

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

MARCELLUS SHALE COALITION	:	
	:	
Petitioner,	:	
	:	
v.	:	573 MD 2016
	:	
DEPARTMENT OF ENVIRONMENTAL	:	
PROTECTION OF THE	:	
COMMONWEALTH OF	:	
PENNSYLVANIA AND	:	
ENVIRONMENTAL QUALITY BOARD	:	
OF THE COMMONWEALTH OF	:	
PENNSYLVANIA,	:	
	:	
Respondents.	:	

**STIPULATION FOR SETTLEMENT**

THIS STIPULATION FOR SETTLEMENT (“SETTLEMENT”) is made between the Marcellus Shale Coalition (“MSC”), the Commonwealth of Pennsylvania, Department of Environmental Protection (“Department”), and the Commonwealth of Pennsylvania, Environmental Quality Board (“Board”). The Department, Board and MSC collectively are referred to here as “the Parties.”

1. On October 8, 2016, the Board promulgated 25 Pa. Code Chapter 78a (relating to unconventional wells) by publication in the *Pennsylvania Bulletin*. 46 Pa.B. 6431.

2. On October 13, 2016, MSC filed a Petition for Review in the Nature of a Complaint Seeking Declaratory and Injunctive Relief (“Petition”) against the Department and Board in the Commonwealth Court’s original jurisdiction pursuant at 42 Pa.C.S. Section 761. The Petition sought pre-enforcement review of several specific sections of 25 Pa. Code Chapter 78a outlined in the Petition in Counts I–VII.

3. Over the course of the past four years, the Parties have engaged in discovery and have filed opposing dispositive motions.

4. Following the Commonwealth Court’s decisions on the dispositive motions filed by the Parties, the Parties have participated in settlement negotiations in order to minimize the use of judicial resources and limit the issues that remain in dispute.

5. In a process to continually improve the administration of 25 Pa. Code Chapter 78a for the regulatory community and the citizens of this Commonwealth, notwithstanding this matter, the Department seeks to clarify existing statutory and regulatory requirements in its forms and other documents as well as to review its efficiency and consistency in implementing these existing statutory and regulatory requirements.

6. The MSC seeks regulatory clarity and consistency so that the development of natural gas resources in the Commonwealth provides effective

protection of the environment, health, safety and well-being of the communities in which its members operate.

NOW THEREFORE, after full and complete negotiation of all matters set forth in the appeals filed by MSC in the above captioned matters, the Parties by and through their undersigned counsel, intending to be legally bound, hereby agree to the following:

## **I. General Terms**

A. This Settlement applies to, is binding upon, and inures to the benefit of the Parties, their successors, assigns, and designees, as specifically set forth below.

## **II. Counts I and II**

A. The Parties agree that the purpose of this Settlement is to limit the issues that remain in dispute and that this Settlement is not intended to resolve issues that remain in dispute pertaining to Counts I and II as specifically set forth below.

B. The Parties reserve all rights regarding Count I.

C. The Parties agree that Count II, Paragraphs 45 through 49f of the Petition remain in dispute.

D. The Parties agree that Count II, Paragraphs 46 and 49a remain in dispute and should be decided by the Commonwealth Court only to the extent

these paragraphs challenge the reasonableness of Sections 78a.52a(a), (b), (c)(1)-(2), (c)(4)-(6), (d), (e) and challenge the statutory authority and reasonableness of Sections 78a.52a(c)(3), 78a.73(c) and 78a.73(d).

E. MSC reserves its right to appeal the Commonwealth Court's July 22, 2019 Opinion and Order granting partial summary relief to the Department and the Board as to the statutory authority for 25 Pa. Code Sections 78a.52(a), (b), (c)(1)-(2), (c)(4)-(6), (d) and (e) to the Pennsylvania Supreme Court upon the entry of a final order of the Commonwealth Court disposing of all claims with respect to all counts in this matter.

### **III. Termination of Legal Challenges and Appeals Regarding Counts III-VIII.**

A. The Parties agree to file a Joint Application for Relief in the Commonwealth Court seeking to dismiss Counts III–VIII of the Petition with prejudice and requesting a case management order be issued which is filed concurrently herewith.

B. The Parties waive their respective rights to appeal the July 22, 2019 Opinion and Order to the Pennsylvania Supreme Court as to Counts III-VIII.

