



**NOTICE OF APPEAL FORM
APPEAL INFORMATION**

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

East Coventry Advocacy
1355 Old Schuylkill Road
Box 268
Parker Ford, PA 16457

Dorene Pasekoff
75 Creamery Road
Pottstown, PA 19465

2. Describe the subject of your appeal:

(a) What action of the Department do you seek to have the Board review (for example, a permit, license or order issued or denied by the Department, an assessment of a civil penalty or some other determination made by the Department)?

Approval to apply Food Processing Residual

(b) Which Department official took the action (usually the person identified on any written notice that you received)?

To be determined

(c) What is the location of the operation or activity which is the subject of the Department's action (the municipality and/or county where the activity takes place or will take place)?

851 Bethel Church Road
Spring City, PA 19475

970 Ebelhare Road
Pottstown, PA 19465

(d) How, and on what date, did you receive notice of the Department's action? Please specify whether through public notice, a letter or email from the Department, or some other source.

Notice was received on December 12, 2022 after documents were received in response to a request under Pennsylvania's Right to Know Law.

(e) Did you receive written notification of the Department's action (for example, letter, order or permit that you are appealing)? If yes, you **must** attach a copy of the notification to this



Notice of Appeal If you are appealing a permit, you may attach the first page rather than the entire document. In lieu of attaching the document, you may provide a link to notice of the action in the *Pennsylvania Bulletin*. See filing instructions for further instruction.

See E-mail dated October 6, 2022 from Mr. Robert Fogel to State Senator Katie Muth, incorporated herein and attached hereto as Exhibit “A”

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

**NOTICE OF APPEAL FORM
APPEAL INFORMATION, CONT.**

4. Describe your objections to the Department's action in separate, numbered paragraphs. Rather than use the space on this form, you may type your objections on separate paper if you require more space. **NOTE:** The objections may be factual or legal and must be specific. It is important that you include **ALL** your objections in this section. Although you may be able to amend your appeal to add new objections, you may require permission of the Board to do so, and you may not be able to raise omitted objections later in the appeal process.

See Exhibit “B”

**NOTICE OF APPEAL FORM
PROOF OF SERVICE**

In addition to filing this form with the Environmental Hearing Board, the Appellants *must* certify, by indicating below, how the Notice of Appeal was served on the Department under numbers (2) and (3) below, and where applicable, upon other interested parties indicated by numbers (4) and (5). 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) Environmental Hearing Board 2 nd Floor Rachel Carson State Office Bldg. 400 Market St., P.O. Box 8457 Harrisburg, PA 17105-8457	<i>via</i>	<input type="checkbox"/> first class mail, postage paid <input type="checkbox"/> overnight delivery <input type="checkbox"/> personal delivery <input checked="" type="checkbox"/> electronic filing
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(2) Department of Environmental Protection Office of Chief Counsel Attn: Administrative Officer 16 th Floor Rachel Carson State Office Bldg 400 Market Street, P.O. Box 8464 Harrisburg, PA 17105-8464	<i>via</i>	<input type="checkbox"/> first class mail, postage paid <input type="checkbox"/> overnight delivery <input type="checkbox"/> personal delivery <input checked="" type="checkbox"/> electronic filing
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(3) The officer of the Department who took the action being appealed	<i>via</i>	<input type="checkbox"/> first class mail, postage paid <input type="checkbox"/> overnight delivery <input type="checkbox"/> personal delivery <input checked="" type="checkbox"/> electronic filing
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Note to Attorneys who *electronically* file a Notice of Appeal: A copy is automatically served on the Department’s Office of Chief Counsel and officer who took the action. There is no need for you to independently serve the Department.

(4) 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:

The entity to whom the permit, license approval, or certification was issued.	<i>via</i>	<input type="checkbox"/> first class mail, postage paid <input type="checkbox"/> overnight delivery <input type="checkbox"/> personal delivery
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Spring City Acres LLC 1250 Lincoln Road Litiz, PA 17543	<i>via</i>	<input checked="" type="checkbox"/> first class mail, postage paid <input type="checkbox"/> overnight delivery <input type="checkbox"/> personal delivery
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Lloyd Z. Nolt Trucking, Inc. 1301 Lincoln Road Litiz, PA 17543	<i>via</i>	<input checked="" type="checkbox"/> first class mail, postage paid <input type="checkbox"/> overnight delivery <input type="checkbox"/> personal delivery
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(5) Where applicable, you should also serve a copy of your appeal on any of the following:

- In appeals involving a decision under Sections 5 or 7 of the Sewage Facilities Act, 35 P.S. §§ 750.5, 750.7, any affected municipality, its municipal authority, and the proponent of the request, when applicable, and any municipality or municipal authority whose official plan may be affected by a decision of the Board in the appeal.

- A mining company, well operator, or owner or operator of a storage tank in appeals involving a claim of subsidence damage, water loss or contamination.

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 3 of this form on the following date: January 11, 2023.



Signature of Appellants or Appellants' Counsel

Date: January 11, 2023

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

Steven A. Hann, Esq.
William G. Roark, Esq.

Attorney Name (Type or Print)

HRMM&L, PC

375 Morris Road

P.O. Box 1479

Lansdale, PA 19446

Address

Telephone No.: 215-661-0400

Email: shann@hrmml.com and wroark@hrmml.com

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.