARD 4," on a single ticket, shall be entitled to a prize of \$90.

(s) Holders of tickets matching the "CALLER'S CARD" play symbols in an X pattern on "CARD 3," on a single ticket, shall be entitled to a prize of \$90.

(t) Holders of tickets upon which a \$90 (NINETY) symbol appears in the "IN THE CLOUDS" area, on a single ticket, shall be entitled to a prize of \$90.

(u) Holders of tickets matching the "CALLER'S CARD" play symbols in a LINE pattern on "CARD 6" or "CARD 5" on which the winning pattern contains a Cloud 9, on a single ticket, shall be entitled to a prize of \$81.

(v) Holders of tickets matching the "CALLER'S CARD" play symbols in a LINE pattern on "CARD 7," on a single ticket, shall be entitled to a prize of \$50.

(w) Holders of tickets matching the "CALLER'S CARD" play symbols in a 4 CORNERS pattern on "CARD 4," on a single ticket, shall be entitled to a prize of \$50.

(x) Holders of tickets matching the "CALLER'S CARD" play symbols in a DIAMOND pattern on "CARD 3," on a single ticket, shall be entitled to a prize of \$50.

(y) Holders of tickets matching the "CALLER'S CARD" play symbols in an X pattern on "CARD 2," on a single ticket, shall be entitled to a prize of \$50.

(z) Holders of tickets matching the "CALLER'S CARD" play symbols in a LINE pattern on "CARD 1," "CARD 2," "CARD 3" or "CARD 4," on which the winning pattern contains a Cloud 9 symbol, on a single ticket, shall be entitled to a prize of \$45.

(aa) Holders of tickets matching the "CALLER'S CARD" play symbols in a 4 CORNERS pattern on "CARD 3," on a single ticket, shall be entitled to a prize of \$20.

(bb) Holders of tickets matching the "CALLER'S CARD" play symbols in a DIAMOND pattern on "CARD 2," on a single ticket, shall be entitled to a prize of \$20.

(cc) Holders of tickets matching the "CALLER'S CARD" play symbols in an X pattern on "CARD 1," on a single ticket, shall be entitled to a prize of \$20.

(dd) Holders of tickets matching the "CALLER'S CARD" play symbols in a 4 CORNERS pattern on "CARD 2," on a single ticket, shall be entitled to a prize of \$10.

(ee) Holders of tickets matching the "CALLER'S CARD" play symbols in a DIAMOND pattern on "CARD 1," on a single ticket, shall be entitled to a prize of \$10.

(ff) Holders of tickets matching the "CALLER'S CARD" play symbols in a LINE pattern on "CARD 6," on a single ticket, shall be entitled to a prize of \$9.

(gg) Holders of tickets matching the "CALLER'S CARD" play symbols in a LINE pattern on "CARD 5," on a single ticket, shall be entitled to a prize of \$9.

(hh) Holders of tickets matching the “CALLER’S CARD” play symbols in a 4 CORNERS pattern on “CARD 1,” on a single ticket, shall be entitled to a prize of \$9.

(ii) Holders of tickets upon which a \$9 (NINE) symbol appears in the “IN THE CLOUDS” area, on a single ticket, shall be entitled to a prize of \$9.

(jj) Holders of tickets matching the “CALLER’S CARD” play symbols in a LINE pattern on “CARD 4,” on a single ticket, shall be entitled to a prize of \$5.

(kk) Holders of tickets matching the “CALLER’S CARD” play symbols in a LINE pattern on “CARD 3,” on

a single ticket, shall be entitled to a prize of \$5.

(ll) Holders of tickets matching the “CALLER’S CARD” play symbols in a LINE pattern on “CARD 2,” on a single ticket, shall be entitled to a prize of \$5.

(mm) Holders of tickets matching the “CALLER’S CARD” play symbols in a LINE pattern on “CARD 1,” on a single ticket, shall be entitled to a prize of \$5.

