



COMMONWEALTH OF PENNSYLVANIA
ENVIRONMENTAL HEARING BOARD



PITT OIL AND GAS LLC

v.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

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EHB Docket No. 2026-074-B

Issued: September 15, 2026

**OPINION AND ORDER ON
FAILURE TO OBTAIN COUNSEL**

By Steven C. Beckman, Chief Judge and Chairperson

Synopsis

The Board dismisses an appeal as a sanction where an appellant limited liability company has not obtained counsel as required by the Board’s Rules and a Board Order and has not responded to a Rule to Show Cause.

OPINION

Introduction

On July 15, 2026, we received a notice of appeal from Pitt Oil and Gas LLC (“Pitt Oil”) of the Department of Environmental Protection’s (the Department’s) Order and Assessment of Civil Penalty. Pitt Oil engages in oil and gas extraction. According to the Department’s Order, Pitt Oil holds permits for 82 conventional oil and/or gas wells in Warren County. The Department alleged that Pitt Oil failed to submit annual mechanical integrity assessment reports for the wells for the 2025 reporting period, in violation of 25 Pa. Code § 78.88. The Order directed Pitt Oil to inspect the wells and electronically submit the inspection results within 120 days. It also assessed a civil penalty of \$12,300 pursuant to Section 3256 of the Oil and Gas Act, 58 Pa. C.S. §3256.

Pitt Oil filed its Notice of Appeal, *pro se*, on July 15, 2026. Among its objections, Pitt Oil asserted that the Department had not provided a warning or notice of violation before assessing the penalty, that three listed wells had never been drilled, and that it could not afford the penalty. Pitt Oil also described an unsuccessful effort to submit its reports electronically. The same day we received Pitt Oil's Notice of Appeal, the Board issued an Order ("July 2026 Order") directing Pitt Oil to have an attorney enter an appearance on its behalf within the next 30 days. The July 2026 Order further provided that if no attorney had entered an appearance before August 14, 2026, Pitt Oil was required to file a statement on that date addressing its progress toward obtaining counsel. The July 2026 Order advised that Pitt Oil's failure to comply could result in the dismissal of its appeal. No attorney entered an appearance by August 14, 2026, nor did Pitt Oil file the required statement detailing its efforts to obtain counsel.

On August 17, 2026, we issued a Rule to Show Cause ("Rule") directing Pitt Oil to explain why we should not dismiss its appeal as a sanction pursuant to 25 Pa. Code § 1021.161 for failing to comply with the July 2026 Order. The Rule expressly provided that Pitt Oil's response was due by August 31, 2026, or alternatively, the appearance of counsel on or before August 31st would discharge the Rule. Pitt Oil did not file a response. To date, no attorney has entered an appearance on Pitt Oil's behalf.

Our rules require parties other than individuals appearing on their own behalf to be represented by an attorney in good standing at all stages of a proceeding after filing a notice of appeal or complaint. 25 Pa. Code § 1021.21(a). As a limited liability company, Pitt Oil does not qualify for the exception for an individual appearing on his or her own behalf. It must obtain counsel to proceed with this appeal. See *WTA Properties, LLC v. DEP*, EHB Docket No. 2025-100-BP, slip op. at 2-3 (Opinion and Order issued Jan. 7, 2026).

The Board may impose sanctions, including dismissal of an appeal, for failure to comply with a Board order or rule of practice and procedure. 25 Pa. Code § 1021.161. We have recently dismissed appeals where business entities failed to obtain counsel and ignored orders and rules to show cause requiring them to address that failure. *WTA Properties LLC*, slip op. at 3-5; *Waroquier Coal Co. v. DEP*, 2024 EHB 396. In each case, the appellant's failure to respond demonstrated a lack of intent to pursue its appeal. Similar to the facts before us is *Rocks Spring Water Co. v. DEP*, 2022 EHB 463. In *Rocks Spring*, the Board directed the company to obtain counsel and perfect its appeal. After the company failed to comply, the Board issued a rule to show cause warning of dismissal. The company filed nothing further and the Board dismissed the appeal for failure to comply with its rules and orders including the requirement to obtain counsel. (See also, *L.A.G. Wrecking Inc. v. DEP*, 2015 EHB 338 where the Board dismissed the appeal after the company failed to comply with a Board order requiring it to obtain counsel after its attorney withdrew and did not respond to subsequent rule to show cause).

Pitt Oil has been given a reasonable opportunity to obtain counsel and an opportunity to explain why dismissal should not follow its failure to do so. Our July 2026 Order allowed Pitt Oil to report its progress toward obtaining counsel if an attorney had not yet appeared. Pitt Oil provided no such report. The Rule issued August 17, 2026 then gave Pitt Oil another opportunity to obtain counsel or explain why its appeal should remain pending. Pitt Oil again remained silent. Both the July 2026 Order and the Rule put Pitt Oil on notice that dismissal could follow its failure to comply. Pitt Oil's failure to obtain counsel prevents it from proceeding in accordance with our Rules, and its failure to respond to the July 2026 Order and the Rule issued in August demonstrates a lack of intent to pursue its appeal. We therefore dismiss the appeal as a sanction pursuant to 25 Pa. Code § 1021.161.



Accordingly, we issue the following Order:



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ORDER

AND NOW, this 15th day of September, 2026, it is hereby ORDERED that Pitt Oil and Gas LLC's appeal is **dismissed**.

ENVIRONMENTAL HEARING BOARD

s/ Steven C. Beckman

STEVEN C. BECKMAN
Chief Judge and Chairperson

s/ Bernard A. Labuskes, Jr

BERNARD A. LABUSKES, JR.
Judge

s/ Sarah L. Clark

SARAH L. CLARK
Judge

s/ MaryAnne Wesdock

MARYANNE WESDOCK
Judge

s/ Paul J. Bruder, Jr.

PAUL J. BRUDER, JR.
Judge

DATED: September 15, 2026

c: DEP, General Law Division:
Attention: Maria Tolentino
(via *electronic mail*)

For the Commonwealth of PA, DEP
Jennifer McDonough, Esquire
Brendyn Baptiste, Esquire
(via *electronic mail*)

For Appellant:
Pitt Oil and Gas LLC
(via *electronic filing system*)