

<h2 style="margin: 0;">Regulatory Analysis Form</h2> <p style="margin: 0;">(Completed by Promulgating Agency)</p> <p style="margin: 0; font-size: small;">(All Comments submitted on this regulation will appear on IRRC's website)</p>	<p style="margin: 0; font-weight: bold; font-size: small;">INDEPENDENT REGULATORY REVIEW COMMISSION</p> <div style="border: 1px solid black; padding: 5px; margin: 5px auto; width: 80%;"> <p style="margin: 0; font-size: x-large; font-weight: bold;">APR 6 2021</p> <p style="margin: 0; font-size: small;">Independent Regulatory Review Commission</p> </div> <p style="margin: 0; font-size: x-large; font-weight: bold;">IRRC Number: 3301</p>
<p>(1) Agency Environmental Hearing Board</p>	
<p>(2) Agency Number: 106 Identification Number: 106-13</p>	
<p>(3) PA Code Cite: 25 Pa. Code Chapter 1021</p>	
<p>(4) Short Title: Environmental Hearing Board Rules of Practice and Procedure</p>	
<p>(5) Agency Contacts (List Telephone Number and Email Address): Primary Contact: Maryanne Wesdock, 412-565-5245, mwesdock@pa.gov Secondary Contact: Christopher Minott, 717-787-3483, cminott@pa.gov</p>	
<p>(6) Type of Rulemaking (check applicable box):</p> <p><input checked="" type="checkbox"/> Proposed Regulation</p> <p><input type="checkbox"/> Final Regulation</p> <p><input type="checkbox"/> Final Omitted Regulation</p>	<p><input type="checkbox"/> Emergency Certification Regulation;</p> <p><input type="checkbox"/> Certification by the Governor</p> <p><input type="checkbox"/> Certification by the Attorney General</p>
<p>(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)</p> <p>The Environmental Hearing Board (Board) proposes to revise 25 Pa. Code Chapter 1021 (relating to practice and procedures) by revising and adding new procedural rules.</p> <p>The proposed procedural rules have the following objectives:</p> <ol style="list-style-type: none"> (1) To provide the regulated community, the Department of Environmental Protection (Department) and anyone who wishes to challenge an action of the Department with more specific guidance on how to represent their interests before the Board. (2) To improve the rules of practice and procedure before the Board. <p>The revisions address the following topics: representation by an out of state attorney on a motion <i>pro hac vice</i>; format of documents filed electronically; calculation of time for purposes of service; signature on a notice of appeal by an appellant not represented by an attorney; procedure for requesting leave to file an appeal <i>nunc pro tunc</i> and for responding to a request for <i>nunc pro tunc</i> relief; providing a table of contents in post-hearing briefs and summary judgment briefs over 30 pages; clarification of what information should be included in a mediator's report; and correction of an incorrect citation.</p>	

(8) State the statutory authority for the regulation. Include specific statutory citation.

The Board is authorized by subsection 5 (c) of the Environmental Hearing Board Act, 35 P.S. § 7515(c), to promulgate rules and regulations relating to practice and procedure. This subsection states, "Regulations under this subsection shall be promulgated by the board upon a majority affirmative vote on the recommended regulations."

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

No.

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

The revisions were recommended by the Board's Rules Committee which consists of nine experienced environmental practitioners who appear before the Board. The members of the Rules Committee are appointed by the Governor (2 appointments), the Secretary of the Department of Environmental Protection (2 appointments), the Majority Leader of the Pennsylvania Senate (1 appointment), the Minority Leader of the Senate (1 appointment), the Pennsylvania Speaker of the House (1 appointment), the Minority Leader of the House (1 appointment), and the Department of Environmental Protection Citizens Advisory Council (1 appointment). The revisions were recommended in order to clarify the Board's rules and to improve practice before the Board. The proposed amendments will benefit all litigants who appear before the Board, including private practitioners, Commonwealth attorneys, and *pro se* appellants, by clarifying existing Board rules of practice.

There are no quantifiable "benefits." The rules are procedural, not substantive. The "benefit" of revising the Board's rules is to ensure that the rules are clear, helpful and understandable to all parties who practice before the Board. For example, one rule that is being revised is Section 1021.53a which states that the Board may grant leave for the filing of an appeal *nunc pro tunc*. The proposed revisions to the rule explain the procedure for seeking leave to appeal *nunc pro tunc* and for responding to the petition to appeal *nunc pro tunc*.

There is no set number of litigants who appear before the Board. However, 1,246 attorneys are registered to file electronically with the Board and all of those attorneys will benefit from having rules of procedure that are clear and understandable. Since electronic filing is mandatory in most instances, the number of attorneys registered for electronic filing provides an accurate estimate of the number of persons who will benefit from a comprehensive set of rules of practice and procedure before the Board.

The Board's rules are comparable to the Pennsylvania Rules of Civil Procedure. Just as there is no certain way to determine how many attorneys will "benefit" from the Pa. Rules of Civil Procedure, there is no certain way to determine how many attorneys will "benefit" from the Board's Rules of Practice and Procedure. However, there is certainty in saying that any attorney or *pro se* litigant who appears before the Board will benefit from having a set of procedural rules that explain and clarify the procedure to be followed throughout the proceeding.

(11) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

No.

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?

The Environmental Hearing Board and the Rules Committee have looked to the Pennsylvania Rules of Civil Procedure, General Rules of Practice and Procedure, and local rules of various courts of common pleas for guidance in drafting its rules. Examining the procedural rules of other Pennsylvania courts has been helpful in crafting procedural rules dealing with Pennsylvania practice. Where rules exist in other states, they are not relevant to Pennsylvania practice and may not be comparable. The Rules Committee has found that the Pennsylvania Rules of Civil Procedure provide the best guidance. In some cases, local rules of county common pleas courts have provided a helpful model. For example, in developing the *nunc pro tunc* rule at 25 Pa. Code section 1021.53a, the Rules Committee relied heavily on the Chester County Court of Common Pleas local rule on *nunc pro tunc* procedure because it provided a comprehensive and detailed procedure for filing and responding to a petition *nunc pro tunc*.

