



COMMONWEALTH OF PENNSYLVANIA  
ENVIRONMENTAL HEARING BOARD



## NOTICE OF APPEAL

By filing this Notice of Appeal with the Environmental Hearing Board, you are choosing to initiate a legal proceeding that asks the Board to review an action of the Department of Environmental Protection. Please read the instructions appended to this form in their entirety and follow closely the rules governing filing a Notice of Appeal, located at 25 Pa. Code § 1021.51. Failure to follow Board rules and orders may result in the dismissal of your appeal.

**Pages 1 through 4 of the following form and any required attachments must be received by the Environmental Hearing Board within 30 days after your receipt of notice of the action of the Department that you are appealing. You may mail, fax, or hand-deliver your Notice of Appeal to:**

**ENVIRONMENTAL HEARING BOARD  
Rachel Carson State Office Building – 2<sup>nd</sup> Floor  
400 Market Street, P.O. Box 8457  
Harrisburg, PA 17105-8457  
Fax: (717) 783-4738**

You may wish to send your appeal to the Environmental Hearing Board by certified mail, return receipt, so that you know your appeal was received within the required time.

**Attorneys may electronically file a Notice of Appeal at  
<https://ehb.courtapps.com/>**

(rev'd August 2022)



COMMONWEALTH OF PENNSYLVANIA  
ENVIRONMENTAL HEARING BOARD



**NOTICE OF APPEAL FORM**  
**APPEAL INFORMATION**

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

**Clermont Solar LLC (“Clermont”)**  
**1201 Wilson Boulevard**  
**Arlington, VA 22209**  
**(703) 472-3828**

2. Describe the subject of your appeal:

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

**Clermont seeks review of the Field Order issued by the Pennsylvania Department of Environmental Protection (“Department”) on March 9, 2026. The Field Order states that Clermont “may not resume such activities until authorized to do so by DEP” and “[a]uthorization to re-commence earthwork will not be granted until it has been determined by the DEP or McKean [County Conservation District] that compliance has been achieved on-site.” At the time of this filing, neither the Department nor the McKean County Conservation District have authorized “earth disturbance activities” at the Solar Site. The Field Order is attached as Attachment B hereto.**

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

**Jared Prokopchak, Environmental Group Manager.**

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

**Sergeant Township, McKean County.**

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

**Clermont received the Field Order on March 9, 2026 by hand-delivery.**

(e) Did you receive written notification of the Department's action (for example, letter, order or permit that you are appealing)? If yes, you **must** attach a copy of the notification to this Notice of Appeal. If you are appealing a permit, you may attach the first page rather than the entire document. In lieu of attaching the document, you may provide a link to notice of the action in the *Pennsylvania Bulletin*. See filing instructions for further instruction.

**Yes. A copy of the Field Order is attached.**



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

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

**Not applicable.**

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

**Clermont's objections to the Field Order are set forth in Attachment A hereto.**



**NOTICE OF APPEAL FORM  
PROOF OF SERVICE**

In addition to filing this form with the Environmental Hearing Board, the Appellant *must* certify, by indicating below, how the Notice of Appeal was served on the Department under numbers (2) and (3) below, and where applicable, upon other interested parties indicated by numbers (4) and (5). Failure to do so may result in dismissal of your appeal. Please check the box indicating the method by which you served the following:

(1) Environmental Hearing Board  
2<sup>nd</sup> Floor Rachel Carson State Office Bldg.  
400 Market St., P.O. Box 8457  
Harrisburg, PA 17105-8457

*via*     first class mail, postage paid  
           overnight delivery  
           personal delivery  
           electronic filing

(2) Department of Environmental Protection  
Office of Chief Counsel  
Attn: Administrative Officer  
16<sup>th</sup> Floor Rachel Carson State Office Bldg  
400 Market Street, P.O. Box 8464  
Harrisburg, PA 17105-8464

*via*     first class mail, postage paid  
           overnight delivery  
           personal delivery  
           electronic filing

(3) The officer of the Department  
who took the action being appealed

*via*     first class mail, postage paid  
           overnight delivery  
           personal delivery  
           electronic filing

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

(4) If your appeal is from the Department of Environmental Protection's issuance of a permit, license, approval, or certification to another person, you *must* serve the following:

The entity to whom the permit, license  
approval, or certification was issued.