8. *Number and description of prizes and approximate odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Scratch The CALLER’S CARD Area. Then Scratch Only The Numbers On BINGO CARDS 1—8 That Match Those Revealed In The CALLER’S CARD Area. The Center Spot On Each BINGO CARD Is A FREE Space. When Each Matched Number On A BINGO CARD Is Scratched, The Square Will Turn White. When All Numbers Are Completely Matched In A Horizontal, Vertical Or Diagonal Line, 4 Corners, Diamond Or An X Pattern On Any Individual BINGO CARD, Win Prize Shown For The Matched Pattern In The Appropriate Legend Next To That BINGO CARD. Win With:</i>	<i>“IN THE CLOUDS”:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 13,200,000 Tickets:</i>
LINE CARD 1		\$5	60	220,000
LINE CARD 2		\$5	60	220,000
LINE CARD 3		\$5	40	330,000
LINE CARD 4		\$5	40	330,000
	\$9 w/ \$9 SYMBOL	\$9	20	660,000
4 CORNERS CARD 1		\$9	60	220,000
LINE CARD 5		\$9	60	220,000
LINE CARD 6		\$9	60	220,000
(LINE CARD 2) + (LINE CARD 1)		\$10	300	44,000
(LINE CARD 4) + (LINE CARD 3)		\$10	300	44,000
DIAMOND CARD 1		\$10	600	22,000
4 CORNERS CARD 2		\$10	300	44,000
(LINE CARD 4) + (LINE CARD 3) + (LINE CARD 2) + (LINE CARD 1)		\$20	200	66,000
(4 CORNERS CARD 2) + (DIAMOND CARD 1)		\$20	600	22,000
X CARD 1		\$20	600	22,000
DIAMOND CARD 2		\$20	600	22,000
4 CORNERS CARD 3		\$20	600	22,000
(LINE CARD 1) + ((LINE CARD 4, LINE CARD 3, OR LINE CARD 2) w/ CLOUD 9 SYMBOL)		\$50	600	22,000
(LINE CARD 2) + ((LINE CARD 4, LINE CARD 3, OR LINE CARD 1) w/ CLOUD 9 SYMBOL)		\$50	600	22,000
(LINE CARD 3) + ((LINE CARD 4, LINE CARD 2, OR LINE CARD 1) w/ CLOUD 9 SYMBOL)		\$50	600	22,000