These revisions to the Board's rules will in no way place Pennsylvania at a competitive disadvantage with other states. The Board is the statutorily-created body for hearing appeals of actions of the Pennsylvania Department of Environmental Protection. The Board's jurisdiction is set forth in Section 7514 of the Environmental Hearing Board Act, 35 P.S. §§ 7511-7516, at § 7514, which states that the Board has the power and duty to hold hearings and issue adjudications on orders, permits, licenses or decisions of the Department of Environmental Protection (DEP). Most of the statutes enforced and administered by the DEP provide that the proper forum to hear appeals of DEP actions is the Environmental Hearing Board. The proposed rule revisions contained in this rules package serve to clarify practice before the Environmental Hearing Board.

It is important to keep in mind that these are procedural rules, i.e. rules of court, such as when to file a document, the format for filing a document electronically, the procedure for asking the Board to consider a late-filed appeal. They place no additional burden on regulated industry or require any specific action on the part of the regulated community. Amendments to the Board's rules are enacted for the purpose of simplifying and clarifying the process of appearing before the Board. The rules generally come about as the result of someone identifying an area of the rules that needs clarification, including the Board judges or attorneys, a member of the Rules Committee, a member of the Pennsylvania environmental bar, or a member of the public.

(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

The regulations do not affect the regulations of any other state agencies. Where the regulations affect other regulations of the Environmental Hearing Board, those regulations have been so revised and are contained in this rulemaking.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

The proposed regulations are based on the recommendations of the Environmental Hearing Board Rules Committee (Rules Committee), a nine-member advisory committee established by Section 5(a) of the Environmental Hearing Board Act, 35 P.S. § 7515(a). The Rules Committee is comprised of attorneys from both the public and private sectors appointed by the Governor, the majority and minority leadership of the House and Senate, the Secretary of the Department of Environmental Protection and the Citizens Advisory Council. Public participation in the Rules Committee meetings is encouraged and the meetings receive sunshine notice according to law. The minutes of the Rules Committee meetings are found on the Board's website at <https://ehb.courtapps.com/public/rulesCommitteeMinutes.php>. They are electronically available beginning with the January 13, 2000 meeting and continue to the present. The minutes are extremely detailed and contain extensive information for the environmental bar that

practices before the Board, as well as the public.

The Rules Committee makes great efforts to communicate with and solicit input from the regulated community and the environmental bar. At the annual Pennsylvania Bar Institute Environmental Law Forum, both the Judges of the Environmental Hearing Board and the Chairman of the Rules Committee discuss proposed regulations and solicit input from attendees, who consist of members of the Pennsylvania environmental bar and who represent all facets of parties who appear before the Board, individual appellants, citizen groups, businesses and the Department of Environmental Protection. The Board Judges and Rules Committee Chairman also present programs at various county bar associations where input on proposed rules is solicited. Additionally, input is solicited from the environmental bar by means of the Pennsylvania Bar Association Environmental and Energy Law Section (EELS), which holds monthly council meetings and biannual Section meetings, operates a listserv and publishes a quarterly newsletter. The Board's liaison to the Rules Committee participates in all of the EELS activities and events, and the Board Judges and Rules Committee Chairman and members are frequent participants. EELS members are notified of upcoming Rules Committee meetings.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

It is difficult to quantify the number of persons, businesses, small businesses and organizations that will be affected. Anyone who is a litigant before the Environmental Hearing Board will be affected by the regulations. This includes the Department of Environmental Protection, the regulated community and citizens groups, and any member of the public who appeals an action of the Department of Environmental Protection. Any Commonwealth agency that appeals or joins in an action taken by the Department of Environmental Protection will also be affected by the regulations.

Last year, 161 appeals were filed with the Board. In the previous year, 128 appeals were filed. In each appeal there is at least one appellant and the Department of Environmental Protection, which is always a party. In many cases, there is also a third party, who is the holder of a permit that is being challenged. In some cases, there may be intervenors.

All of these persons are affected by any revision to the Rules of Practice and Procedure, just as any litigant who appears before a Pennsylvania Court of Common Pleas is affected by revisions to the Pennsylvania Rules of Civil Procedure.

1,246 attorneys are registered for electronic filing with the Board. Since electronic filing is mandatory in most instances, this provides a good estimate of the number of attorneys who will be affected by revisions to the Board's rules of procedure.

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

Same as answer to question 15. All parties listed in the response to question 15 will be required to comply with the Environmental Hearing Board's Rules of Practice and Procedure.

As explained in the response to question 15, this number cannot be quantified, but can only be based on the number of appeals filed with the Board each year and the number of attorneys who are registered for electronic filing. That said, it must be emphasized that these rules, like many of the Board's rules, may not be relevant in individual cases. One example is the *nunc pro tunc* rule (25 Pa. Code § 1021.53a) that the Board is seeking to revise in this rules package. Based on research by a Rules Committee member, from 2010 to 2017 the Board ruled on 21 petitions to appeal *nunc pro tunc*. (On May 27, 2020, the Board issued another Opinion ruling on a petition to appeal *nunc pro tunc*, which now brings the total to 22.) For those cases where a petition to appeal *nunc pro tunc* is necessary, the revisions to Section 1021.53a will be extremely helpful to the attorneys involved in those cases. However, the revisions to Section 1021.53a will not affect the vast majority of cases filed with the Board.