*via*     first class mail, postage paid  
           overnight delivery  
           personal delivery

- (5) Where applicable, you should also serve a copy of your appeal on any of the following:
- In appeals involving a decision under Sections 5 or 7 of the Sewage Facilities Act, 35 P.S. §§ 750.5, 750.7, any affected municipality, its municipal authority, and the proponent of the request, when applicable, and any municipality or municipal authority whose official plan may be affected by a decision of the Board in the appeal.
  - A mining company, well operator, or owner or operator of a storage tank in appeals involving a claim of subsidence damage, water loss or contamination.



**NOTICE OF APPEAL FORM  
SIGNATURE PAGE**

By filing this Notice of Appeal with the Environmental Hearing Board, I hereby certify that the information submitted is true and correct to the best of my information and belief. Additionally, I certify that a copy of this Notice of Appeal was served upon each of the individuals indicated on Page 3 of this form on the following date: **April 8, 2026.**

/s/ Gary E. Steinbauer

Signature of Appellant or Appellant's Counsel

Date: April 8, 2026

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

Joseph V. Schaeffer

Gary E. Steinbauer

\_\_\_\_\_  
Attorney Name (Type or Print)

Babst, Calland, Clements and Zomnir, P.C.

Two Gateway Center, 6<sup>th</sup> Floor

Pittsburgh, PA 15222

Address

Telephone No.: 412-394-5400

Email: jschaeffer@babstcalland.com

gsteinbauer@babstcalland.com

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

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



## FILING INSTRUCTIONS

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Please read and follow these instructions in their entirety. If you fail to follow the requirements outlined below (including submitting a copy of the action you are appealing and serving process to other parties), the Board may dismiss your appeal.

By filing this Notice of Appeal with the Environmental Hearing Board, you are choosing to initiate *legal proceedings*, which ask the Board to review an action of the Department of Environmental Protection. The proceedings will require you to file documents, participate in discovery, and may ultimately require you to participate in a hearing before the Board. In addition to the Board, the proceedings will also involve interaction with, including you being required to send copies of your filings to, the Department of Environmental Protection and possibly other parties, such as those who have received a permit from the Department.

### How to File a Notice of Appeal

Your Notice of Appeal, along with any required documents and information, shall be filed either by facsimile or by mail, hand or other delivery service at the following address:

Secretary to the Board  
Environmental Hearing Board  
Rachel Carson State Office Building – 2<sup>nd</sup> Floor  
400 Market Street – P.O. Box 8457  
Harrisburg, PA 17105-8457  
Fax: (717) 783-4738

Attorneys also have the option to file a Notice of Appeal electronically at <https://ehb.courtapps.com/content/efiling.php>

A Notice of Appeal filed by *mail, hand, or other delivery service* that is received after the close of the business day at 4:30 PM Eastern Time shall be deemed to be filed on the following business day. A Notice of Appeal filed by *facsimile* shall be deemed filed on the day it is received by the Board. A notice of appeal filed by facsimile should be followed up with a hard copy. A Notice of Appeal filed *electronically* before midnight EST will be considered to be filed on that date.

### Filling out the Notice of Appeal Form—Appeal Information

1. When filing a new appeal, provide your name (or name of the business, where applicable), address, telephone number, and an email address.
2. (a) You must specify the action of the Department that you seek to have the Board review, for example, a permit, determination, or other act.  
(b) You must identify the Department official that took the action.  
(c) You must identify the location (the municipality and county) of the operation or activity that is the subject of the action.



(d) You must describe when and how you were notified of the Department's action.

(e) If you have received written notification of an action of the Department, you must attach a copy of that notification and any documents received with the notification to the Notice of Appeal. If the documents include a permit, you only need attach the first page of the permit. Instead of attaching a copy of the notification of the action or related documents, you may provide a link to the publication of the action in the *Pennsylvania Bulletin*.