### **IV. Program Enhancements**

In a process to continually improve the administration of 25 Pa. Code Chapter 78a for the regulatory community and the citizens of this Commonwealth, notwithstanding this matter, the Department agrees to complete the following

program enhancements. MSC agrees that the following program enhancements clarify existing statutory and regulatory requirements in the Department's forms and other documents. The following agreed upon Oil and Gas Frequently Asked Questions language, set forth in Paragraphs IV. A, B, J, K and O, shall be considered as persuasive by the Department in its interactions with the regulated community and the public until finalized by the Department. The interpretations expressed in Paragraphs IV.A, B, J, K, and O are not an adjudication or a regulation. There is no intent on the part of the Department to give the interpretations in Paragraphs IV. A, B, J, K, and O that weight or deference. The interpretations expressed in Paragraphs IV. A, B, J, K, and O provide a framework within which the Department will exercise administrative discretion in the future. The Department reserves the discretion to deviate from the interpretations if circumstances warrant.

*Onsite Processing*

A. As soon as possible, and no later than six (6) months after the entry of an order of the Commonwealth Court dismissing Counts III-VIII, the Department will post the following question and answer on the Department's "Oil and Gas Frequently Asked Questions" web page under "78a.58 Onsite processing":

Question: When should operators use "Request for Approval of Alternative Waste Management Practices (Unconventional Operations Only)," Document No. 8000-PM-OOGM0071aU, or "Request for Approval of

Previously Approved Alternative Waste Management Practices (Unconventional Operations Only)," Document No. 8000-PM-OOGM0071bU?

Answer: Section 3273.1(a) of the 2012 Oil and Gas Act, 58 Pa.C.S. § 3273.1, provides for a limited exemption from the obligation to obtain a permit and post a bond under the Solid Waste Management Act for methods or facilities used for the disposal, processing or storage of residual waste generated by drilling or production of oil and gas wells which is located on the well site. OOGM developed the OOGM0071aU and OOGM0071bU forms to facilitate the review and approval of waste management practices on well sites that fall within the scope of this provision and for waste management practices employed in any manner other than provided in 25 Pa. Code §§ 78a.56–58, 78a.59b, 78a.59c and 78a.60–78a.63. Unconventional operators should use this form for:

- (1) disposing, storing, treating or processing residual waste generated by an unconventional well at the well site where that residual waste was generated; or,
- (2) processing fluids generated by the development, drilling, stimulation, alteration, operation or plugging of unconventional wells at the well site where those fluids were generated; or,
- (3) processing fluids generated by the development, drilling, stimulation, alteration, operation or plugging of unconventional wells at the well site where all of the fluids are intended to be beneficially used to develop, drill or stimulate a well at that well site; or
- (4) storing, treating or processing mine-influenced water at the well site where all of the mine-influenced water is intended to be beneficially used to develop, drill or stimulate a well at that well site.

If approval is granted under this request, the applicant does not have an obligation to obtain a permit or post a bond under the Solid Waste Management Act in addition to the permit and bond required under the 2012 Oil and Gas Act.

B. As soon as possible, and no later than twelve (12) months after the entry of an order of the Commonwealth Court dismissing Counts III-VIII, the Department will amend “Request for Approval of Alternative Waste Management Practices (Unconventional Operations Only),” Document No. 8000-PM-OOGM0071aU, and “Request for Approval of Previously Approved Alternative Waste Management Practices (Unconventional Operations Only),” Document No. 8000-PM-OOGM0071bU, and associated instructions to add the following:

NOTE: This form is used to obtain approval from the Office of Oil and Gas Management for:

- (1) disposing, storing, treating or processing residual waste generated by an unconventional well at the well site where that residual waste was generated; or,
- (2) processing fluids generated by the development, drilling, stimulation, alteration, operation or plugging of unconventional wells at the well site where those fluids were generated; or,
- (3) processing fluids generated by the development, drilling, stimulation, alteration, operation or plugging of unconventional wells at the well site where all of the fluids are intended to be beneficially used to develop, drill or stimulate a well at that well site; or
- (4) storing, treating or processing mine-influenced water at the well site where all of the mine-influenced water

is intended to be beneficially used to develop, drill or stimulate a well at that well site.