Again, it should be emphasized that the revisions pertain to procedural rules; they do not cover substantive areas of law.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

The amendments will have no measurable financial, economic or social impact on individuals, small businesses, businesses, labor communities or other public and private organizations. Nevertheless, these straightforward and common-sense rules should make practice before the Board clearer and subsequently less costly. For example, with the revision to 25 Pa. Code § 1021.53a, parties will know what they need to set forth in a petition to appeal *nunc pro tunc* and how to fashion a response to such a petition. Additionally, the simple addition of a table of contents to post hearing briefs and lengthy summary judgment motions, pursuant to the revisions to 25 Pa. Code §§ 1021.94a and 1021.131, will greatly benefit not only the parties and their counsel, but also the Board.

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

Clarifications to the Board's electronic filing regulations will make the electronic filing system more efficient and user-friendly for practitioners. Amendments that add clarification to the initial appeal process before the Board will help practitioners avoid procedural mistakes when initiating appeals, serving parties, and filing documents. Changes to the Board's filing and service rules, *nunc pro tunc* rule and termination rule could reduce the need for litigation over uncertainties in the rules. There are no adverse effects of the proposed regulation.

(19) Provide a specific estimate of the costs and/or savings to the **regulated community** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

There will be no costs or savings to the regulated community.

(20) Provide a specific estimate of the costs and/or savings to the **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

There will be no costs or savings to local governments.

(21) Provide a specific estimate of the costs and/or savings to the **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

There will be no costs or savings to state government.

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

N/A – No legal, accounting or consulting procedures, reporting or recordkeeping is required.

(22a) Are forms required for implementation of the regulation?

No forms are required.

(22b) If forms are required for implementation of the regulation, **attach copies of the forms here**. If your agency uses electronic forms, provide links to each form or a detailed description of the information

required to be reported. Failure to attach forms, provide links, or provide a detailed description of the information to be reported will constitute a faulty delivery of the regulation.

(23) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community						
Local Government						
State Government						
Total Savings	Not measurable	Not measurable	Not measurable	Not measurable	Not measurable	Not measurable
COSTS:						
Regulated Community						
Local Government						
State Government						
Total Costs	None	None	None	None	None	None
REVENUE LOSSES:						
Regulated Community						
Local Government						
State Government						
Total Revenue Losses	None	None	None	None	None	None

(23a) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3	FY -2	FY -1	Current FY
Not applicable				

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.**
- (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.**
- (c) A statement of probable effect on impacted small businesses.**
- (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.**

The proposed regulation will not have an adverse impact on small businesses.

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

None.

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

There were no alternative regulatory provisions considered and rejected.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- c) The consolidation or simplification of compliance or reporting requirements for small businesses;
- d) The establishment of performance standards for small businesses to replace design or operational standards required in the regulation; and
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

The proposed regulation will not have an adverse impact on small businesses. Furthermore, the concept of conducting a regulatory flexibility analysis is not germane to procedural rules for adjudicatory proceedings, as their content is dictated by relevant statutory, regulatory and constitutional provisions, as well as judicial precedent.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

Data was not the basis for this regulation.

(29) Include a schedule for review of the regulation including:

A. The length of the public comment period: 30 days

B. The date or dates on which any public meetings or hearings will be held: All Environmental

Hearing Board Rules Committee meetings to discuss the proposed rules were open to the public. The meetings were held on the following dates: September 10, 2015; November 5, 2015; January 6, 2016; March 10, 2016; September 15, 2016; November 10, 2016; March 9, 2017; May 11, 2017; September 14, 2017; November 9, 2017; January 25, 2018; March 8, 2018; May 24, 2018; September 18, 2018; November 16, 2018; January 29, 2019; March 14, 2019; September 19, 2019. Additionally, the meeting of the Environmental Hearing Board Judges to vote on the final rules, held on December 4, 2019, was open to the public.

C. The expected date of delivery of the final-form regulation: Spring 2021

D. The expected effective date of the final-form regulation: Upon publication as a final form regulation in the Pa. Bulletin.

E. The expected date by which compliance with the final-form regulation will be required: Upon publication as a final form regulation in the Pa. Bulletin.

F. The expected date by which required permits, licenses or other approvals must be obtained: Not applicable

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

The regulations will continue to be evaluated by the Environmental Hearing Board Rules Committee at its meetings held every other month. Additionally, the Environmental Hearing Board receives feedback on its regulations at events held by the Pennsylvania Bar Association Environmental and Energy Law Section and county bar association environmental law sections.

CDL-1

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU
(Pursuant to Commonwealth Documents Law)

RECEIVED
APR 6 2021
Independent Regulatory
Review Commission

DO NOT WRITE IN THIS SPACE

<p>Copy below is hereby approved as to form and legality. Attorney General</p> <p>BY: Amy M. Elliott (DEPUTY ATTORNEY GENERAL)</p> <p><small>Digitally signed by Amy M Elliott DN: cn=Amy M Elliott, o=Pennsylvania Office of Attorney General, ou=Chief Deputy Attorney General, serialNumber=general, email=amy.elliott@pa.gov</small></p> <p><u>10/26/2020</u> DATE OF APPROVAL</p> <p><input type="checkbox"/> Check if applicable Copy not approved. Objections attached</p>	<p>Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:</p> <p><u>Environmental Hearing Board</u> (AGENCY)</p> <p>DOCUMENT/FISCAL NOTE NO <u>106-13</u></p> <p>DATE OF ADOPTION: <u>December 4, 2019</u></p> <p>BY: <u><i>Thomas P. Rowland</i></u></p> <p>TITLE: <u>Chairman and Chief Judge</u> (EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)</p>	<p>Copy below is hereby approved as to form and legality. Executive or Independent Agencies.</p> <p>BY: <u><i>Marisa H. Z. Lehr</i></u></p> <p><u>October 5, 2020</u> DATE OF APPROVAL</p> <p><u>Deputy General Counsel</u> (Chief Counsel, Independent Agency) (Strike inapplicable title)</p> <p><input type="checkbox"/> Check if applicable. No Attorney General approval or objection within 30 days after submission.</p>
--	--	--

NOTICE OF PROPOSED RULEMAKING
ENVIRONMENTAL HEARING BOARD

25 Pa. Code, Chapter 1021
Rules of Practice and Procedure

PROPOSED RULEMAKING

ENVIRONMENTAL HEARING BOARD [25 PA. CODE CH. 1021] PRACTICE and PROCEDURE

PREAMBLE

The Environmental Hearing Board (Board) proposes to revise Chapter 1021 (relating to practice and procedures) by revising and adding new procedural rules to read as set forth in Annex A.