<i>Scratch The CALLER'S CARD Area. Then Scratch Only The Numbers On BINGO CARDS 1—8 That Match Those Revealed In The CALLER'S CARD Area. The Center Spot On Each BINGO CARD Is A FREE Space. When Each Matched Number On A BINGO CARD Is Scratched, The Square Will Turn White. When All Numbers Are Completely Matched In A Horizontal, Vertical Or Diagonal Line, 4 Corners, Diamond Or An X Pattern On Any Individual BINGO CARD, Win Prize Shown For The Matched Pattern In The Appropriate Legend Next To That BINGO CARD. Win With:</i>	<i>"IN THE CLOUDS":</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 13,200,000 Tickets:</i>
(LINE CARD 4) + ((LINE CARD 3, LINE CARD 2, OR LINE CARD 1) w/ CLOUD 9 SYMBOL)		\$50	600	22,000
(LINE CARD 6) + (LINE CARD 5) + (4 CORNERS CARD 1) + (LINE CARD 4, LINE CARD 3 OR LINE CARD 2)	(\$9 w/ \$9 SYMBOL) × 2	\$50	600	22,000
(LINE CARD 6) + (LINE CARD 4, LINE CARD 3, LINE CARD 2, OR LINE CARD 1)	(\$9 w/ \$9 SYMBOL) × 4	\$50	600	22,000
X CARD 2		\$50	600	22,000
DIAMOND CARD 3		\$50	600	22,000
4 CORNERS CARD 4		\$50	600	22,000
LINE CARD 7		\$50	600	22,000
((LINE CARD 2) w/ CLOUD 9 SYMBOL) + ((LINE CARD 1) w/ CLOUD 9 SYMBOL)		\$90	1,143	11,550
((LINE CARD 4) w/ CLOUD 9 SYMBOL) + ((LINE CARD 3) w/ CLOUD 9 SYMBOL)		\$90	1,143	11,550
((LINE CARD 4 OR LINE CARD 3) w/ CLOUD 9 SYMBOL) + ((LINE CARD 2 OR LINE CARD 1) w/ CLOUD 9 SYMBOL)		\$90	1,143	11,550
(LINE CARD 7) + (4 CORNERS CARD 3) + (4 CORNERS CARD 2) + (DIAMOND CARD 1)		\$90	2,400	5,500
	\$90 w/ \$90 SYMBOL	\$90	800	16,500
X CARD 3		\$90	2,400	5,500
DIAMOND CARD 4		\$90	6,000	2,200
4 CORNERS CARD 5		\$90	6,000	2,200
((LINE CARD 4) w/ CLOUD 9 SYMBOL) + ((LINE CARD 3) w/ CLOUD 9 SYMBOL) + (DIAMOND CARD 2)	\$90 w/ \$90 SYMBOL	\$200	2,000	6,600
((LINE CARD 6) w/ CLOUD 9 SYMBOL) + ((LINE CARD 5) w/ CLOUD 9 SYMBOL) + (X CARD 1)	(\$9 w/ \$9 SYMBOL) × 2	\$200	2,400	5,500
(LINE CARD 7) + (4 CORNERS CARD 4) + (DIAMOND CARD 3) + (X CARD 2)		\$200	24,000	550
4 CORNERS CARD 3	(\$90 w/ \$90 SYMBOL) × 2	\$200	12,000	1,100
(DIAMOND CARD 4) + (X CARD 1)	\$90 w/ \$90 SYMBOL	\$200	12,000	1,100
X CARD 4		\$200	24,000	550
DIAMOND CARD 5		\$200	24,000	550
4 CORNERS CARD 6		\$200	24,000	550

<i>Scratch The CALLER'S CARD Area. Then Scratch Only The Numbers On BINGO CARDS 1—8 That Match Those Revealed In The CALLER'S CARD Area. The Center Spot On Each BINGO CARD Is A FREE Space. When Each Matched Number On A BINGO CARD Is Scratched, The Square Will Turn White. When All Numbers Are Completely Matched In A Horizontal, Vertical Or Diagonal Line, 4 Corners, Diamond Or An X Pattern On Any Individual BINGO CARD, Win Prize Shown For The Matched Pattern In The Appropriate Legend Next To That BINGO CARD. Win With:</i>	<i>"IN THE CLOUDS":</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 13,200,000 Tickets:</i>
((LINE CARD 7) w/ CLOUD 9 SYMBOL) + (X CARD 2)		\$500	12,000	1,100
((LINE CARD 7) w/ CLOUD 9 SYMBOL) + (4 CORNERS CARD 3) + (DIAMOND CARD 2) + (DIAMOND CARD 1)		\$500	12,000	1,100
((LINE CARD 7) w/ CLOUD 9 SYMBOL) + (4 CORNERS CARD 4)		\$500	12,000	1,100
(DIAMOND CARD 5) + (X CARD 4) + (LINE CARD 2) + (LINE CARD 1)	\$90 w/ \$90 SYMBOL	\$500	24,000	550
(4 CORNERS CARD 6) + (DIAMOND CARD 5) + (LINE CARD 4) + (LINE CARD 3)	\$90 w/ \$90 SYMBOL	\$500	24,000	550
X CARD 5		\$500	120,000	110
DIAMOND CARD 6		\$500	120,000	110
4 CORNERS CARD 7		\$500	120,000	110
LINE CARD 8		\$500	120,000	110
	\$900 w/ \$900 SYMBOL	\$900	146,667	90
4 CORNERS CARD 8		\$900	660,000	20
((LINE CARD 8) w/ CLOUD 9 SYMBOL) + ((LINE CARD 7) w/ CLOUD 9 SYMBOL) + (X CARD 2)		\$5,000	660,000	20
X CARD 6		\$5,000	1,320,000	10
DIAMOND CARD 7		\$5,000	1,320,000	10
X CARD 7		\$10,000	1,320,000	10
DIAMOND CARD 8		\$10,000	1,320,000	10
X CARD 8		\$200,000	1,320,000	10

CLOUD 9 SYMBOL: Scratch each "Cloud 9" symbol that appears in BINGO CARDS 1—8. Each "Cloud 9" symbol is a free space. When a "Cloud 9" symbol appears in any winning pattern, win 9 TIMES the prize shown for that win!