3. You must specify any related appeal already pending before the Board of which you are aware.
4. When describing your objections to the Department's action, you must do so in separate, numbered paragraphs for each objection. The objections must be specific and may be factual or legal.

Rather than use the space on the Notice of Appeal form, you may type your objections on separate paper if you require more space. Note that if you fail to state an objection to the action in your Notice of Appeal, you may be barred from raising that objection later.

#### **Filling out the Notice of Appeal Form—Proof of Service**

You must provide proof of service of the Notice of Appeal to the agency taking the action (typically the Department of Environmental Protection), as well as certain other individuals that may be affected by the appeal.

This means that a copy of the Notice of Appeal must be delivered to each the following:

- (1) The Environmental Hearing Board at:

Secretary to the Board  
Environmental Hearing Board  
Rachel Carson State Office Building – 2<sup>nd</sup> Floor  
400 Market Street – P.O. Box 8457  
Harrisburg, PA 17105-8457

- (2) The Department of Environmental Protection Office of Chief Counsel at:

Department of Environmental Protection  
Office of Chief Counsel  
Attention: Administrative Officer  
16<sup>th</sup> Floor, Rachel Carson State Office Building  
400 Market Street, P.O. Box 8464  
Harrisburg, PA 17105-8464

- (3) The officer of the Department of Environmental Protection (or other agency) that took the action being challenged. If you do not know the correct address for the agency office involved in the appeal, you should contact that agency directly, or you may contact the Secretary to the Environmental Hearing Board to obtain the appropriate address.



- (4) If you are appealing an action by the Department that involves someone else (for example, if you want to appeal a permit issued to another person or business), you must also send that person or business a copy of your Notice of Appeal. This is required by the Environmental Hearing Board's rules at 25 Pa. Code § 1021.51.
- (5) For certain claims, you must notify the person, municipality, or operator of your Notice of Appeal because their rights may be affected. This may include:
- In appeals involving a decision under Sections 5 or 7 of the Sewage Facilities Act, 35 P.S. §§ 750.5, 750.7, any affected municipality, its municipal authority, and the proponent of the request, when applicable, and any municipality or municipal authority whose official plan may be affected by a decision of the Board in the appeal.
  - The mining company in appeals involving a claim of subsidence damage or water loss under the Bituminous Mine Subsidence and Land Conservation Act, 52 P.S. §§ 1406.5a, 1406.5b, 1406.5d, and 1406.5e.
  - The well operator in appeals involving a claim of pollution or diminution of a water supply under Section 3218 of the Oil and Gas Act, 58 Pa.C.S. § 3218.
  - The owner or operator of a storage tank in appeals involving a claim of an affected water supply under Section 1303 of the Storage Tank and Spill Prevention Act, 35 P.S. § 6021.1303.

Note: For Attorneys who file an appeal electronically, only the persons listed in (4) and (5) above must be served where applicable. Electronically filed Notices of Appeal are automatically served on the Department's Office of Chief Counsel and officer who took the action. There is no need to independently serve the Department.

### **Additional Information on Appeals Involving a Penalty Assessment**

In the case of a penalty assessment, many environmental statutes require the amount of the penalty or a bond in that amount to be submitted within the 30-day period required for the filing of the appeal.

Where the statute requires that prepayment be made to the Board, the appellant shall submit to the Board with the Notice of Appeal a check in the amount of the penalty, or an appropriate bond securing payment of the penalty as required by statute. A check shall be made payable to the *Commonwealth of Pennsylvania*; a bond shall be in favor of the Board, and these shall be sent to the following address:

Environmental Hearing Board  
Rachel Carson State Office Building – 2<sup>nd</sup> Floor  
400 Market Street – P.O. Box 8457  
Harrisburg, PA 17105-8457

Where the statute requires that prepayment be made to the Department of Environmental Protection, the appellant shall submit the prepayment to the Department at the following address in accordance with the Department's instructions:



Department of Environmental Protection  
Office of Chief Counsel  
Attention: Administrative Officer  
16<sup>th</sup> Floor, Rachel Carson State Office Building  
400 Market Street, P.O. Box 8464  
Harrisburg, PA 17105-8464

If the appellant claims an inability to prepay, that claim must be submitted within the 30-day period by a verified statement either with the Notice of Appeal or in a supplementary document.