The proposed procedural rules have the following objectives:

- (1) To provide the regulated community, the Department of Environmental Protection (Department) and persons challenging Department actions with more specific guidance on how to represent their interests before the Board.
- (2) To improve the rules of practice and procedure before the Board.

The Board considered the recommendations of the Rules Committee at its meeting on December 4, 2019 and voted to adopt all but one recommendation as set forth in Section E below.

A. Effective Date

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*.

B. Contact Persons

For further information, contact Maryanne Wesdock, Senior Counsel, Environmental Hearing Board, Suite 310, 301 Fifth Avenue, Pittsburgh, PA 15222, (412) 565-5245, mwesdaok@pa.gov.

C. Statutory Authority

The Board has the authority under section 5(c) of the Environmental Hearing Board Act, Act of July 13, 1988, P.L. 530, 35 P.S. §§ 7511-7516, at § 7515(c), to adopt regulations pertaining to practice and procedure before the Board.

D. Background and Purpose

The purpose of the proposed revisions is to improve practice and procedure before the Board. These proposed revisions are based on the recommendations of the Environmental Hearing Board Rules Committee, a nine-member advisory committee created by section 5 of the Environmental Hearing Board Act to make recommendations to the Board on its rules of practice and procedure. 35 P.S. § 7515(a) and (c). Under subsection 5(c), regulations “shall be promulgated by the Board upon a majority affirmative vote on the recommended regulations.” 35 P.S. § 7515(c).

E. Summary of Proposed Regulations

1. *Representation* (Section 1021.21)

The existing rule explains the *pro hac vice* procedure for corporate parties. Subsection 1021.21(b) explains that corporate parties may be represented by an attorney in good standing and admitted to practice before the highest court of another state on a motion *pro hac vice* filed by a Pennsylvania attorney. Because *any* party, not simply corporate parties, may be represented by an out-of-state attorney on a motion *pro hac vice*, the Rules Committee recommended removing this language from subsection 1021.21(b) and creating a new paragraph at subsection 1021.21(d) to explain that any party may be represented by an out-of-state attorney with the filing of a motion *pro hac vice*.

The Rules Committee also recommended removing the language “admitted to practice before the Supreme Court of Pennsylvania” from subsection 1021.21(b) since, as noted, a party may be represented by an attorney admitted to practice before the highest court of another state on a motion *pro hac vice*.

Previous subsection (d) has been re-lettered to (e).

Former subsection (d), now (e), has been revised to reflect the addition of a new subsection. Instead of stating that subsections (a) through (c) supersede 1 Pa. Code §§ 31.21 – 31.23, it states that subsections (a) through (d) supersede those sections.

2. *Filing* (Section 1021.32)

Paragraph 1021.32(c)(11), dealing with electronic filing, is being revised to remove the reference to WordPerfect since the Board’s electronic filing system no longer supports WordPerfect. In addition, a comment is being added to this rule to notify attorneys and *pro se* appellants who register for electronic filing that they may not file electronically until their registration is approved by the Board; when registration occurs during non-business hours, approval of the registration will not occur until the next business day.

3. *Service by a Party* (Section 1021.34)

Subsection 1021.34(a) is being revised to correct an incorrect reference to paragraph (h) of Section 1021.51. The correct reference should simply be to Section 1021.51.

4. *Date of Service* (Section 1021.35)

Paragraph (b)(3) of Section 1021.35 is being revised to change the reference from “days” to “calendar days” in order to eliminate a potential inconsistency when read in conjunction with the Board’s rule on computation of time, Section 1021.13. Under Section 1021.13, periods of time are calculated to exclude Saturdays, Sundays, and legal holidays when the final day in a period of time falls on one of those days. Paragraph (b)(3) in its current form provides that documents served by mail are deemed served “3 days” after the document is mailed for purposes of calculating an applicable response time. The change in paragraph (b)(3) to “3 calendar days” makes it clear that, if a motion is served by mail on a Wednesday, the 30-day response time begins to run from Saturday, and not the following Monday (or Tuesday if there is a Monday legal holiday). “Calendar days” resolves the ambiguity that could cause confusion over when a response is due to a motion served by mail, while honoring the intent of the rule to allow time for a document to travel by mail and ensuring that motion practice is not needlessly prolonged.

5. *Commencement, form and content* (Section 1021.51)

Subsection 1021.51(c) is being clarified to state that the notice of appeal must be signed by the appellant(s) when the appellant is not represented by an attorney. The existing rule states that it must be signed by a “party.” However, since the only party that may sign a notice of appeal is an appellant, the Rules Committee recommended using the term “appellant” rather than “party.”

The Rules Committee also recommended replacing the term “attorney of record” with simply “attorney.” At the time a notice of appeal is filed there is no attorney “of record” since the notice of appeal is the document that initiates an appeal.

6. *Nunc pro tunc appeals* (Section 1021.53a)

The current rule simply states as follows:

The Board upon written request and for good cause shown may grant leave for the filing of an appeal *nunc pro tunc*; the standards applicable to what constitutes good cause shall be the common law standards applicable in analogous cases in courts of common pleas in this Commonwealth.