IN THE CLOUDS: Reveal a "\$9" (NINE), "\$90" (NINETY) or a "\$900" (NIN HUN) symbol in any bonus spot, win that prize instantly! IN THE CLOUDS is played separately.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer incentive awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Cloud 9 Bingo instant lottery game tickets.

10. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum

payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after

the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed prize money:* For a period of 1 year from the announced close of Cloud 9 Bingo, prize money from winning Cloud 9 Bingo instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Cloud 9 Bingo instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Cloud 9 Bingo or through normal communications methods.

PATRICK BROWNE,
Secretary

[Pa.B. Doc. No. 23-1615. Filed for public inspection November 17, 2023, 9:00 a.m.]

FISH AND BOAT COMMISSION

Classification of Wild Trout Streams; Proposed Additions and Revisions; January 2024

Under 58 Pa. Code § 57.11 (relating to listing of wild trout streams), it is the policy of the Fish and Boat Commission (Commission) to accurately identify and classify stream sections supporting naturally reproducing populations of trout as wild trout streams. The Commission's Fisheries Management Division maintains the list of wild trout streams. The Executive Director, with the approval of the Commission, will from time-to-time publish the list of wild trout streams in the *Pennsylvania Bulletin*. The listing of a stream section as a wild trout stream is a biological designation that does not determine how it is managed. The Commission relies upon many factors in determining the appropriate management of streams.

At the next Commission meeting on January 22, 2024, the Commission will consider changes to its list of wild trout streams. Specifically, the Commission will consider the addition of the following streams or portions of streams to the list:

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary to</i>	<i>Mouth Lat/Lon</i>
Huntingdon	Unknown Tributary to Laurel Run (RM 4.16)	Headwaters to Mouth	Laurel Run	40.676934 77.872626
Lycoming	Gregs Run	Headwaters to Mouth	Muncy Creek	41.221542 76.719383

The Commission also will consider the following revisions to the section limits of streams on the list:

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Current Limits</i>	<i>Revised Limits</i>	<i>Tributary to</i>	<i>Mouth Lat/Lon</i>
Carbon	Mud Run	Headwaters to Hickory Run State Park lower boundary	Headwaters to Mouth	Lehigh River	40.988609 75.712502
Clearfield	Potts Run	Headwaters to Clark Road Bridge	Headwaters to Mouth	Clearfield Creek	40.891945 78.441391
Huntingdon	Laurel Run	Headwaters to Whipple Lake	Headwaters to SR 26 bridge	Standing Stone Creek	40.638889 77.837222
Huntingdon	Singers Gap Run	Headwaters to Private Road Ford at RM 2.23	Headwaters to Sink at RM 1.16	Hill Valley Creek	40.336098 77.906794

Persons with comments, objections or suggestions concerning the classification of the streams listed may submit them in writing to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments, objections or suggestions may also be submitted electronically to RA-pfbc regulations@pa.gov.

TIMOTHY D. SCHAEFFER,
Executive Director

[Pa.B. Doc. No. 23-1616. Filed for public inspection November 17, 2023, 9:00 a.m.]

FISH AND BOAT COMMISSION

Proposed Changes to List of Class A Wild Trout Waters; January 2024

The Fish and Boat Commission (Commission) is considering changes to its list of Class A wild trout streams. Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy to manage self-sustaining Class A wild trout populations as a renewable natural resource to conserve that resource and the angling it provides. Class A wild trout populations represent the best of this Commonwealth's naturally reproducing trout fisheries. With rare exceptions, the Commission manages these stream sections solely for the perpetuation of the wild trout fishery with no stocking.

