

September 13, 2023

Via Email and First-Class Mail
Mr. Richard Tallman, P.E.
Pottsville District Mining Office
Pennsylvania Department of Environmental Protection
5 West Laurel Boulevard
Pottsville, PA 17901

**Re: Heidelberg Materials Northeast LLC Letter dated August 17, 2023
Rock Hill Quarry
East Rockhill Township
Bucks County, Pennsylvania**

Dear Mr. Tallman:

On behalf of Rockhill Environmental Preservation Alliance, Inc. (REPA), kindly accept this response to Heidelberg Materials Northeast LLC letter dated August 17, 2023. Many of the topics in Heidelberg's August 17 letter have been addressed previously and will not be repeated here. The purpose of this letter is to address some of Heidelberg's unfounded attacks on REPA as well as the more egregious statements in the letter.

Heidelberg claims that REPA has not "squarely and honestly" addressed Heidelberg's data and has "manufacture[d] issues." Nothing can be further from the truth. The issues raised by REPA, and its critique of Heidelberg's data regarding the asbestos at the Rock Hill quarry have been well documented in nineteen (19) detailed reports from its expert consultant. REPA's consultant has relied on well recognized and widely accepted principles to analyze the data and support his contentions. This is in sharp contrast to Heidelberg, which relies on allegedly proprietary and undisclosed methods for analyzing the asbestos. Despite REPA's repeated requests, this methodology has never been revealed by Heidelberg. It is well documented that Heidelberg, not REPA, has made claims that are not factual.

Perhaps most disturbing is Heidelberg's pivot from seeking to remove only the minimal 500 tons per year to keep its permit active to "**fully operate** the Quarry throughout the year under all weather conditions" and conduct "**full scale** operations." (emphasis added). The sampling protocol was not developed to investigate the safety of full scale operations. It was developed only to evaluate the ability to Heidelberg to remove 500

tons of previously crushed aggregate material per year.¹ And even for that smaller amount, Heidelberg failed to show that such removal could be done safely. It cannot now be allowed to backdoor its way into “full scale operations.”

Heidelberg claims that “Quarry operations can be performed safely and will not result in an unacceptable risk of off-site exposure to asbestos associated with quarrying activities.” This contention is based on flawed conclusions that include the erroneous assertions no asbestiform structures have been identified and that simulated quarry operations through “activity based sampling” events have generated minimal total asbestos detections at the quarry permitter. First, as Heidelberg must be well aware, “asbestiform” structures cannot be determined by any test method, particularly by ISO 10312. Second, the activity-based sampling conducted by Heidelberg is representative only of limited short-term loading of fully processed aggregate using a rubber tire loader under very controlled conditions. It is not representative of daily loading of large tonnage of material over a large period of time, where the airborne asbestos concentrations are scaled to the volume of material (for example, loading of 5,000 tons may be expected to increase asbestos concentrations ten-fold). The resulting concentrations for the small loading task cannot be applied to the proposed full mining operations. Full mining operations in hard rock that cannot be wetted involve percussion drilling of blast holes, blasting, reduction of large rock blocks using percussion hammering, excavation using steel-tracked excavators, steel-tracked bulldozers that continuously crush rock where dust is propelled by their large cooling fans, loading of material and hauling to a processing facility, processing of rock by crushing and sorting, and further loading for offsite transport. Each of these operations, **individually**, are expected to produce airborne concentrations that may be orders of magnitude higher than the concentrations measured during the simple 500-ton loading exercise, and **collectively**, will be far higher. Clearly, Heidelberg has not provided any data showing that any of the anticipated operations can be conducted safely and will not adversely expose off-site residents to asbestos, and certainly not for the full mining project where each operation will be collectively active. The Department required that Heidelberg produce activity-based sampling of each task or operation, but has received data only from four days of the least dust-producing task.

Heidelberg seems to find something nefarious in REPA's goal to have the quarry permanently closed. There is nothing nefarious or surprising about this goal. Aside from

¹For example, in a January 15, 2021 response to Department comments, Heidelberg wrote that its proposed activities included “removal of the requisite 500 tons annually from the site to maintain the Large Noncoal Surface Mine Permit active status.” In response to the Department's request that Heidelberg (a/k/a Hanson) “[d]evelop, submit to DEP for approval, and commit to execute a daily sampling program to be implemented in a stepped-up basis as each Quarry activity begins should full Quarrying activity be approved” Heidelberg also responded that “[i]t is premature to determine the sampling frequency at this time with respect to full Quarry operations . . . Hanson will coordinate required sampling frequencies with DEP prior to initiating more frequent or extensive quarrying operations.”

Mr. Richard Tallman, P.E.

September 13, 2023

Page 3

being a nuisance to the community that developed during the forty (40) years that the quarry was effectively closed, the quarry poses a risk to the community. Heidelberg has failed to show otherwise. REPA understands that on a recent call with Heidelberg and various community stakeholders, the Department referenced two quarries with asbestos located near residential areas in western Pennsylvania and Maryland. Remarkably, and putting aside the differences between the two areas and East Rockhill, when asked what data the Department had to show the operations at these quarries was safe, we understand that the Department advised that it did not have any such data.

As the Pennsylvania Department of Health clearly stated: "Any activity occurring at the Rockhill quarry which could raise the risk of exposure to inhaled or ingested elongated mineral fibers should be avoided." And, as REPA has clearly demonstrated, operations at the Rock Hill quarry have a significant potential for adverse exposure to Rockhill Township residents, particularly to sensitive receptors such as children who live or attend school near the site, and should not be allowed to occur.

Thank you for your attention to this matter.

Very truly yours,



Mark L. Freed, Esquire
For CURTIN & HEEFNER LLP

cc: The Honorable Josh Shapiro, Governor of Pennsylvania
The Honorable Richard Negrin, Secretary, PADEP
The Honorable Brian Fitzpatrick, U.S. Representative PA-01
The Honorable Steven Santarsiero, 10th Senatorial District
The Honorable Craig Staats, PA's 145th Legislative District
The Honorable Diane Ellis-Marseglia, Chair, Bucks County Board of Commissioners
The Honorable Robert Harvie, Jr., Vice Chair, Bucks County Board of Commissioners
The Honorable Gene DiGirolamo, Bucks County Board of Commissioners
Steven Baluh, P.E
Marianne Morano, East Rockhill Township Manager
Megan Banis-Clemens, Penridge School District, School Board Member
Amiee Bollinger PADEP
Virginia Cain, PADEP
Robert Fogel, PADEP
Erika Furlong, PADEP
Craig Lambeth, PADEP
Shawn Mountain, PADEP
Patrick Patterson, PADEP
James Rebarchak, PADEP
Daniel Sammarco, PADEP

Mr. Richard Tallman, P.E.

September 13, 2023

Page 4

Sachin Shankar, PADEP
Gary Latsha, PADEP
Doug White, PADEP
Michael Kutney, PADEP
John Stefanko, PADEP
David Thomas, PADEP
Randy Shustack, PADEP
Ross Klock, PADEP
Darren Henry, PADEP
Jillian Gallagher, PADEP
Ashley Davis, PADEP
Neil Shader, PADEP
Daniel Koury, PADEP
Andrew J. Gutshall, P.G.
David A. Assalone, Esq.
REPA