
From: Siegel, Martin R. <MSiegel@barley.com>
Sent: Thursday, January 11, 2024 1:07 PM
To: McCaulley, Errin; Gould, Scott
Subject: FW: [External] M&M Realty v. DEP, EHB Docket No. 2023-082

[EXTERNAL]
Errin and Scott:

Below is Mike's response. Pretty much what I expected.

Marty

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From: Ferrence, Michael <mferrence@pa.gov>
Sent: Thursday, January 11, 2024 12:26 PM
To: Siegel, Martin R. <MSiegel@barley.com>
Subject: RE: [External] M&M Realty v. DEP, EHB Docket No. 2023-082

Hi Marty,

While I appreciate your effort, this does not appear to be anything more than a regurgitation of your initial argument. I believe we've explained why we do not agree with your interpretation or applicability of the regulations. Our position remains the same, planning is required. We remain open to settlement through entry of the Consent Order and agreement provided to you back in early September, 2023. To date, we have not received any comments or proposed edits to that document.

Bests,
Mike

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From: Siegel, Martin R. <MSiegel@barley.com>
Sent: Thursday, January 11, 2024 9:55 AM
To: Ferrence, Michael <mferrence@pa.gov>
Subject: RE: [External] M&M Realty v. DEP, EHB Docket No. 2023-082

In a continuing effort to try to find a way to resolve this, I'd like to hear your thoughts on why 25 Pa. Code 72.23(d)(5) would not apply to this situation. It explicitly states that the limitations on permit issuance by a municipality do not apply "to interim repairs to or the replacement of existing malfunctioning onlot sewage systems."

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