(1) Criteria developed for Class A Wild Trout fisheries are species specific.

(2) Wild trout Biomass Class Criteria include provisions for:

(i) *Wild brook trout fisheries*

(A) Total brook trout biomass of at least 30 kg/ha (26.7 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brook trout biomass must comprise at least 75% of the total trout biomass.

(ii) *Wild brown trout fisheries*

(A) Total brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brown trout biomass must comprise at least 75% of the total trout biomass.

(iii) *Mixed wild brook and brown trout fisheries*

(A) Combined brook and brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brook trout biomass must comprise less than 75% of the total trout biomass.

(E) Brown trout biomass must comprise less than 75% of the total trout biomass.

(iv) *Wild rainbow trout fisheries*

Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 2.0 kg/ha (1.78 lbs/acre).

(v) *Mixed wild brook and rainbow trout fisheries*

(A) Combined brook and rainbow trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brook trout biomass shall comprise less than 75% of the total trout biomass.

(E) Rainbow trout biomass shall comprise less than 75% of the total trout biomass.

(vi) *Mixed wild brown and rainbow trout fisheries*

(A) Combined brown and rainbow trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brown trout biomass shall comprise less than 75% of the total trout biomass.

(E) Rainbow trout biomass shall comprise less than 75% of the total trout biomass.

During recent surveys, Commission staff documented the following stream sections to have Class A wild trout populations. The Commission intends to consider adding these waters to its list of Class A wild trout streams at its meeting on January 22, 2024.

<i>County</i>	<i>Stream</i>	<i>Section</i>	<i>Limits</i>	<i>Tributary to</i>	<i>Mouth Lat/Lon</i>	<i>Brook Trout (kg/ha)</i>	<i>Brown Trout (kg/ha)</i>	<i>Rainbow Trout (kg/ha)</i>	<i>Length (miles)</i>	<i>Survey Year</i>
Centre	Benner Run	2	Second tributary upstream of the mouth to Mouth	Black Moshannon Creek	40.956389 78.039722	12.11	35.30	—	1.70	2023
Centre	Little Poe Creek	1	Headwaters to Mouth	Big Poe Creek	40.829556 77.444595	50.79	8.10	—	4.66	2023
Centre	Marsh Creek	1	Headwaters to Laurel Run	Bald Eagle Creek	41.058529 77.596419	28.58	21.40	—	4.96	2023
Clinton	Middle Branch Big Run	1	Headwaters to Sproul State Forest boundary	Big Run	41.150833 77.768611	33.73	—	—	2.78	2023
Clinton	Rattlesnake Run	2	Wildcat Hollow Run to Mouth	West Branch Susquehanna River	41.268889 77.593889	43.83	7.77	—	2.26	2023
Huntingdon	Shaver Creek	1	Headwaters to Lake Perez	Juniata River	40.565556 78.047778	22.21	27.72	—	5.21	2023

Persons with comments, objections or suggestions concerning the classification of the streams listed may submit them in writing to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments, objections or suggestions may also be submitted electronically to RA-pfbcregulations@pa.gov.

TIMOTHY D. SCHAEFFER,
Executive Director

[Pa.B. Doc. No. 23-1617. Filed for public inspection November 17, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

Alleged Violation of Insurance Laws; Faneshia Green; Doc. No. SC23-11-001

Notice is hereby given of the Order to Show Cause issued on November 7, 2023, by the Deputy Insurance Commissioner of the Commonwealth in the previously referenced matter. Violations of the following are alleged: section 611-A(1), (3), (15) and (20) of The Insurance Department Act of 1921 (40 P.S. § 310.11(1), (3), (15) and (20)).

The respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If the respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—588 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102, ra-hearings@pa.gov.

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, contact Joseph Korman, Agency ADA Coordinator, jkorman@pa.gov, (717) 787-4429.