If approval is granted under this request, the applicant does not have an obligation to obtain a permit or post a bond under the Solid Waste Management Act in addition to the permit and bond required under the 2012 Oil and Gas Act.

C. The Department agrees, as it deems appropriate, to include the additions to the forms and “78a.58 Onsite processing” frequently asked questions referenced in Paragraphs IV.A and IV.B to any future trainings or other documents addressing how DEP implements 25 Pa. Code § 78a.58.

*Well Development Impoundments*

D. As soon as possible, and no later than twelve (12) months after the entry of an order of the Commonwealth Court dismissing Counts III-VIII, the Department will develop a form for well owners or operators to submit requests to deviate from the impoundment embankment requirements in 25 Pa. Code § 78a.59a(a) in accordance with 25 Pa. Code § 78a.59a(b).

*Centralized Impoundments*

E. The Department will accept and review complete applications to re-permit centralized impoundments that operators were using as of October 8, 2016 (“Existing Centralized Impoundments”) in accordance with 25 Pa. Code Section 78a.59c(a) which required operators to close those impoundments or obtain

permits in accordance with Subpart D, Article IX. The Department interprets Subpart D, Article IX to require a permit for Existing Centralized Impoundments under 25 Pa. Code Chapter 299 (relating to storage and transportation of residual waste).

F. Simultaneously with filing the Joint Request for Dismissal of Counts III-VIII, the Parties agree to file a Joint Application for Relief requesting clarification of the compliance deadlines in 25 Pa. Code Section 78a.59c(a) for Existing Centralized Impoundments.

G. Within four (4) weeks upon the entry of an order of the Commonwealth Court clarifying the compliance deadlines set forth in 25 Pa. Code Section 78a.59c(a), the Department will notify unconventional operators, in writing, of the clarified compliance deadlines and that owners of Existing Centralized Impoundments may use the Department's Permit Application Consultation Tool to commence the re-permitting process referenced in Paragraph IV.E above. The Department shall also notify such owners that they should contact the Program Manager for the Division of Municipal and Residual Waste in the Department's Bureau of Waste Management, Ali Tarquino Morris at 717-783-2630 or [altarquino@pa.gov](mailto:altarquino@pa.gov) to discuss the re-permitting process for Existing Centralized Impoundments.

*Well Site Restoration*

H. Within four (4) weeks after the entry of an order of the Commonwealth Court dismissing Counts III-VIII, MSC agrees to notify MSC members in writing that MSC's member organizations should provide to DEP in Notices of Intent for Coverage under ESCGP an explanation, including a detailed, logical description, of the reasons areas on the well site are needed to safely operate the well after post-drilling restoration.

I. Within six (6) months after the entry of an order of the Commonwealth Court dismissing Counts III-VIII, the Department may develop a question and answer on the Department's "Oil and Gas Frequently Asked Questions" web page under "78a.65 Site Restoration" to specify that Notices of Intent for Coverage under ESCGP should include an explanation, including a detailed, logical description, of the reasons areas on the well site are needed to safely operate the well after post-drilling restoration.

J. As soon as possible, and no later than six (6) months after the entry of an order of the Commonwealth Court dismissing Counts III-VIII, the Department will post the following question and answer on the Department's "Oil and Gas Frequently Asked Questions" web page under "78a.65 Site Restoration":

Question: What areas of the well site constitute “areas needed to safely operate the well” for purposes of site restoration in accordance with 25 Pa. Code § 78a.65?

Answer: The list provided in 25 Pa. Code § 78a.65(a)(1)(iv) is not an exclusive or exhaustive list of areas needed to safely operate a well. Other areas may include, but are not limited to:

- (1) Areas used for a guard shack or security.
- (2) Areas used for service vehicle and rig access, maneuverability and staging.
- (3) Areas needed to accommodate rapid response equipment and activities in the event of an accident, fire, well control incident, or major spill.
- (4) Areas of sufficient size to accommodate equipment spacing for fire safety.

K. As soon as possible, and no later than six (6) months after the entry of an order of the Commonwealth Court dismissing Counts III-VIII, the Department will post the following question and answer on the Department’s “Oil and Gas Frequently Asked Questions” web page under “78a.65 Site Restoration”:

Question: Are operators required to restore well sites to approximately original conditions?

