

COMMONWEALTH OF PENNSYLVANIA
ENVIRONMENTAL HEARING BOARD

EAST COVENTRY ADVOCACY and :
DORENE PASEKOFF :
v. : EHB Docket No. 2023-008-C
:
COMMONWEALTH OF :
PENNSYLVANIA, DEPARTMENT OF :
ENVIRONMENTAL PROTECTION and :
SPRING CITY ACRES, LLC and :
LLOYD Z NOLE TRUCKING, INC., :
Permittees :

**APPELLANTS' INTERROGATORIES AND REQUESTS FOR PRODUCTION OF
DOCUMENTS DIRECTED TO THE DEPARTMENT**

Appellants, East Coventry Advocacy (hereinafter "ECA") and Dorene Pasekoff (collectedly hereinafter "Appellants") pursuant to 25 Pa. Code § 1021.102 and Pa.R.C.P. 4005, hereby serve upon the Commonwealth of Pennsylvania, Department of Environmental Protection (hereinafter "Department") the following interrogatories and requests for production of documents.

DEFINITIONS

The following definitions apply to these discovery requests and should be used by you in answering the same.

1. APPEAL means the appeal filed by Appellants in the above captioned matter.
2. COMMUNICATION means any act or instance of information being transmitted, including verbal as well as written messages.

3. DEPARTMENT, YOU or YOUR includes the Department, all present and former officers, directors, officials, employees, partners, associates and agents of the Department and any person acting or purporting to act on behalf of the Department.

6. DOCUMENT(S) means any written, printed, typed, graphic or other recorded matter of any kind, however produced or reproduced, whether sent or received or neither, including any non-identical drafts or copies, examples of which include but are not limited to: letters, memoranda, notes, telegrams, e-mails, text messages, cables, telex-messages, transcripts, contracts, studies, charts, minutes, maps, graphs, test results, financial statements, accounts, field logs, desk calendars, appointment books, diaries, photographs, computer discs, microfilms, phonographs and tapes.

7. IDENTIFY, IDENTITY or IDENTIFICATION, when used in reference to a person, means to provide the following information:

- a. full name;
- b. present or last known business affiliation and address and telephone number;
- c. present or last known home address and telephone number;
- d. business affiliation, job title and duties at time in question; and
- e. educational background.

8. IDENTIFY, IDENTITY or IDENTIFICATION, when used in reference to a DOCUMENT, means to provide the following information:

- a. the nature of the DOCUMENT (e.g. letter, contract, memorandum, etc.);
- b. any information which would facilitate the DOCUMENT'S identification (e.g. title, date, file number, etc.);

- c. the name of the author;
- d. a summary of the DOCUMENT'S contents;
- e. the DOCUMENT'S present custodian; and
- f. if the DOCUMENT has been destroyed or is otherwise not available, the

reason for its unavailability and the name and address of its last known custodian;

9. IDENTIFY, IDENTITY or IDENTIFICATION, when used in reference to a COMMUNICATION, means to provide the following information:

- a. its nature (e.g. conference, meeting, telephone call, etc.);
- b. the time and place of its occurrence; and
- c. the person(s) who initiated the COMMUNICATION, and all persons to

whom the information was communicated.

10. SPRING CITY ACRES means the corporate entity Spring City Acres, LLC.

11. SPRING CITY ACRES #1 FARM means the real property located at 851 Bethel Church Road, Spring City, PA 19475.

12. SPRING CITY ACRES #2 FARM means the real property located at 970 Ebelhare Road, Pottstown, PA 19465.

INSTRUCTIONS

1. You are requested to respond to these interrogatories and requests for production of documents under oath and file full and complete verified answers hereto within thirty (30) days after service.

2. If before trial YOU acquire any information responsive to these discovery requests that was not provided in YOUR written answers, YOU must promptly submit such information to Appellant in the form of a supplemental answer.

3. In the event any response to an interrogatory or request for production of documents is limited or conditioned by a claim of privilege, or otherwise, for each such response:

- a. IDENTIFY the information being withheld;
- b. State the basis upon which privilege is claimed, or other basis for withholding the information;
- c. IDENTIFY each person having knowledge of the information being withheld.

4. All definitions provided in the APPEAL are incorporated by reference herein.

**INTERROGATORIES AND REQUEST FOR
PRODUCTION OF DOCUMENTS**

1. Identify the date on which the Department “determined that Spring City Acres can operate under the permit exemption found at 25 PA Code 287.101(b)(2),” as indicated in the Department’s October 6, 2022 e-mail, a copy of which was incorporated in and attached to the Appeal as Exhibit “A.”

2. Identify the individual(s) who “determined that Spring City Acres can operate under the permit exemption found at 25 PA Code 287.101(b)(2),” as indicated in the Department’s October 6, 2022 e-mail, a copy of which was incorporated in and attached to the Appeal as Exhibit “A.”

3. Identify all individuals who were involved in the determination “that Spring City Acres can operate under the permit exemption found at 25 PA Code 287.101(b)(2),” as indicated in the Department’s October 6, 2022 e-mail, a copy of which was incorporated in and attached to the Appeal as Exhibit “A.”

4. Identify all facts on which the individuals identified in your answers to Interrogatory 2 and Interrogatory 3 relied when (s)he “determined that Spring City Acres can operate under the permit exemption found at 25 PA Code 287.101(b)(2),” as indicated in the Department’s October 6, 2022 e-mail, a copy of which was incorporated in and attached to the Appeal as Exhibit “A.”

5. Identify and produce all documents on which the individuals identified in your answers to Interrogatory 2 and Interrogatory 3 relied when they “determined that Spring City Acres can operate under the permit exemption found at 25 PA Code 287.101(b)(2),” as indicated in the

Department's October 6, 2022 e-mail, a copy of which was incorporated in and attached to the Appeal as Exhibit "A."

6. Identify all dates on which the Department inspected the Spring City Acres #1 Farm.

7. Identify all individuals who, on the Department's behalf, inspected the Spring City Acres #1 Farm.

8. Identify and produce all documents memorializing any or all of the inspections identified in your answer to Interrogatory 6.

9. Identify all dates on which the Department inspected the Spring City Acres #2 Farm.

10. Identify all individuals who, on the Department's behalf, inspected the Spring City Acres #2 Farm.

11. Identify and produce all documents memorializing any or all of the inspections identified in your answer to Interrogatory 9.

12. Identify and produce all communications between the Department and any third party(ies) concerning Spring City Acres #1 Farm.

13. Identify and produce all communications between the Department and any third party(ies) concerning Spring City Acres #2 Farm.

14. Identify and produce all communications between the Department and any third party(ies) concerning Nolt Trucking's activity as Spring City Acres #1 Farm.

15. Identify and produce all communications between the Department and any third party(ies) concerning Nolt Trucking's activity as Spring city Acres #2 Farm.

16. Identify and produce all communications between Department personnel concerning the FPR Manual between the dates of January 1, 2020 and the present.

17. Identify and produce any and all training material provided to Department Personnel concerning the FPR Manual.

18. Identify all individuals you expect to call as a witness in this Appeal and, for each, identify the expected topics on which each will testify.

19. Identify all exhibits you intend to use in this Appeal.

20. Identify all individuals you expect to call as an expert witness in this Appeal and, for each, identify the expected topics on which each will testify and provide the most current C.V. available.

Respectfully submitted,

HAMBURG, RUBIN, MULLIN,
MAXWELL & LUPIN

By: 

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Date: January 27, 2023