MICHAEL HUMPHREYS,
Insurance Commissioner

[Pa.B. Doc. No. 23-1618. Filed for public inspection November 17, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

Alleged Violation of Insurance Laws; New Life Agency, Inc.; Doc. No. SC23-11-002

Notice is hereby given of the Order to Show Cause issued on November 7, 2023, by the Deputy Insurance Commissioner of the Commonwealth in the previously referenced matter. Violations of the following are alleged: sections 611-A(20) and 1621(d.1)(1) of The Insurance Department Act of 1921 (40 P.S. §§ 310.11(20) and 991.1621(d.1)(1)).

The respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If the respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—588 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102, ra-hearings@pa.gov.

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, contact Joseph Korman, Agency ADA Coordinator, jkorman@pa.gov, (717) 787-4429.

MICHAEL HUMPHREYS,
Insurance Commissioner

[Pa.B. Doc. No. 23-1619. Filed for public inspection November 17, 2023, 9:00 a.m.]

INSURANCE DEPARTMENT

Guillermo Cruz; Order to Show Cause; Doc. No. SC23-09-017

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law), 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) except as modified by order.

A prehearing telephone conference initiated by this office is scheduled for December 11, 2023, at 11 a.m. Each party will provide the Hearings Administrator a telephone number to be used for the telephone conference on or before December 7, 2023. A date for a hearing shall be determined, if necessary, at the prehearing/settlement conference.

Protests, petitions to intervene or notices of intervention, if any, must be electronically filed on or before November 27, 2023, with the Administrative Hearings Office. The e-mail address to be used for the Administrative Hearings Office is ra-hearings@pa.gov. Answers to protests, petitions to intervene or notices of intervention, if any, will be electronically filed on or before December 7, 2023.

Persons with a disability who wish to attend the previously referenced administrative proceedings and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

MICHAEL HUMPHREYS,
Insurance Commissioner

[Pa.B. Doc. No. 23-1620. Filed for public inspection November 17, 2023, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

Governor's Office

Management Directive No. 315.25—Pennsylvania Personal Income Tax, Amended October 16, 2023.

Management Directive No. 515.21—High School Internships, Amended October 12, 2023.

Administrative Circular No. 23-15—Accounting for Commonwealth Workforce Transformation Program Related Activity in SAP, Dated October 20, 2023.

AMY J. MENDELSON,
Director

Pennsylvania Code and Bulletin

[Pa.B. Doc. No. 23-1621. Filed for public inspection November 17, 2023, 9:00 a.m.]

PATIENT SAFETY AUTHORITY

Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P.S. § 1303.303), announces a meeting of the Authority's Board to be held virtually by means of the Authority's webinar platform Zoom on Thursday, December 7, 2023, at 1 p.m. and is open to the general public.

There will be Zoom capabilities to attend the Board meeting remotely, so registration is required.

Individuals can register by going to <https://us06web.zoom.us/join/joinMeeting/register/tZAvdeqsqT0vE9IZ3i9V4n9SjXqso2xjPpUg>.

After registering, individuals will receive a confirmation e-mail containing information about joining the meeting.

Individuals who are unable to sign in with the previously listed link may dial-in by using the following information:

Meeting ID: 842 2347 6596

Passcode: 6aW49t

One tap mobile:

(646) 558-8656, 842 2347 6596# US (New York)

(646) 931-3860, 842 2347 6596# US (New York)

Dial by individual's location:

(646) 558-8656 US (New York)

(646) 931-3860 US (New York)

(301) 715-8592 US (Washington DC)

(305) 224-1968 US (Miami)

(309) 205-3325 US (Illinois)

(312) 626-6799 US (Chicago)

(564) 217-2000 US (Washington)

(669) 444-9171 US (California)

(689) 278-1000 US (Florida)

(346) 248-7799 US (Houston)

(720) 707-2699 US (Denver)

(253) 215-8782 US (Tacoma)

Meeting ID: 842 2347 6596

Find individual's local number: <https://us06web.zoom.us/join/joinMeeting/register/tZAvdeqsqT0vE9IZ3i9V4n9SjXqso2xjPpUg>

Individuals having questions regarding this meeting, which is open to the public, should contact the Authority at (717) 346-0469.