Answer: On July 22, 2019, the Commonwealth Court issued an order declaring the following when the restoration period is unextended, “Subsection (b) of 25 Pa. Code § 78a.65 is hereby declared VOID and UNENFORCEABLE to the extent that it required post-drilling site restoration within the statutory 9-month period to approximate original conditions/contours.” *Marcellus*

*Shale Coalition v. DEP*, 216 A.3d 448, 503 (Pa. Cmwlth. 2019).

As a result, operators who restore the well site within the statutory 9-month period are not required to comply with the approximate original conditions requirement in Section 78a.65(b). However, operators seeking an extension of the restoration period in accordance with Section 78a.65(c) must demonstrate “that the portions of the well site not occupied by production facilities or equipment will be returned to approximate original conditions.”

L. As soon as possible, and no later than twelve (12) months after the entry of an order of the Commonwealth Court dismissing Counts III-VIII, the Department will amend Section H.f., on page 12 of “Notice of Intent (NOI) For Coverage Under the Erosion and Sediment Control General Permit (ESCGP-3) for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing, or Treatment Operations or Transmission Facilities,” Document No. 800-PM-OOGM0006 (Notice of Intent), to add “not applicable” under the “Volume of stormwater treated” under “Restore Site to Meadow in Good Condition or Better, or Existing Conditions.” The Department will similarly amend the ESCGP e-Permitting system As soon as possible, and no later than twenty-four (24) months after the entry of an order of the Commonwealth Court dismissing Counts III-VIII.

M. The Department agrees, as it deems appropriate, to provide training and update other applicable documents to include information related to “areas

necessary to safely operate the well” as referenced in Paragraphs IV.I-J, the information related to “approximate original conditions” as referenced in Paragraph IV.K, and the NOI changes as referenced in Paragraph IV.L.

*Spill Remediation*

N. As soon as possible, and no later than twelve (12) months after the entry of an order of the Commonwealth Court dismissing Counts III-VIII, the Department will revise the oil and gas compliance database on its website to inform the public when multiple citations included in notices of violation are issued for a single incident.

O. As soon as possible, and no later than six (6) months after the entry of an order of the Commonwealth Court dismissing Counts III-VIII, the Department will post the following questions and answers on the Department’s “Oil and Gas Frequently Asked Questions” web page under “78a.66 Reporting and Remediating Spills and Releases.”

Question: If an operator submits its final report demonstrating attainment of the applicable standard within 90 days, does the operator have to submit a site characterization report (§ 78a.66(c)(2)(iii)), a remedial action plan (§ 78a.66(c)(2)(v)) or remedial action completion report (§ 78a.66(c)(2)(vi))?

Answer: Section 78a.66(2)(iv) provides: “The report under subparagraph (iii) may be considered to be a final remedial action completion report if the interim remedial actions meet all of the requirements of an Act 2 cleanup standard.” Therefore, the operator or responsible party

need not submit a site characterization report (§ 78a.66(c)(2)(iii)), a remedial action plan (§ 78a.66(c)(2)(v)) or remedial action completion report (§ 78a.66(c)(2)(vi)) if the site characterization is complete and the interim remedial actions address the contamination. This may be done before the 180-day timeframe for site characterization is completed.

**Question:** Is remediation completed under 25 Pa. Code § 78a.66 eligible for cleanup protection under Chapter 5 of Act 2?

**Answer:** For spills and releases to the ground of greater than or equal to 42 gallons or that pollute or threaten to pollute waters of the Commonwealth, the operator or other responsible person must demonstrate attainment of one or more of the standards established by Act 2 or Chapter 250. The ultimate release of liability will be dependent upon demonstration of attainment of Act 2 Standards, including supporting documentation of any required reports such as initial report, interim remedial action, site characterization, remedial action plan and final remedial action completion report. *See* 35 P.S. § 6026.301(a).

**Question:** Will public notice be required?

**Answer:** Public notification to the municipality and the public via the newspaper notice, and publication in the Pennsylvania Bulletin are not required for background or Statewide health standard remediations if the final report demonstrating attainment of the standard is submitted within 90 days of the release.

