



COMMONWEALTH OF PENNSYLVANIA
ENVIRONMENTAL HEARING BOARD



LOWHILL TOWNSHIP

v.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL
PROTECTION and CRG SERVICES
MANAGEMENT, LLC, Permittee

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**EHB Docket No. 2026-041-BP
(Consolidated with EHB Docket
No. 2026-049-BP)**

Issued: July 29, 2026

**OPINION AND ORDER
ON APPELLANT LOWHILL TOWNSHIP'S MOTION TO STRIKE AND
CRG SERVICES MANAGEMENT, LLC'S PETITION TO INTERVENE**

By Paul J. Bruder, Jr., Judge

Synopsis

The Environmental Hearing Board ("Board") denies Appellant Lowhill Township's ("Appellant" and "Township") Motion to Strike and denies Permittee CRG Services Management, LLC's ("Permittee" and "CRG") Petition to Intervene. CRG is already a party to this appeal; thus, CRG's Petition to Intervene is procedurally improper and the Township's Motion to Strike is moot.

OPINION

Background

This appeal centers around a Private Request made by CRG under the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 535, *as amended*, 35 P.S. § 750.1-750.21; and rules and regulations promulgated thereunder, 25 Pa. Code § 71.14(a).

CRG is the equitable owner of property located in Lowhill Township on which it proposes to construct a 299,880 square-foot warehouse to be served by an on-lot sewage disposal system

(the “facility”). On or about September 25, 2025, CRG submitted a Private Request to Appellee Pennsylvania Department of Environmental Protection (“Department”) requesting that the Department order the Township to revise its Official Sewage Facilities Plan to provide adequate sewage disposal for the facility. Specifically, CRG requested that the Department direct the Township to approve a Sewage Facilities Planning Module Component 2, thereby permitting the use of an on-lot sewage disposal system for the facility. (*See* Appellant’s Notice of Appeal, Ex. “A” at EHB Docket No. 2026-041-BP).

Appeal 1

By letter dated April 7, 2026, the Department granted CRG’s Private Request. (*Id.*) On May 7, 2026, the Township filed a Notice of Appeal with the Board challenging the Department’s approval of CRG’s Private Request, which the Board assigned to Docket No. 2026-041-BP (“Appeal 1”). CRG was served with a copy of the Notice of Appeal on May 7, 2026 by Appellant. CRG was listed as a party appellee in the Board’s Pre-hearing Order No. 1.

Appeal 2

On or about April 24, 2026, the Department issued an Administrative Order to the Township to revise its Official Sewage Facilities Plan to include the Sewage Facilities Planning Module Component 2 and submit an updated Act 537 Plan to the Department. (*See* Appellant’s Notice of Appeal, Ex. “A” at EHB Docket No. 2026-049-BP). On May 24, 2026, the Township filed an appeal of the Department’s Administrative Order, which the Board assigned to Docket No. 2026-049-BP (“Appeal 2”). CRG was listed as a party appellee in the Board’s May 26, 2026 Pre-hearing Order No. 1. On June 13, 2026, the Township filed an Amended Notice of Appeal in Docket No. 2026-049-BP, which listed CRG as a party/permittee in the caption. On June 13, 2026, CRG was served by Appellant with a copy of the Amended Notice of Appeal.

Consolidation and Petition to Intervene

On June 17, 2026, Appellant again served both Appeal 1 and Appeal 2 Notices of Appeal forms upon Counsel to CRG by electronic mail. (*See* Motion to Strike, Ex. “A”). On July 1, 2026, CRG’s counsel entered their appearance in Appeal 1 and filed a Petition to Intervene pursuant to 25 Pa Code § 1021.81. On July 2, 2026, CRG’s counsel entered their appearance in Appeal 2, and on July 7, 2026, filed a Petition to Intervene pursuant to 25 Pa. Code § 1021.81. On July 7, 2026, the parties jointly (including CRG) filed a letter with the Board requesting Appeal 1 and Appeal 2 be consolidated. On July 8, 2026, the Board issued an order consolidating the appeals at EHB Docket No. 2026-041-BP (Consolidated with 2026-049-BP).

On July 21, 2026, the Department filed a letter consenting to CRG’s Intervention in the appeals. On July 22, 2026, the Township filed a Motion to Strike CRG’s Petitions to Intervene arguing the Petitions were moot and procedurally improper as CRG was already a party to the consolidated appeals. Notably, the Township did not argue against CRG’s inclusion in this appeal, but merely that its Petition to Intervene was procedurally improper and unnecessary.

Discussion

The issue of whether CRG needed to file a petition to intervene in this matter is governed by 25 Pa. Code § 1021.51(h). Pursuant to 25 Pa. Code § 1021.51(h), a potentially adversely affected person to an appeal includes:

1. The recipient of a permit, license, *approval*, certification or order.
2. *In appeals involving a decision under section 5 or section 7 of the Pennsylvania Sewage Facilities Act (35 P.S. § § 750.5 or 750.7), any affected municipality, its municipal authority, the proponent of the request, when applicable, and any municipality or municipal authority whose official plan may be affected by the decision or a decision of the Board in the appeal.*
3. 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.
4. Other interested persons as ordered by the Board.