**Pro Bono Information**

Individuals filing an appeal on their own behalf before the Environmental Hearing Board do not need a lawyer. However, important legal rights may be at stake, and proceedings before the Environmental Hearing Board are legal and technical in nature. Therefore, it is strongly recommended that you seek legal counsel. If you cannot afford a lawyer, you may qualify for free legal representation. If your household income is less than 200% of the federal poverty level, then, within fifteen calendar days of filing the Notice of Appeal, you may submit a written request for pro bono representation to the Pro Bono Committee of the Pennsylvania Bar Association's Environmental & Energy Law Section at the following address:

Thomas M. Duncan, Esq.  
PBA Environmental & Energy Law Section  
Chair, Pro Bono Committee  
c/o Manko, Gold, Katcher & Fox, LLP  
401 City Avenue, Suite 901  
Bala Cynwyd, PA 19004  
Phone: 484-430-2358  
Fax: 484-430-5711  
[tduncan@mankogold.com](mailto:tduncan@mankogold.com)

Please also mail a copy of your request to the Environmental Hearing Board. Even if you are deemed financially eligible, a pro bono referral is not guaranteed and is instead based on the availability of volunteers. In addition, you may contact your local or county bar association for more information.

Small corporations owned by no more than three (3) individuals may also be eligible for a pro bono referral if each of the owners' household income is less than 300% of the federal poverty level.



## ATTACHMENT A TO NOTICE OF APPEAL

Clermont Solar LLC (“Clermont”) appeals the Pennsylvania Department of Environmental Protection’s issuance of the Field Order of March 9, 2026 (“Field Order”), directing Clermont to “cease all earth disturbance activities except for that which are necessary to implement/maintain BMPs on-site” at the 681-acre Ridgeway Solar Site in Wilcox, Pennsylvania (“Solar Site”). Clermont avers in support of this appeal as follows:

1. Clermont owns and operates the Solar Site, a 681-acre solar energy site that is being constructed in Wilcox, Pennsylvania.
2. On or about February 14, 2026, the Department issued and renewed the National Pollutant Discharge Elimination System Permit, PAD420008A1 (“Permit”), to Clermont, authorizing discharges from earth disturbances at the Solar Site to Smith Run and Fivemile Run, in accordance with the effluent limitations, monitoring requirements, and other conditions set forth in the Permit. Notably, the Permit requires Clermont to comply with various requirements, including those related to the control of stormwater, more specifically, minimizing the amount of soil exposed during construction, disturbance of certain slopes, and sediment discharges.
3. The Permit requires, among other things, that Clermont implement an Erosion and Sedimentation Control Plan that meets the requirements of 25 Pa. Code § 102.4(b) (“E&S Plan”). The Department has approved Clermont’s E&S Plan.
4. The Solar Site is an active construction site, and construction has been completed on an estimated 80 percent of the Solar Site.
5. Prior to March 2026, the McKean County Conservation District (“Conservation District”) conducted no fewer than 11 inspections of the Solar Site for compliance with the Permit. None of these pre-March 2026 inspections resulted in allegations of noncompliance or other demands for corrective actions by the Conservation District or the Department.



6. During the 2025-2026 winter season, the Solar Site, like much of northern Pennsylvania, experienced unusually severe winter conditions. From approximately October 2025 through the end of February 2026, substantial portions of the Solar Site remained covered by significant snowpack. In late-February and early-March 2026, that prolonged winter period was followed by a sharp warm-up and rapid melt of accumulated snow and ice. Those conditions, combined with still-frozen ground that substantially limited infiltration, generated extraordinary volumes of surface water across the Solar Site over a short period of time. Under those conditions, even properly designed and Department-approved erosion and sediment control systems were subjected to unusually high flows and runoff conditions not representative of ordinary site operations. Clermont did not receive any prior warning, notice of concern, or opportunity to address post-winter conditions before the Department issued the Field Order that effectively shut down construction across the Solar Site.