### *Waste Reporting*

P. As soon as possible, and no later than twelve (12) months after the entry of an order of the Commonwealth Court dismissing Counts III-VIII, the Department agrees to revise its waste reporting forms to minimize to the extent

possible the duplication of specific reporting obligations under the Solid Waste Management Act and 25 Pa. Code § 287.54, including Form 26R. This settlement shall not relieve the operator from the requirement to comply with the analytical requirements of 25 Pa. Code § 287.54.

## **V. Modification**

A. No changes, additions, modifications, or amendments to this Settlement shall be effective unless they are set forth in writing and signed by all parties thereto.

## **VI. Agency Discretion**

A. Nothing in this Settlement shall be construed to limit or modify the discretion accorded the Department by the applicable law or general principles of administrative law except for the specific agreements contained to in this Settlement. Nothing in this Settlement shall be construed to limit or modify the Board's discretion to promulgate any superseding regulations.

## **VII. Use of this Settlement**

A. No Admission. Nothing in this Settlement shall constitute an admission of evidence of any fact, wrongdoing, misconduct, or liability on the part of the Department, Board, Commonwealth of Pennsylvania, or MSC. The provisions of this Settlement shall not be admissible in any action, except in an action by any Party seeking to enforce this Settlement.

B. Complete Agreement. Except as otherwise provided herein with regard to Counts I and II, this Settlement constitutes the final, complete and exclusive agreement and understanding between the Parties on Counts III–VIII of the Petition. There are no representations, agreements or understandings relating to the matters raised in MSC’s Petition other than those expressly contained in this Settlement. No prior or contemporaneous communication or prior drafts shall be relevant or admissible for purposes of determining the meaning or extent of any provision herein in any litigation or other proceeding.

C. Nothing set forth in this Settlement is intended, nor shall be construed, to relieve or limit the Parties’ obligations, including each member of the MSC, to comply with any existing or subsequent statute, regulation, permit or order. Nothing in this Settlement is intended, nor shall be construed, to authorize any violation of any statute, regulation, order, or permit issued or administered by the Department.

D. No Waiver of Rights. Except for the specific agreements contained in this Settlement, the Parties specifically reserve all rights to institute equitable, administrative or civil proceedings. Except for the specific agreements contained in the Settlement, the Department specifically reserves all rights to institute equitable, administrative, civil and criminal action, for any past, present or future

violation of any statute, regulation, permit or order, or for any pollution or potential pollution to the air, land or waters of the Commonwealth.

### **VIII. Attorney's Fees and Costs**

A. Attorney Fees. The Parties shall bear their respective attorney fees, expenses and other costs associated with the above-captioned matter, including the execution of this Settlement.

B. Execution. This Settlement may be signed in counterparts, each of which shall be deemed to be an original and all of which together constitute one and the same instrument. An electronic scanned signature shall be valid and effective.

### **IX. Stipulated Order**

A. The Parties stipulate to the entry of the case management order attached to the Application for Relief in the Commonwealth Court seeking to dismiss Counts III–VIII of the Petition with prejudice filed concurrently herewith, if satisfactory to the Commonwealth Court:

IN WITNESS WHEREOF, the Parties hereto have caused this Settlement to be executed by their duly authorized representatives. The undersigned representatives of the Parties certify under penalty of law, as provided in 18 Pa.C.S. Section 4904, that they are authorized to execute the Settlement on behalf of the Parties, and that the parties hereby knowingly waive their right to appeal this

Settlement and to challenge its content or validity, which rights may be available under law. Signature for attorneys for the parties only certify that the agreement has been signed after consulting with counsel.

FOR THE MARCELLUS SHALE COALITION:

/s/ David J. Spigelmeyer  
David J. Spigelmeyer  
President

FOR THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF ENVIRONMENTAL PROTECTION:

/s/ Scott R. Perry  
Scott R. Perry  
Deputy Secretary for  
Office of Oil and Gas Management

/s/ Jean M. Mosites  
Jean M. Mosites  
BABST, CALLAND, CLEMENTS AND ZOMNIR, P.C.  
Counsel for The Marcellus Shale Coalition

/s/ Nels J. Taber  
Nels J. Taber  
Senior Litigation Counsel

FOR THE COMMONWEALTH OF PENNSYLVANIA,  
ENVIRONMENTAL QUALITY BOARD:

/s/ Patrick McDonnell  
Patrick McDonnell  
Chairman

/s/ Robert A. Reiley  
Robert A. Reiley  
Counsel for the Environmental Quality Board

December 8, 2020

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

The Marcellus Shale Coalition, : 573 MD 2016  
Petitioner :  
v. :  
Department of Environmental Protection :  
of the Commonwealth of Pennsylvania :  
and Environmental Quality Board of the :  
Commonwealth of Pennsylvania, :  
Respondents

**PROOF OF SERVICE**

I hereby certify that this 8th day of December, 2020, I have served the attached document(s) to the persons on the date(s) and in the manner(s) stated below, which service satisfies the requirements of Pa.R.A.P. 121:

**Service**

Served:	Daniel Patrick Hido
Service Method:	eService
Email:	dhido@babstcalland.com
Service Date:	12/8/2020
Address:	603 Stanwix Street Two Gateway Center, Sixth Floor Pittsburgh, PA 15222
Phone:	412--39-4-6580
Representing:	Petitioner The Marcellus Shale Coalition
Served:	Elizabeth A. Davis
Service Method:	eService
Email:	elnolan@pa.gov
Service Date:	12/8/2020
Address:	400 Market Street Harrisburg, PA 17101
Phone:	717--78-7-9373
Representing:	Respondent Department of Environmental Protection of the Commonwealth of Pennsylvania Respondent Environmental Quality Board of the Commonwealth of Pennsylvania

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

**PROOF OF SERVICE**

*(Continued)*

Served:	Jean M. Mosites
Service Method:	eService
Email:	jmosites@babstcalland.com
Service Date:	12/8/2020
Address:	Two Gateway Center Sixth Floor Pittsburgh, PR 15222
Phone:	412--39-4-6468
Representing:	Petitioner The Marcellus Shale Coalition
Served:	Kevin J. Garber
Service Method:	eService
Email:	kgarber@babstcalland.com
Service Date:	12/8/2020
Address:	603 Stanwix Street Two gateway Center, 6th Floor Pittsburgh, PA 15222
Phone:	412--39-4-5404
Representing:	Petitioner The Marcellus Shale Coalition
Served:	Michael Adam Braymer
Service Method:	eService
Email:	mbraymer@pa.gov
Service Date:	12/8/2020
Address:	230 Chestnut St Meadville, PA 16335
Phone:	(814) -332-6070
Representing:	Respondent Department of Environmental Protection of the Commonwealth of Pennsylvania Respondent Environmental Quality Board of the Commonwealth of Pennsylvania
Served:	Robert Anthony Reiley
Service Method:	eService
Email:	rreiley@pa.gov
Service Date:	12/8/2020
Address:	PA Dept of Env Protection 400 Market St, 9th Floor Harrisburg, PA 17101-2301
Phone:	717--78-7-7061
Representing:	Respondent Department of Environmental Protection of the Commonwealth of Pennsylvania Respondent Environmental Quality Board of the Commonwealth of Pennsylvania

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

**PROOF OF SERVICE**

*(Continued)*

**Courtesy Copy**

Served:	Charles McPhedran
Service Method:	eService
Email:	cmcphedran@earthjustice.org
Service Date:	12/8/2020
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Representing:	Amicus Curiae  Damascus Citizens for Sustainability, Inc. Amicus Curiae  Earthworks
Served:	John J. Zimmerman
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Email:	zimmermanjj@verizon.net
Service Date:	12/8/2020
Address:	240-912-6685
Phone:	Amicus Curiae  Damascus Citizens for Sustainability, Inc.
Representing:	Amicus Curiae  Damascus Citizens for Sustainability, Inc.
Served:	Ryan Edward Hamilton
Service Method:	eService
Email:	hamilton.ryan08@gmail.com
Service Date:	12/8/2020
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Phone:	610-737-8900
Representing:	Amicus Curiae  Sierra Club

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

/s/ Nels Jahn Taber

*(Signature of Person Serving)*

Person Serving: Taber, Nels Jahn  
Attorney Registration No: 044486  
Law Firm: Pennsylvania Department of Environmental Protection  
Address: PA Dep Ofc of Chief Cnsl  
909 Elmerton Ave  
Harrisburg, PA 171108200  
Representing: Respondent Department of Environmental Protection of the Commonwealth of Pennsylvania