25 Pa. Code § 1021.51(h)(1)-(4) (emphasis added).

The regulations further provide that:

The service upon the recipient of a permit, license, approval, certification or order, as required under subsection (h)(1), shall subject the recipient to the jurisdiction of the Board, and the recipient shall be added as a party to the appeal without the necessity of filing a petition for leave to intervene under § 1021.81 (relating to intervention). The recipient of a permit, license, approval, certification or order who is added to an appeal under this section shall still comply with §§ 1021.21 and 1021.22 (relating to representation; and notice of appearance).

25 Pa. Code § 1021.51(i) (emphasis added).

Additionally, potentially adversely affected persons may have automatic party status when a decision involves the Pennsylvania Sewage Facilities Act by filing an entry of appearance within thirty (30) days. 25 Pa. Code § 1021.51(j) states:

(j) Potentially adversely affected persons under subsection (h)(2) or (3) may intervene as of right in the appeal by filing an entry of appearance within 30 days of service of the notice of appeal in accordance with §§ 1021.21 and 1021.22, without the necessity of filing a petition for leave to intervene under § 1021.81. Potentially adversely affected persons under subsection (h)(4) may seek leave to intervene by filing a petition to intervene under § 1021.81, or may intervene as of right by filing an entry of appearance where permitted to do so by order of the Board.

25 Pa. Code § 1021.51(j) (emphasis added).

We find that Judge Labuskes concisely summarized and explained the above rules - as they relate to a party having automatic party status - in *Montgomery Township Friends of Family Farms* when he stated:

For certain types of appeals, some persons are designated under our rules as a party to an appeal and other persons may become a party to an appeal without needing to petition to intervene. This process begins with an appellant serving a copy of its notice of appeal on certain classes of persons (other than the Department) as required by our rules. In cases where an appellant is appealing a “permit, license, approval, certification or order” that was issued to someone other than the appellant, the appellant must serve its notice of appeal on the recipient of that Department action. 25 Pa. Code § 1021.51(f)(1)(iv) and 1021.51(h)(1). Service of the notice of appeal upon the recipient of a permit, license, approval, certification, or order then “subject[s] the recipient to the jurisdiction of the Board, and the recipient shall be added as a party to the third-party appeal without the necessity of

filing a petition for leave to intervene....” 25 Pa. Code § 1021.51(i). The Board commonly refers to these recipients as “permittees” and adds them to the caption at the beginning of a case.

The Board’s rules also require service of the notice of appeal on certain other entities whose interests may be affected by an appeal. For instance, in appeals of decisions under Sections 5 or 7 of the Pennsylvania Sewage Facilities Act, 35 P.S. §§ 750.5 and 750.7, service is required on any affected municipality, municipal authority, or the proponent of the decision. 25 Pa. Code § 1021.51(h)(2). . . . Those entities, as well as any other interested party as ordered by the Board, 25 Pa. Code § 1021.51(h)(4), may intervene in the appeal as a matter of course within 30 days of service of the notice of appeal by simply filing a notice of appearance instead of a petition to intervene. 25 Pa. Code § 1021.51(j).

Montgomery Twp. Friends of Family Farms v. DEP, 2024 EHB 240, 247-48.

Accordingly, based on the above, in Appeal 1, CRG was the recipient of an *approval* of a Private Request. Therefore, CRG was deemed an automatic party appellee without the need to file a petition for intervention upon receipt of service of the Notice of Appeal. 25 Pa. Code § 1021.51(h)(1)&(i). Additionally, in Appeal 2, CRG was the proponent of a request made under the Pennsylvania Sewage Facilities Act, 35 P.S. § 750.5(b), and intervened as of right with its attorney’s entry of appearance within thirty (30) days of service of the Amended Notice of Appeal. 25 Pa. Code § 1021.51(h)(2)&(j). Thus, CRG was already a party appellee to both appeals, which have now been consolidated, without the need for a petition to intervene.¹

Conclusion

For these reasons, we deny CRG’s Petition to Intervene as procedurally improper and moot, as CRG is already a party to this appeal. (*See Steel Land, LLC v. DEP*, EHB Docket No. 2025-023-L, June 2, 2025 Order denying Petition to Intervene where the Township was already a party

¹ The Board generally encourages parties to seek the position of other parties and state that position in procedural and other motions, petitions or other requests, or a statement that the other parties were contacted and no response was received to determine such positions. These pleadings likely could have been avoided had that practice been adhered to, and we encourage the parties to discuss such matters prior to coming to the Board for relief.



to the appeal). Thus, the Township's Motion to Strike the Petition to Intervene is additionally moot.

Therefore, for the above-stated reasons, we deny both motion and petitions, as CRG is already a party appellee in the consolidated appeal.

Accordingly, we issue the following order.



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ORDER

AND NOW, this 29th day of July, 2026, it is hereby **ordered** that The Environmental Hearing Board denies Appellant Lowhill Township's Motion to Strike and denies Permittee CRG Services Management, LLC's Petition to Intervene. CRG is already a party to this appeal; thus, CRG's Petition to Intervene and the Township's Motion to Strike are moot.

ENVIRONMENTAL HEARING BOARD

s/ Paul J. Bruder, Jr.
PAUL J. BRUDER, JR.
Judge

DATED: July 29, 2026

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

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