A closed executive session of the Authority's Board of Directors will be held on December 7, 2023, at 12:30 p.m. by means of Zoom. The purpose of the executive session is for consideration of personnel matters and to engage in nondeliberative informational discussions regarding various actions and matters, which have been approved at previous public meetings.

REGINA M. HOFFMAN, MBA, BSN, RN, CPPS,
Executive Director

[Pa.B. Doc. No. 23-1622. Filed for public inspection November 17, 2023, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

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 (Commission). Formal protests, petitions to intervene and answers must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before December 4, 2023. Filings must be made electronically through eFiling to the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy served on the applicant by December 4, 2023. Individuals can sign up for a free eFiling account with the Secretary of the Commission through the Commission's eFiling system at <https://www.puc.pa.gov/efiling/Default.aspx>. A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Protests may only be filed if there is evidence that the applicant lacks fitness. Protests based on endangering or impairing operations of an existing carrier will not be honored. The documents filed in support of the application are only available for inspection through the Commission's web site at www.puc.pa.gov by searching under the listed docket number as follows or by searching the applicant's web site.

Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

A-2023-3043182. Maabarcare, Inc. (8410 Bustleton Avenue, Apartment G1, Philadelphia, Philadelphia County, PA 19152) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the City and County of Philadelphia, to points in Pennsylvania, and return. *Attorney:* Mark Feinman, Esquire, 8171 Castor Avenue, Philadelphia, PA 19152.

A-2023-3043243. Jare Services, LLC (1912 State Route 940, Freeland, Luzerne County, PA 18224) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, between points in Luzerne County.

A-2023-3043562. Mature Mileage, LLC (501 Cambria Avenue, Suite 199, Bensalem, Bucks County, PA 19020) to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in Delaware County and the City and County of Philadelphia, to points in Pennsylvania, and return.

A-2023-3043652. Healthhaven Enterprises, LLC (4805 Tamar Drive, Harrisburg, Dauphin County, PA 17111) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Cumberland, Dauphin, Lancaster, Lebanon and York, to points in Pennsylvania, and return.

A-2023-3043932. James Marable, t/a Safety First Transportation (1413 Beech Avenue, Elkins Park, Montgomery County, PA 19027) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in Delaware County and the City and County of Philadelphia, to points in Pennsylvania, and return.

A-2023-3043953. Skymed Transit, LLC (268 West Ridge Street, Carlisle, Cumberland County, PA 17013) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Adams, Cumberland, Dauphin, Franklin, Perry and York, to points in Pennsylvania, and return.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 23-1623. Filed for public inspection November 17, 2023, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Formal Complaints

Formal complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due December 14, 2023, and must be made with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Hassana L. Sessoms, t/a A-1 Allentown Taxi/Taxis R US;
Doc. No. C-2023-3040805

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and

Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Hassana L. Sessoms, t/a A-1 Allentown Taxi/Taxis R US, Respondent, maintains its principal place of business at 426 W. Turner Street, Allentown, Lehigh County, Pennsylvania, 18102.

2. That on July 21, 2021, Respondent was served an official warning letter advising to cease operations as a passenger carrier without required PUC authority.

3. That on August 1, 2023, PUC Enforcement Officer Reynaldo Pierluisse was assigned a complaint about the Respondent. A review of documents in PUC files reveals no authority/certificate for the Respondent.

4. That on September 6, 2023, Officer Pierluisse called the Respondents phone number requesting a ride from Park Drive to the intersection of 13th and Chew Streets. Respondent advised that her driver would call for an exact location. At 11:50 am, the driver of a vehicle approached Officer Pierluisse informing the officer that he was here to pick someone up. Officer Pierluisse identified himself and asked the driver, Floyd J. Carter, for his license and vehicle registration. A Driver/Vehicle Compliance Report (DVCR) was completed at that time with several violations noted.

5. Operating without holding a certificate/authority of public convenience for transporting passengers for compensation in the Commonwealth, violating 66 PA § 1101. The penalty for this violation is \$1,000.