7. On March 6, 2026, when the accumulated snow and ice at the Solar Site was undergoing a sudden thaw after approximately five months of winter conditions and before Clermont had a reasonable opportunity to assess and address and respond to sitewide impacts from these winter conditions, the Conservation District and Pennsylvania Fish and Boat Commission conducted an inspection of the Solar Site. The Conservation District issued an inspection report following this inspection, making findings related to the alleged failure to implement and/or maintain erosion and sedimentation BMPs for earth disturbance and the alleged unauthorized discharge of polluting substances to waters of the Commonwealth. The Conservation District requested that Clermont voluntarily cease all earth moving activities, other than those related to the repair and maintenance of existing BMPs and any additional BMPs necessary to stabilize the Solar Site.

8. Following the March 6, 2026 site inspection, Clermont voluntarily suspended all construction work at the Solar Site and completed corrective actions and improvements to address what Clermont understood to be the Conservation District's concerns. Among other things, Clermont placed stone over a



stream crossing and placed stone and compost filter sock check dams in ditches leading to streams located on the Solar Site.

9. On March 9, 2026, the Department, Conservation District, and Fish and Boat Commission conducted another inspection of the Solar Site. In the Chapter 102 and 105 Inspection Report issued following this March 9, 2026 site inspection, the Department acknowledged that Clermont had performed the corrective actions and improvements referenced above. Notwithstanding this acknowledgement by the Department, the March 9, 2026 Report found that Clermont allegedly failed to implement and/or maintain different erosion and sediment control BMPs from those identified during the March 6, 2026 inspection and allegedly discharged polluting substances to waters of the Commonwealth resulting in pollution.

10. At the conclusion of the inspection on March 9, 2026, the Department issued the Field Order, without giving Clermont any prior warning or reasonable opportunity to address post-winter conditions. The Field Order directs Clermont to “cease all earth disturbance activities except for that which are necessary to implement/maintain BMPs on-site” at the Solar Site. The Field Order states that Clermont “may not resume such activities until authorized to do so by DEP” and “[a]uthorization to re-commence earthwork will not be granted until it has been determined by the DEP or McKean [County Conservation District] that compliance has been achieved on-site.” During the March 9, 2026 inspection, the Department stated its position that any “operation of equipment over the solar array fields and graded areas constituted earth disturbance,” interpreting the Field Order to prohibit any solar-related construction work at the Solar Site.

11. Since the issuance of the Field Order, Clermont performed significant work, including actions to: address certain sediment-laden water noted by the Department and Conservation District; improve stream crossings and drainage ditches; repair, replace, and reinstall BMPs; and address issues at and around three stormwater basins. After completion of this work, Clermont requested that the Department inspect the Solar Site to confirm completion of the work and lift the Field Order.

12. Since the issuance of the Field Order, the Conservation District has conducted no less than three inspections or visits of the Solar Site in March. Following each inspection, the Department provided



Clermont with an inspection report listing the Conservation District's findings and concluding that the Department would not lift the Field Order. The Department's inspection reports were provided to Clermont days after the Conservation District's inspections.

13. Clermont has responded in writing to all of the Department's inspection reports, shared numerous photographs of the completed work with the Department and Conservation District, and repeatedly requested that the Department lift the Field Order, either for the entire Solar Site or for portions of the Solar Site to allow construction work to resume. Clermont has incurred approximately \$2 million in costs, including costs to address the Department and Conservation District's identified concerns, costs associated with leasing construction equipment that cannot be used, and costs associated with paying construction contractors to be on "stand by" as the Field Order remains in place.

14. In its discussions with the Department, Clermont requested that the Department authorize certain limited utility-related work in a substation area of the Solar Site. Clermont had worked with the utility company to schedule a temporary grid outage that was necessary to complete this work. Due to the Field Order, the temporary grid outage was delayed. The utility company informed Clermont that it needed written authorization from the Department to proceed with the limited utility work by April 3, 2026, and if it did not receive such written authorization, the necessary temporary grid outage would be delayed further, potentially for several months. After several discussions and exchanges of written correspondence, the Department authorized the limited utility work with several conditions and for only seven (7) calendar days from the date that the work was to begin.