Based on the recommendations of the Rules Committee, Section 1021.53a is being substantially revised to set forth the procedure for seeking leave to file an appeal *nunc pro tunc* and for responding to a request to appeal *nunc pro tunc*.

Discussions on this topic began at the Rules Committee meeting of November 9, 2017. At that meeting, a member of the Rules Committee raised a comment regarding Section

1021.53a, noting that the existing version of the rule discusses what the Board considers in granting an appeal *nunc pro tunc*, but it provides no direction on what type of document should be filed to request leave to appeal *nunc pro tunc*. Nor does the rule state whether the Department of Environmental Protection may file a response in opposition. At the Rules Committee meeting of September 18, 2018, it was reported that since 2010 the Board had issued 21 opinions dealing with requests to appeal *nunc pro tunc*. The Rules Committee agreed that clearer, more comprehensive guidelines on the *nunc pro tunc* procedure would be helpful.

The drafter of the rule researched other courts' procedures for filing *nunc pro tunc* appeals, particularly courts of common pleas. His research indicated that not many courts have formal, written instructions. However, he discovered that the Chester County Court of Common Pleas has a rule that provided a good model for the drafting of the Board's rule. In drafting the rule, he relied on the Chester County rule, the Board's rule on supersedeas petitions at 25 Pa. Code § 1021.61, and the Board's general rule on motions at 25 Pa. Code § 1021.91.

Discussions continued on this topic for several meetings until a final draft of the rule was approved by the Rules Committee at its meeting of March 14, 2019. To see the discussion and evolution of the proposed *nunc pro tunc* rule, one may view the minutes of Rules Committee meetings from November 9, 2017 to March 14, 2019, available on the Board's website at <https://ehb.courtapps.com/public/rulesCommitteeMinutes.php>

The proposed revisions to Section 1021.53a would add subsections (b) through (i) containing the following requirements:

(b) A person seeking to appeal *nunc pro tunc* shall file a petition to appeal *nunc pro tunc*. If filed after a dispositive motion that seeks to dismiss an appeal as untimely, the filing of the petition stays the deadlines for filing a response or reply concerning the motion. The Board will issue deadlines for filing a response and reply if the Board grants the petition and the dispositive motion addresses issues in addition to untimeliness.

(c) The petition to appeal *nunc pro tunc* shall comply with the requirements set forth for "motions" at § 1021.91, and, in addition, shall include the following:

(1) The specific facts that the potential appellant would attempt to prove at hearing to show that *nunc pro tunc* relief is warranted.

(2) The specific facts that the potential appellant would attempt to prove showing that it acted promptly in seeking *nunc pro tunc* relief.

(3) Copies of all documents and a list of all witnesses that the potential appellant relies upon in support of the petition to appeal nunc pro tunc.

(4) Any legal authority and theories the potential appellant relies upon in seeking nunc pro tunc relief.

(5) A sworn affidavit of the person or persons having knowledge of the facts that the facts are verified as true and correct, or an unsworn written statement of such person or persons, that the facts are verified as true and correct subject to the penalties for Unsworn Falsification to Authorities, pursuant to 18 Pa.C.S.A. § 4904 of the Crimes Code.

(6) If the petition to appeal nunc pro tunc is not supported by an affidavit or verification as set forth in (5), above, an explanation of why the affidavit or verification was omitted.

(d) Responses to petitions to appeal nunc pro tunc shall comply with the requirements set forth for “responses” at § 1021.91. Unless otherwise ordered by the Board, the response shall be filed within 15 days of the date of service of the petition.

(e) A memorandum of law in support of the petition or response may be filed with the petition or response.

(f) The potential appellant may not file a reply unless the Board orders otherwise.

(g) The Board may schedule a hearing on whether nunc pro tunc relief is appropriate.

(h) If the petition to appeal nunc pro tunc is granted, the notice of appeal will be treated as though it were timely filed.

(i) If the petition to appeal nunc pro tunc is denied, the notice of appeal will be dismissed as untimely.

7. *Summary judgment motions* (Section 1021.94a)

Subsection 1021.94a(h) is being revised to require a table of contents for briefs longer than 30 pages.

8. *Voluntary Mediation* (Section 1021.106)

Subsection 1021.106(d) is being revised to require that the report of the mediator must set forth whether the mediation has been successful or has a likelihood of success if

allowed to continue. The existing rule requires the mediator's report to set forth "the history of mediation activities." The Rules Committee felt that the existing language is vague. Based on feedback from the Environmental Hearing Board Judges regarding what should be contained in a mediator's report, the Rules Committee recommended deleting "the history of mediation activities" and replacing it with "whether the mediation has been successful or has a likelihood of success if the mediation process continues to proceed."

9. *Post hearing briefs* (Section 1021.131)

Subsection 1021.131(a) is being revised to require a table of contents in post hearing briefs.

10. *Termination of proceedings* (Section 1021.141)

A majority of the Rules Committee recommended adding the following language to subsection 1021.141(b), related to settlement agreements: "Findings contained in a settlement agreement shall supersede Findings set forth by the Department of Environmental Protection in the action that is the subject of the appeal." The vote of the Rules Committee was not unanimous, with one member voting against the proposed revision. At its December 4, 2019 meeting, by a vote of 4-1, the Board voted not to approve the proposed revision; rather, it remanded the matter to the Rules Committee for further review and discussion.

In summary, the Board concurred with the recommendations of the Rules Committee set forth in paragraphs 1-9 above. It did not concur with the recommendation of the Rules Committee as set forth in paragraph 10 and remanded the proposal to the Rules Committee for further review.