6. Officer Pierluisse issued citations to the vehicle driver for violations of Pa Vehicle Code 75 § 1543(a), driving under DUI suspension and 75 PA § 4703(a) operating a vehicle without displaying a valid PA State inspection decal.

Wherefore, the Bureau of Investigation and Enforcement hereby requests that the Commission fine Hassana L. Sessoms, t/a A-1 Allentown Taxi/Taxis R US, the amount of one thousand dollars (\$1,000.00) for the illegal activity described in this Complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,
Andrew Turriziani, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

VERIFICATION

I, Andrew Turriziani, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 12 September 2023

Andrew Turriziani, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the

Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified, and the original shall be mailed to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 400 North Street, 2nd Floor
 Harrisburg, PA 17120

Or you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Bureau of Investigation and Enforcement
 Pennsylvania Public Utility Commission
 400 North Street, 3rd Floor
 Harrisburg, PA 17120

Or, e-mailed to: RA-PCCmplntResp@pa.gov

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty. The penalty could include a fine, the suspension or revocation of your certificate of public convenience or other remedy.

C. You may elect not to contest this complaint by paying the fine proposed in this Complaint by certified check or money order. Payment must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 400 North Street, 2nd Floor
 Harrisburg, PA 17120

D. Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

E. If you file an Answer, which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing a penalty.

F. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 23-1624. Filed for public inspection November 17, 2023, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Transfer Indirect Control

A-2023-3044002. AP VIII Olympus VoteCo, LLC and 46 Labs, LLC. Joint application of AP VIII Olympus VoteCo, LLC and 46 Labs, LLC for authority to transfer indirect control of Hypercube Networks, LLC, f/k/a Intrado Communications, LLC.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before Monday, December 4, 2023. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission by means of eService on the Pennsylvania Public Utility Commission's (Commission) web site at www.puc.pa.gov, or at 400 North Street, 2nd Floor, Harrisburg, PA 17120, with a copy served on the applicant. The documents filed in support of the application are available for inspection on the Commission's web site and at the applicant's business address.

Applicants: AP VIII Olympus VoteCo, LLC; 46 Labs, LLC; Hypercube Networks, LLC, f/k/a Intrado Communications, LLC

Through and By Counsel: Daniel Howard, Chief Legal Officer, 46 Labs, LLC, 1503 East 19th Street, Edmond, OK 73013, (469) 923-6909, Daniel.Howard@46Labs.com; Joe Mullin, Deputy General Counsel, West Technology Group, LLC, 11650 Miracle Hills Drive, Omaha, NE 68154, (402) 716-1225, jcmullin@west.com; Phillip Marchesiello, Wilkinson Barker Knauer, LLP, 1800 M Street NW, Suite 800M, Washington, DC 20036, (202) 383-3343, pmarchesiello@wbklaw.com

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 23-1625. Filed for public inspection November 17, 2023, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

Service of Notice of Motor Carrier Applications in the City of Philadelphia

The following permanent authority application to render service as a common carrier in the City of Philadelphia has been filed with the Philadelphia Parking Authority's (PPA) Taxicab and Limousine Division (TLD). Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority) with the TLD's Office of the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, no later than December 4, 2023. The nonrefundable protest filing fee is \$5,000 payable to the PPA by certified check or money order. The application is available for inspection at the TLD between 9 a.m. and 4 p.m., Monday through Friday (contact TLD Director Peter Carnival at (215) 683-9653 to make an appointment) or may be inspected at the

business addresses of the respective applicants or attorneys, or both.

Doc. No. A-23-11-01. Hibba Trans, Inc. (10 Berbro Avenue, Upper Darby, PA 19082): An application for a medallion taxicab certificate of public convenience to transport, as a common carrier, persons in taxicab service between points within the City of Philadelphia and from

points in the City of Philadelphia to points in Pennsylvania, and return.

RICH LAZER,
Executive Director

[Pa.B. Doc. No. 23-1626. Filed for public inspection November 17, 2023, 9:00 a.m.]