15. After Clermont shared the Department's April 3, 2026 authorization with the utility company, the utility company informed Clermont that seven (7) calendar days was not enough time to complete the limited utility work and that it needed thirty (30) calendar days. Clermont and the utility company explained the utility company's schedule to the Department on April 6, 2026. On April 7, 2026, the Department informed Clermont that it would not extend the April 3, 2026 authorization beyond seven (7) calendar days.



16. As of the date of this filing, the Department has not lifted the Field Order for any portion of the Solar Site, except for the April 3, 2026 authorization which does not provide sufficient time to complete the limited utility work.

17. During a meeting with Clermont on April 7, 2026, the Department acknowledged improvements made by Clermont at the Solar Site with respect to erosion and sedimentation control. The Department, however, indicated that additional work must be performed and indicated that it would not lift the Field Order until a “third-party monitor” verified that the entire 681-acre Solar Site met certain undefined requirements, prepared a written report with its findings, and shared this report with the Department.

18. Clermont objects to the Department’s issuance of the Field Order, subsequent interpretations of the Field Order to prohibit the operation of equipment over the solar array fields and graded areas, and repeated refusals to lift the Field Order prohibitions (collectively, the “Order”) as being unlawful, unreasonable, arbitrary, capricious, and/or an abuse of discretion, for reasons that include, but are not limited to, the following:

- a. The Order unlawfully, unreasonably, arbitrarily, and capriciously prohibits Clermont from engaging in construction and earth disturbance activities at the Solar Site indefinitely, notwithstanding the improvements Clermont has made at the Solar Site since the Field Order was issued.
- b. The Order is based on unlawful, unreasonable, arbitrary, and capricious interpretations of applicable requirements in the Clean Streams Law, 25 Pa. Code Chapters 102 and 105, and the Permit.
- c. The Order unlawfully, unreasonably, arbitrarily, and capriciously imposes requirements on Clermont that exceed those required by law, regulation, the Permit, and plans approved by the Department under the Permit.
- d. The Order unlawfully fails to provide objective standards or guidance by which Clermont’s compliance may be determined.



- e. The Order has unlawfully, unreasonably, arbitrarily, and capriciously been interpreted by the Department to impose requirements not set forth in the written Field Order.
- f. The Order unlawfully delegates to the Conservation District any authority possessed by the Department to determine Clermont's compliance with applicable requirements in the Clean Streams Law, 25 Pa. Code Chapters 102 and 105, and the Permit.
- g. The Order has unlawfully, unreasonably, arbitrarily, and capriciously imposed corrective action beyond that required to address the alleged non-compliance under the Clean Streams Law, 25 Pa. Code Chapters 102 and 105, and the Permit.
- h. The Order has unlawfully, unreasonably, arbitrarily, and capriciously imposed undue and unjust financial hardships on Clermont to complete actions that exceed those required by law, regulation, the Permit, and plans approved by the Department under the Permit.
- i. The Order is otherwise arbitrary, capricious, unreasonable, unlawful, and/or an abuse of discretion.

19. Clermont reserves the right to amend this Notice of Appeal and/or assert additional grounds for appeal based on any other objections that may become known through discovery, changes in law, fact or pertinent circumstances, action by the Department, or otherwise.

20. Clermont respectfully requests that the Board vacate the Order in its entirety, prohibit or estop the Department from enforcing the Order, award Clermont its costs and attorney's fees incurred in connection with this appeal to the extent permitted by law, and grant such other and further relief as the Board deems just and appropriate.

Respectfully submitted,

/s/ Gary E. Steinbauer

Joseph Schaeffer

Pa. I.D. #323256

Gary E. Steinbauer

Pa. I.D. #324025

Babst, Calland, Clements and Zomnir, P.C.