F. Benefits, Costs, Compliance and Paperwork

Benefits

The proposed amendments are likely to provide a benefit to parties appearing before the Board because they will further clarify the Board's rules of practice and procedure.

Costs

The proposed amendments will have no measurable fiscal impact on the Commonwealth, political subdivision or the private sector.

Compliance

The proposed amendments will have no impact on compliance costs for parties participating in matters before the Board.

Paperwork

The proposed revisions will require no additional paperwork.

H. Sunset Review

These regulations will be reviewed on an ongoing basis by the Environmental Hearing Board Rules Committee to determine whether the regulations effectively fulfill the goals for which they were intended. The Rules Committee meets six times a year in alternating months (January, March, May, July, September, November).

I. Public Meeting on Proposed Rules

In accordance with § 704 of the Sunshine Act, Act of October 15, 1998, P.L. 729, 65 Pa.C.S.A. §§ 701 – 716, a quorum of the Judges of the Environmental Hearing Board voted to adopt the above-described proposed rules at a public meeting held on December 4, 2019 at 2:15 pm at the Board's Harrisburg office, Hearing Room 2, Second Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, Pennsylvania.

J. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on April 6, 2021, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Environmental Resources and Energy Committees. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria that have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

K. Public Comment Regarding Proposed Revisions

The Board invites interested persons to submit written comments, suggestions or objections regarding the proposed revisions to Senior Counsel Maryanne Wesdock at mwesdock@pa.gov or at the following address: Maryanne Wesdock, Environmental Hearing Board, Suite 310, 301 Fifth Avenue, Pittsburgh, PA 15222, within 30 days of the date of publication in the Pennsylvania Bulletin.

THOMAS W. RENWAND
Chairman and Chief Judge

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION
PART IX. ENVIRONMENTAL HEARING BOARD
CHAPTER 1021. PRACTICE AND PROCEDURE
PRELIMINARY PROVISIONS
REPRESENTATION BEFORE THE BOARD

§ 1021.21. Representation.

(b) Corporations shall be represented by an attorney of record [admitted to practice before the Supreme Court of Pennsylvania. Corporations may also be represented by an attorney in good standing and admitted to practice before the highest court of another state on a motion *pro hac vice* filed by the Pennsylvania attorney of record].

(c) Individuals may appear in person on their own behalf; however, they are encouraged to appear through counsel and may be required to appear through counsel if the Board determines that they are not merely appearing on their own behalf.

(d) Parties may be represented by an attorney in good standing and admitted to practice before the highest court of another state on a motion *pro hac vice* filed by a Pennsylvania attorney.

[(d)] (e) Subsections (a) — [(c)] (d) supersede 1 Pa. Code § § 31.21—31.23 (relating to appearance in person; appearance by attorney; and other representation prohibited at hearings).

DOCUMENTARY FILINGS
FILING AND SERVICE OF DOCUMENTS

§ 1021.32. Filing.

(c) *Electronic filing*

(11) Documents may be electronically filed in [WordPerfect format.] Microsoft Word format, PDF format or other formats as the Board may permit. The electronic filing provider automatically converts uploaded documents not already in PDF format to PDF format. A

document may exceed page limitation rules if the additional pages result solely from the electronic conversion by the electronic filing provider.

Comment: Attorneys and *pro se* appellants who register for electronic filing may not file electronically until they receive a confirmation email advising them that they have been approved for electronic filing. If registration occurs during non-business hours, the confirmation will not occur until the next business day. Until such confirmation occurs, a registrant must file by means other than electronic filing to ensure timely filing.

§ 1021.34. Service by a party.

(a) Notices of appeal shall be served as provided in § 1021.51[(h)] (relating to commencement, form and content). Complaints filed by the Department will be served as provided in § 1021.71(b) (relating to complaints filed by the Department).

§ 1021.35. Date of service.

(b) For the sole purpose of computing the deadlines under this chapter for responding to documents:

(3) Documents served by mail shall be deemed served 3 calendar days after the date of actual service.

FORMAL PROCEEDINGS

APPEALS

§ 1021.51. Commencement, form and content.

(c) The notice of appeal must set forth the name, mailing address, e-mail address and telephone number of the appellant. The notice of appeal shall be signed by at least one attorney [of record] in the attorney's individual name or [, if a party is not represented by an attorney, shall be signed by the party] by the appellant(s).

§ 1021.53a. Nunc pro tunc appeals.

(a) The Board upon written request and for good cause shown may grant leave for the filing of an appeal nunc pro tunc; the standards applicable to what constitutes good cause shall be the common law standards applicable in analogous cases in courts of common pleas in this Commonwealth.

(b) A person seeking to appeal nunc pro tunc shall file a petition to appeal nunc pro tunc. If filed after a dispositive motion that seeks to dismiss an appeal as untimely, the filing of the petition stays the deadlines for filing a response or reply concerning the motion. The Board will issue deadlines for filing a response and reply if the Board grants the petition and the dispositive motion addresses issues in addition to untimeliness.

(c) The petition to appeal nunc pro tunc shall comply with the requirements set forth for “motions” at § 1021.91, and, in addition, shall include the following:

(1) The specific facts that the potential appellant would attempt to prove at hearing to show that nunc pro tunc relief is warranted.

(2) The specific facts that the potential appellant would attempt to prove showing that it acted promptly in seeking nunc pro tunc relief.

(3) Copies of all documents and a list of all witnesses that the potential appellant relies upon in support of the petition to appeal nunc pro tunc.

(4) Any legal authority and theories the potential appellant relies upon in seeking nunc pro tunc relief.

(5) A sworn affidavit of the person or persons having knowledge of the facts that the facts are verified as true and correct, or an unsworn written statement of such person or persons, that the facts are verified as true and correct subject to the penalties for Unsworn Falsification to Authorities, pursuant to 18 Pa.C.S.A. § 4904 of the Crimes Code.

