

**Commonwealth Of Pennsylvania
Before The Environmental Hearing Board**

MOUNTAIN WATERSHED)	EHB Docket No. _____
ASSOCIATION, INC.,)	
)	Electronically Filed
v.)	
)	
COMMONWEALTH OF PENNSYLVANIA,)	
DEPARTMENT OF ENVIRONMENTAL)	
PROTECTION.)	

Notice Of Appeal

**Notice Of Appeal Form
Appeal Information**

1. Name, address, telephone number, and email address (if available) of Appellant:

Mountain Watershed Association, Inc.
P.O. Box 408
Melcroft, PA 15462
724-455-4200

2. Describe the subject of your appeal:

(a) What action of the Department do you seek review?

(NOTE: If you received written notification of the action, you must attach a copy of the action to this form.)

- Issuance of Coal Mining Activity Permit No. 65131301
- Issuance of NPDES Permit No. PA0236241

(b) Which Department official took the action?

Joel Koricich

(c) What is the location of the operation or activity which is the subject of the Department's action (municipality, county)?

Donegal Township, Westmoreland County
Donegal Borough, Westmoreland County
Saltlick Township, Fayette County

(d) How, and on what date, did you receive notice of the Department's action?

Mountain Watershed Association received notice on December 30, 2016 via letter sent through the U.S. Postal Service from the Department.

3. Describe your objections to the Department's action in separate, numbered paragraphs.

(NOTE: The objections may be factual or legal and must be specific. If you fail to state an objection here, you may be barred from raising it later in your appeal. Attach additional sheets if necessary.)

See attached.

4. Specify any related appeal(s) now pending before the Board. If you are aware of any such appeal(s) provide that information.

None.

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Before The Environmental Hearing Board**

Mountain Watershed Association, Inc., Appellant,)	EHB Docket No. _____
)	
)	Electronically Filed
v.)	
)	
Commonwealth Of Pennsylvania, Department Of Environmental Protection,)	
Appellee.)	

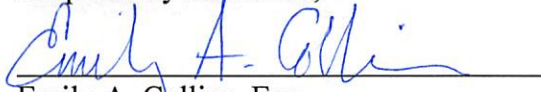
Objections

1. The main laws that govern this appeal are: the Environmental Rights Amendment of the Constitution of the Commonwealth of Pennsylvania, Pa. Const. Art. I, § 27 (“Section 27”); Pennsylvania’s Clean Streams Law, 35 P.S. §§ 691.1-1001 (“Clean Streams Law”), and related regulations found at 25 Pa. Code Chs. 91-96 and 102; Pennsylvania’s Surface Mining Conservation and Reclamation Act, 52 P.S. §§ 1396.1-1396.19b (“PA Mining Law”), and related regulations found at 25 Pa. Code Chs. 86 and 89.
2. Objection #1: DEP authorized mining activity that may cause illicit discharges as a result of inadequate barriers. This action violated Section 27; the PA Mining Law (including but not limited to 25 Pa. Code §§ 86.37 and 89.54); and the Clean Streams Law (including but not limited to 35 P.S. §§ 691.301, 691.307, 691.315, 691.401-402; and 25 Pa. Code §§ 93.3-4 and 93.4a).
3. Objection #2: DEP authorized mining activity without first requiring or conducting an adequate assessment of the risk that the mining activity will cause illicit discharges as a result of inadequate barriers. This action or inaction violated the PA Mining Law (including but not limited to 25 Pa. Code §§ 86.37 and 89.54) and Section 27.

4. Objection #3: DEP authorized mining activity that will cause a discharge from Outfall 003 that will degrade the quality of, and impair the uses of, and otherwise impermissibly harm the receiving stream. This action violated Section 27; the PA Mining Law (including but not limited to 25 Pa. Code §§ 86.37; and the Clean Streams Law (including but not limited to 35 P.S. §§ 691.301, 691.307, 691.315, 691.401-402).
5. Objection #4: DEP failed to deny the permit even though the applicant did not demonstrate that there is no presumptive evidence of potential pollution of the waters of the Commonwealth, where “pollution” means illicit discharges to waters of the Commonwealth. This action or inaction violated Section 27; the PA Mining Law (including but not limited to 25 Pa. Code §§ 86.37) and the Clean Streams Law (including but not limited to 35 P.S. §§ 691.301, 691.307, 691.315, 691.401-402).
6. Objection #5: DEP authorized mining activity without first requiring or conducting an adequate assessment of the risk that noise would be a nuisance to persons who would be in and around the permit area. This action or inaction violates the Administrative Code. 71 P.S. § 510-17(1).

By filing this Notice Of Appeal with the Environmental Hearing Board, the undersigned hereby certifies that the information submitted is true and correct to the best of her information and belief.

Respectfully submitted,


Emily A. Collins, Esq.
PA Bar No. 208990
ecollins@fairshake-els.org

Fair Shake Environmental Legal Services
159 S. Main St., Suite 1030

Akron, OH 44308
(234) 571-1970 office
(330) 319-8856 fax

Patrick Auth, Esq.
PA Bar No. 308895
pauth@fairshake-els.org

Rose Monahan, Esq.
PA Bar No. 322807
rmonahan@fairshake-els.org

Fair Shake Environmental Legal Services
3495 Butler Street, Suite 102
Pittsburgh, PA 15201
(412) 742-4615 office
(412) 291-1197 fax

Dated 01/13/2017

Certificate Of Service

I, the undersigned, certify that a true and correct copy of the foregoing Notice Of Appeal was filed by Electronic Filing with the Pennsylvania Environmental Hearing Board and was served on the following on the date listed, and in the manner indicated, below:

By Electronic Service

Office of Chief Counsel, Litigation Support Unit
Department of Environmental Protection
Commonwealth of Pennsylvania
Attention: Glenda Davidson
16th Floor Rachel Carson State Office Building
400 Market Street, P.O. Box 8464
Harrisburg, PA 17105-8464

By Email (Courtesy Copy)

Michael J. Heilman (mehilman@pa.gov)
Assistant Regional Counsel
Office of Chief Counsel
Department of Environmental Protection
Commonwealth of Pennsylvania
400 Waterfront Drive
Pittsburgh, PA 15222-4745

Respectfully submitted,

s/ Emily A. Collins

Emily A. Collins, Esq.

Bar No. 208990

ecollins@fairshake-els.org

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159 S. Main St., Suite 1030

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