Two Gateway Center  
6<sup>th</sup> Floor  
Pittsburgh, PA 15222  
Phone: (412) 394-5400  
Facsimile: (412) 394-6576

Attorneys for Appellant

Dated: April 8, 2026



**ATTACHMENT  
B**



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF CLEAN WATER



**FIELD ORDER**

		DEP DOCKET NUMBER	
OPERATOR, COMPANY OR NAME OF INDIVIDUAL Clermont Solar LLC		PHONE NO. 703-472-3828	
ADDRESS 1201 Wilson Boulevard, Arlington, VA 22209		MUNICIPALITY Sergeant	
FACILITY NAME OR LOCATION OF VIOLATION Ridgeway Solar Site, Clermont Road, Wilcox, PA 15870		COUNTY McKean	
PERMIT NO(S) PAD420008A1		DATE OF INSPECTION 03/06/2026 By McKean CD	TIME OF INSPECTION A.M. 1:00 P.M.
NAME AND TITLE OF RECEIVING OFFICIAL Everette Israel Env. Comp. QA/QC Coordinator			DATE OF SERVICE 03/09/2026

The Department of Environmental Protection (DEP) is the agency with the authority to administer and enforce the Clean Streams Law, the Act of June 22, 1937, P.L. 1987, as amended, 35 P.S. §691.1 et seq., Section 1917-A of the Administrative Code, the Act of April 9, 1929, P.L. 177, as amended, 71 P.S. §510-17, and the Rules and Regulations of the Environmental Quality Board adopted thereunder.

The undersigned authorized representative of DEP has conducted an inspection of the above site on the above date and has determined that violations listed in attachment(s) exist. This Order constitutes a separate Order for each violation listed.

Pursuant to Sections 5, 316, 402, and 610 of the Clean Streams Law (35 P.S. §§691.5, 691.316, 691.402, and 691.610) and Section 1917-A of the Administrative Agency Code, as amended, 71 P.S. §510-17, DEP hereby ORDERS that the operator shall perform the corrective actions listed in the attachment.

Failure to comply with this order constitutes unlawful conduct under Section 611 of the Clean Streams Law (35 P.S. §691.611) and a nuisance under Section 610 of the Clean Streams Law (35 P.S. §691.610). Section 605 of the Clean Streams Law (35 P.S. §691.605) provides that DEP may assess a civil penalty of up to Ten Thousand Dollars (\$10,000) per day for each violation of this order.

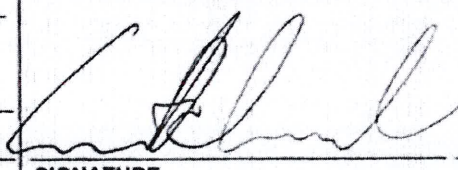
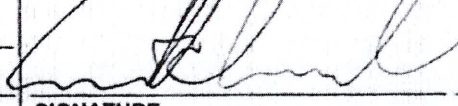
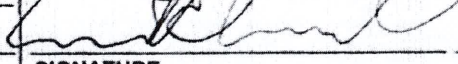
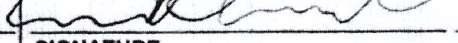

Nothing contained in the order shall be construed to relieve or limit the obligations of the above mentioned operator to comply with the terms and conditions of any permit existing or hereafter issued by DEP to the operator, or to limit any civil or criminal liability of the operator. Additional requirements may be imposed in the future by subsequent DEP orders or other actions. Your prompt compliance with this order will be considered when assessing a civil penalty for the violation(s) which is (are) the subject of this order.

**APPEAL NOTICE**

Any person aggrieved by this action may appeal the action to the Environmental Hearing Board (Board), pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A. The Board's address is: Environmental Hearing Board, Rachel Carson State Office Building, Second Floor, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457. TDD users may contact the Environmental Hearing Board through the Pennsylvania Relay Service, 800-654-5984. Appeals must be filed with the Board within 30 days of receipt of notice of this action unless the appropriate statute provides a different time. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law. A Notice of Appeal form and the Board's rules of practice and procedure may be obtained online at <http://ehb.courtapps.com> or by contacting the Secretary to the Board at 717-787-3483. The Notice of Appeal form and the Board's rules are also available in braille and on audiotape from the Secretary to the Board.