(6) If the petition to appeal nunc pro tunc is not supported by an affidavit or verification as set forth in (5), above, an explanation of why the affidavit or verification was omitted.

(d) Responses to petitions to appeal nunc pro tunc shall comply with the requirements set forth for “responses” at § 1021.91. Unless otherwise ordered by the Board, the response shall be filed within 15 days of the date of service of the petition.

(e) A memorandum of law in support of the petition or response may be filed with the petition or response.

(f) The potential appellant may not file a reply unless the Board orders otherwise.

(g) The Board may schedule a hearing on whether nunc pro tunc relief is appropriate.

(h) If the petition to appeal nunc pro tunc is granted, the notice of appeal will be treated as though it were timely filed.

(i) If the petition to appeal nunc pro tunc is denied, the notice of appeal will be dismissed as untimely.

MOTIONS

§ 1021.94a. Summary judgment motions.

(h) *Length of brief in support of and in opposition to summary judgment.* Unless leave of the Board is granted, the brief in support of or in opposition to the motion may not exceed 30 pages. **If the Board grants leave to file a brief in excess of 30 pages, the brief shall contain a table of contents.**

PREHEARING PROCEDURES AND PREHEARING CONFERENCES

§ 1021.106. Voluntary mediation.

(d) At the end of the initial stay, the parties shall jointly file a report, prepared and signed by the mediator, [which sets forth the history of mediation activities conducted] **setting forth whether the mediation has been successful or has a likelihood of success if the mediation process continues to proceed.** The parties may request an additional stay if necessary to complete the mediation process.

POSTHEARING PROCEDURES

§ 1021.131. Posthearing briefs.

(a) The initial posthearing brief of each party shall contain **a table of contents**, proposed findings of fact (with references to the appropriate exhibit or page of the transcript), an argument with citation to supporting legal authority, and proposed conclusions of law.



COMMONWEALTH OF PENNSYLVANIA
ENVIRONMENTAL HEARING BOARD

April 6, 2021

Honorable Gene Yaw
Chair, Senate Committee on
Environmental Resources & Energy
Room 362 Main Capitol
Harrisburg, PA 17120-3023
Via electronic delivery

Honorable Carolyn T. Comitta
Minority Chair, Senate Committee on
Environmental Resources & Energy
Room 457 Main Capitol
Harrisburg, PA 17120-3019
Via electronic delivery

Honorable Daryl D. Metcalfe
Chair, House Committee on
Environmental Resources & Energy
144 Main Capitol
Harrisburg, PA 17120-2012

Honorable Greg Vitali
Minority Chair, House Committee on
Environmental Resources & Energy
30 East Wing, Capitol
Harrisburg, PA 17120-2166

David Sumner
Executive Director
Independent Regulatory Review Commn.
333 Market Street, 14th Floor
Harrisburg, PA 17101
Via electronic delivery

Legislative Reference Bureau
647 Main Capitol
Harrisburg, PA 17120-0033
Via electronic delivery

Re: Environmental Hearing Board Proposed Rulemaking 106-13

Dear Sir or Madam:

Pursuant to Section 5(a) of the Regulatory Review Act, please find enclosed a copy of Environmental Hearing Board (Board) Proposed Rulemaking 106-13. This proposed rulemaking amends and clarifies the Board's Rules of Practice and Procedure. It was proposed and drafted by the Board's Rules Committee and adopted by the Board at its public meeting on December 4, 2019. The proposed rulemaking provides for a 30-day public comment period.

Should you have any questions please do not hesitate to contact me at mwesdock@pa.gov or 412-565-5245.

Sincerely,

s/Maryanne Wesdock

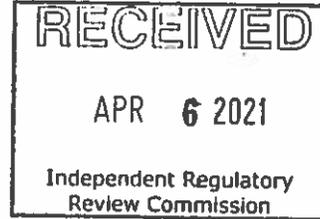
Maryanne Wesdock
Senior Assistant Counsel
Environmental Hearing Board

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT**

I.D. NUMBER: 106-13
SUBJECT: Rules of Practice and Procedure
AGENCY: ENVIRONMENTAL HEARING BOARD

TYPE OF REGULATION

- X Proposed Regulation
- Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Disapproved Regulation
 - a. With Revisions
 - b. Without Revisions



FILING OF REGULATION

<u>DATE</u>	<u>SIGNATURE</u>	<u>DESIGNATION</u>
		<i>HOUSE COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY</i>
4/6/21	<i>Paul J. Nye</i>	MAJORITY CHAIR Daryl Metcalf
4/6/21	<i>[Signature]</i>	MINORITY CHAIR Greg Vitali
		<i>SENATE COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY</i>
		MAJORITY CHAIR
		MINORITY CHAIR
		<i>INDEPENDENT REGULATORY REVIEW COMMISSION</i>
		<i>ATTORNEY GENERAL (for Final Omitted only)</i>
		<i>LEGISLATIVE REFERENCE BUREAU (for Proposed only)</i>

Wesdock, Maryanne

From: Troutman, Nick <ntroutman@pasen.gov>
Sent: Tuesday, April 6, 2021 9:13 AM
To: Wesdock, Maryanne
Cc: Gilroy, Patricia
Subject: RE: Proposed Rulemaking (#106-13) - Environmental Hearing Board

Thank you. Received

From: Wesdock, Maryanne <mwesdock@pa.gov>
Sent: Tuesday, April 6, 2021 9:06 AM
To: Troutman, Nick <ntroutman@pasen.gov>
Cc: Gilroy, Patricia <pgilroy@pasen.gov>
Subject: Proposed Rulemaking (#106-13) - Environmental Hearing Board
Importance: High

⊙ CAUTION : External Email ⊙

Dear Mr. Troutman:

Attached please find Proposed Rulemaking (#106-13) by the Environmental Hearing Board. Pursuant to IRRC guidelines, this rulemaking is being circulated to Senator Yaw as Majority Chair of the Senate Environmental Resources and Energy Committee.

