

**Commonwealth of Pennsylvania
Before the Environmental Hearing Board**

Siri Lawson,)	EHB Docket No. _____
Appellant,)	
)	Electronically Filed
v.)	
)	
Commonwealth of Pennsylvania, Department)	
Of Environmental Protection,)	
Appellee.)	

Notice of Appeal



COMMONWEALTH OF PENNSYLVANIA
ENVIRONMENTAL HEARING BOARD

NOTICE OF APPEAL FORM
APPEAL INFORMATION

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

Siri Lawson
P.O. Box 58, Russell, PA 16345
(814) 757-4394

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 brine spreading plan No. NW9517

(b) Which Department official took the action?

Curtis LeSuer

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

Sugar Grove & Farmington Township, Warren County
Kane Hardwood, Kane, PA

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

Ms. Lawson received notice through her undersigned counsel. Undersigned counsel reviewed permit approvals for roadspreading of brine in Farmington Township through eFacts on Ms. Lawson's behalf on June 14, 2017.

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.

NOTICE OF APPEAL FORM

PROOF OF SERVICE

In addition to filing this form with the Environmental Hearing Board, the Appellant *must* certify, by indicating below, how the Notice of Appeal was served on the Department under numbers (1) and (2) below, and where applicable, upon other interested parties indicated by numbers (3) and (4). Failure to do so may result in dismissal of your appeal. Please check the box indicating the method by which you served the following:

- (1) Department of Environmental Protection
Office of Chief Counsel
Attn: April Hain
16th Flr. Rachel Carson State Office Building
400 Market Street, P.O. Box 8464
Harrisburg, PA 17105-8464
- via*
- first class mail, postage pre-paid
 - overnight delivery
 - personal delivery
 - electronic filing

AND

- (2) The officer of the Department who took the action being appealed.
- via*
- first class mail, postage pre-paid
 - overnight delivery
 - personal delivery
 - electronic filing

Note to Attorneys who **electronically file a Notice of Appeal: A copy is automatically served on the Department's Office of Chief Counsel. There is no need for you to independently serve the Department.**

Additionally, if your appeal is from the Department of Environmental Protection's issuance of a permit, license, approval, or certification to another person, you *must* serve the following, as applicable:

- (3) The entity to whom the permit, license, approval, or certification was issued.
- via*
- first class mail, postage pre-paid
 - overnight delivery
 - personal delivery

AND

- (4) Where applicable, any of the following:
- Any affected municipality, its municipal authority, and the proponent of the decision, where applicable, in appeals involving a decision under Sections 5 or 7 of the Sewage Facilities Act, 35 P.S. §§ 750.5, 750.7;
 - The mining company in appeals involving a claim of subsidence damage or water loss under the Bituminous Mine Subsidence and Land Conservation Act, 52 P.S. § 1406.1 et seq.;
 - The well operator in appeals involving a claim of pollution or diminution of a water supply under Section 3218 of the Oil and Gas Act, 58 Pa.C.S. § 3218;
 - The owner or operator of a storage tank in appeals involving a claim of an affected water supply under Section 1303 of the Storage Tank and Spill Prevention Act, 35 P.S. § 6021.1303.

NOTICE OF APPEAL FORM
SIGNATURE PAGE

By filing this Notice of Appeal with the Environmental Hearing Board, I hereby certify that the information submitted is true and correct to the best of my information and belief. Additionally, I certify that a copy of this Notice of Appeal was served upon each of the individuals indicated on Page 2 of this form on the following date: 6 July 2017.

/s/ Rose K. Monahan
Signature of Appellant or Appellant's Counsel

Date: 6 July 2017

If you have authorized counsel to represent you, please supply the following information (*Corporations must be represented by counsel*):

Rose K. Monahan
Attorney Name (Type or Print)

Fair Shake Environmental Legal Services

3495 Butler Street, Suite 102

Pittsburgh, Pennsylvania 15201
Address

Telephone No.: 412-904-1746

Email: rmonahan@fairshake-els.org

TDD users please contact the Pennsylvania Relay Service at 1-800-654-5984. If you require an accommodation or this information in an alternative form, please contact the Secretary to the Board at 717-787-3483.

Please see the attached Filing Instructions for additional information and requirements regarding the filing of this form.

**Commonwealth of Pennsylvania
Before the Environmental Hearing Board**

Siri Lawson, Appellant,)	EHB Docket No. _____
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Commonwealth of Pennsylvania, Department Of Environmental Protection, Appellee.)	
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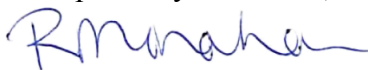
Objections

1. This appeal is governed by 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”); Pennsylvania’s Solid Waste Management Act (“Solid Waste Management Act”); and related regulations found at 25 Pa. Code Chs. 91-96, 102, and 287.
2. Objection #1: DEP approved the discharge of an industrial waste in the form of brine from oil and gas production wells upon dirt roads in Farmington Township which causes or contributes to pollution or creates a danger of pollution to waters of the Commonwealth. Such discharge is not authorized by regulation, rule, or permit. This action violated 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 the spread of brine from oil and gas production wells upon dirt roads in Farmington Township without imposing operating requirements reasonably likely to protect the waters of the Commonwealth from pollution or the danger or pollution. This action or inaction violated Section 27.

4. Objection #3: DEP authorized the spread of brine from oil and gas production wells upon dirt roads in Farmington Township without imposing operating requirements reasonably likely to prevent the deterioration of air quality. This action or inaction violated Section 27.
5. Objection #4: DEP authorized the disposal of residual waste in violation the Solid Waste Management Act's permitting requirements (including but not limited to 35 P.S. §§ 6018.104, 6018.302, 6018.501; and 25 Pa. Code §§ 287.102, 287.9, 287.601).
6. Objection #5: DEP is without authority to issue Roadspreading Approval Plans under Federal or State law, regulations, or rules.

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,



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

Emily A. Collins, Esq.
PA Bar No. 208990
ecollins@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: 6 July 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

Department of Environmental Protection
Office of Chief Counsel
Attn: April Hani
16th Floor Rachel Carson State Office Building
400 Market Street
P.O. Box 8464
Harrisburg, Pennsylvania 17105-8464

By Overnight Mail

Hydro Transport LLC
c/o Sean Strong
P.O. Box 55
Warren, Pennsylvania 16365

Respectfully submitted,



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

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3495 Butler Street, Suite 102
Pittsburgh, PA 15201
(412) 742-4615 (office)
(412) 291-1197 (fax)

Dated: 6 July 2017