IMPORTANT LEGAL RIGHTS ARE AT STAKE. YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD AT 717-787-3483 FOR MORE INFORMATION. YOU DO NOT NEED A LAWYER TO FILE A NOTICE OF APPEAL WITH THE BOARD.

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST BE FILED WITH AND RECEIVED BY THE BOARD WITHIN 30 DAYS OF RECEIPT OF NOTICE OF THIS ACTION.

DEPARTMENT REPRESENTATIVE		PHONE NUMBER	RECEIVING OFFICIAL	
NAME: Jared Prokopchak		814.332.6879	The undersigned representative, hereby acknowledges receipt of this order and attachment(s) hereto. This signature does not constitute an acknowledgement that any or all of the violations listed in the attachment(s) have occurred or continue to occur.	
TITLE: Environmental Group Manager				
ADDRESS: 230 Chestnut Street				
Meadville, PA 16335				
SIGNATURE		03/09/2026		
				
				
				
				

White - Operator

Yellow - Inspector

Pink - Regional Office



### FIELD ORDER (Continuation)

Facility Name Ridgeway Solar Site

Permit No. PAD420008

#### PARAGRAPH

#### DESCRIPTION OF VIOLATION:

Unauthorized discharges of sediment-laden runoff to Smith Run and Fivemile Run.  
Best management practices (BMPs) were failing, not implemented or not maintained. Compost filter sock was overtopped and not cleared of sediment build-up. Areas of earth disturbance were not temporarily stabilized following 4 or more days of earth work cessation.

#### LOCATION OF VIOLATION:

Ridgeway Solar Site; Clermont Road, Wilcox, PA 15870  
Smith Run and Fivemile Run

#### PROVISIONS OF REGULATION, STATUTE OR PERMIT CONDITION VIOLATED:

Clean Streams Law 401 (CSL § 401) - Unauthorized discharge of polluting substances to waters of the Commonwealth resulting in pollution.  
25 Pa. Code Chapter 102 § 102.4(b)(1), § 102.22(a)(1)). Failure to implement and/or maintain E&S BMPs for earth disturbance.  
PAD420008A1 Part B, Section I. (D.)-The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances), including BMPs, which are installed or used by the permittee to achieve compliance with the terms and conditions of this permit. The permittee shall properly operate and maintain backup or auxiliary facilities or similar systems installed by the permittee, as necessary to achieve compliance with the terms and conditions of this pe

#### CORRECTIVE ACTION REQUIRED OR ACTIVITY TO BE CEASED:

Per PAD420008A1 PART C, Section IX. A., the permittee shall cease earth disturbance activities except for that which are necessary to implement/maintain BMPs on-site, and may not resume such activities until authorized to do so by DEP. The Department requests the immediate implementation of the approved E&S plan. This includes implementation/maintenance of BMPs, addition of BMPs as necessary, and temporary stabilization of earth disturbance. Once the Department has been notified that this is complete, an inspection will be conducted by DEP and/or McKean CD to determine if compliance has been achieved. Authorization to re-commence earthwork will not be granted until it has been determined by the DEP or McKean CD that compliance has been achieved on-site.

White - Operator

Yellow - Inspector

Pink - Regional Office

CERTIFICATE OF SERVICE



I hereby certify that a true and correct copy of the foregoing NOTICE OF APPEAL on behalf of the Appellant in the above-captioned case was filed via the Board's e-filing system on April 8, 2026, resulting in automatic service on the Department's Office of Chief Counsel, including the Department's counsel of record, and the officer who took the action. The NOTICE OF APPEAL was also sent via email to Mr. Dearald Shuffstall and Mr. David Hull of the Department on April 8, 2026. Lastly, the NOTICE OF APPEAL was also sent via First Class U.S. Mail on April 8, 2026 to:

Jared Prokopchak  
Environmental Group Manager  
Pennsylvania Dept. of Environmental Protection  
230 Chestnut Street  
Meadville, PA 16335

/s/ Gary E. Steinbauer

Gary E. Steinbauer  
Babst, Calland, Clements and Zomnir, P.C.  
Two Gateway Center  
6<sup>th</sup> Floor  
Pittsburgh, PA 15222

Attorney for Appellant