Pursuant to IRRC guidelines, I am required to provide written proof of delivery today. **Therefore, can you or a member of Senator Yaw's staff, please respond to this email to acknowledge confirmation of receipt?**

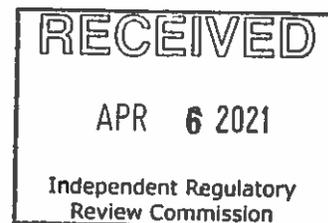
Should you have any questions please do not hesitate to contact me at (412) 780-1820 (cell) or mwesdock@pa.gov.

Thank you, and have a nice day.

Sincerely,

Maryanne Wesdock

Maryanne Wesdock
Senior Counsel
Environmental Hearing Board
Suite 310 Piatt Place
301 Fifth Avenue
Pittsburgh, PA 15222
(412) 565-5245
mwesdock@pa.gov



Wesdock, Maryanne

From: Eyster, Emily <Emily.Eyster@pasenate.com>
Sent: Tuesday, April 6, 2021 9:09 AM
To: Wesdock, Maryanne
Cc: Fuller, Lisa; Hartman, Michael
Subject: Re: Proposed Rulemaking #106-13 - Environmental Hearing Board

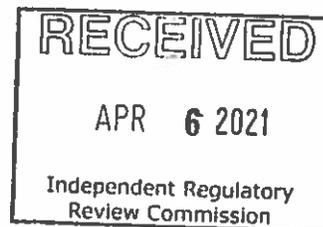
It has been received. Thank you!

Emily Eyster
Legislative Director, Office of Senator Carolyn T. Comitta
Executive Director, Environmental Resources and Energy Committee
Cell: (717) 756-4702
Phone: (717) 787-5709

www.pasenatorcomitta.com

@SenatorComitta

[Facebook](#) – [Twitter](#) – [Instagram](#)



From: Wesdock, Maryanne <mwesdock@pa.gov>
Sent: Tuesday, April 6, 2021 9:03:41 AM
To: Eyster, Emily <Emily.Eyster@pasenate.com>
Cc: Fuller, Lisa <Lisa.Fuller@pasenate.com>; Hartman, Michael <Michael.Hartman@pasenate.com>
Subject: Proposed Rulemaking #106-13 - Environmental Hearing Board

■ EXTERNAL EMAIL ■

Dear Ms. Eyster:

Attached please find Proposed Rulemaking (#106-13) by the Environmental Hearing Board. Pursuant to IRRC guidelines, this rulemaking is being circulated to Senator Comitta as Minority Chair of the Senate Environmental Resources and Energy Committee.

Pursuant to IRRC guidelines, I am required to provide written proof of delivery today. **Therefore, can you or a member of Senator Comitta's staff, please respond to this email to acknowledge confirmation of receipt?**

Should you have any questions please do not hesitate to contact me at (412) 780-1820 (cell) or mwesdock@pa.gov.

Thank you, and have a nice day.

Sincerely,

Maryanne Wesdock

Maryanne Wesdock
Senior Counsel
Environmental Hearing Board
Suite 310 Piatt Place
301 Fifth Avenue
Pittsburgh, PA 15222
(412) 565-5245
mwesdock@pa.gov



This message and any attachment may contain privileged or confidential information intended solely for the use of the person to whom it is addressed. If the reader is not the intended recipient then be advised that forwarding, communicating, disseminating, copying or using this message or its attachments is strictly prohibited. If you receive this message in error, please notify the sender immediately and delete the information without saving any copies.

Wesdock, Maryanne

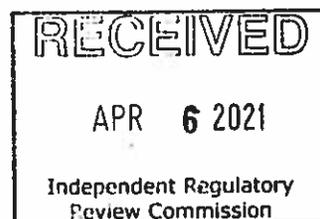
From: Bulletin <bulletin@palrb.us>
Sent: Tuesday, April 6, 2021 9:27 AM
To: Wesdock, Maryanne
Cc: Leah Brown
Subject: [External] RE: Proposed Rulemaking (#106-13) - Environmental Hearing Board

ATTENTION: This email message is from an external sender. Do not open links or attachments from unknown sources. To report suspicious email, forward the message as an attachment to CWOPA_SPAM@pa.gov.

Good Morning Maryanne:

Thank you for sending PRM 106-13. Take care and have a great day!

Corinne Marut
Editorial Assistant
Legislative Reference Bureau
Pennsylvania Code & Bulletin Office
cmarut@palrb.us



From: Wesdock, Maryanne <mwesdock@pa.gov>
Sent: Tuesday, April 6, 2021 9:19 AM
To: Bulletin <bulletin@palrb.us>
Cc: Leah Brown <lbrown@palrb.us>
Subject: Proposed Rulemaking (#106-13) - Environmental Hearing Board
Importance: High

Good morning:

Attached please find Environmental Hearing Board Proposed Rulemaking #106-13. A PDF version of the complete Rules Package is attached, as well as a Word version of the Preamble and Annex A per instructions from the Office of General Counsel.

Pursuant to IRRC guidelines, I am required to provide written proof of delivery today. **Therefore, can you please respond to this email to acknowledge confirmation of receipt?**

Should you have any questions please do not hesitate to contact me at (412) 780-1820 (cell) or mwesdock@pa.gov.

Thank you, and have a nice day.

Sincerely,

Maryanne

Maryanne Wesdock
Senior Counsel
Environmental Hearing Board
Suite 310 Piatt Place

301 Fifth Avenue
Pittsburgh, PA 15222
(412) 565-5245
mwesdock@pa.gov

