



Sent via E-mail only

Heidelberg Materials Northeast LLC

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June 1, 2026

Richard E. Tallman, P.E.
Pennsylvania Department of Environmental Protection
Pottsville District Mining Office
5 West Laurel Boulevard
Pottsville, PA 17901

**Re: NPDES Permit Renewal
Heidelberg Materials Northeast LLC
Rock Hill Quarry
NPDES Permit No. PA0594121
East Rockhill Twp., Bucks Co., PA**

Dear Mr. Tallman:

On behalf of Heidelberg Materials Northeast LLC (“Heidelberg”), please accept this comment letter regarding the Pennsylvania Department of Environmental Protection’s (“PADEP”) publication of Heidelberg’s proposed NPDES Permit No. PA0594121 (“Permit”) for the Rock Hill Quarry (“Quarry”) in the Pennsylvania Bulletin.¹ The purpose of this letter is to request that PADEP revise Outfalls 001 and 004 to contain only “Monitor and Report” requirements for select parameters for two primary reasons:

- the Permit discharge to the Unnamed Tributary (“UNT”) to Tohickon Creek (locally referred to as Bog Run) pre-existed the pending designation of the UNT as “special protection” and is therefore “grandfathered” as part of the existing water quality of the receiving waterbody.²
- Sampling data collected for the Permit at Outfall 001, which represents the total Quarry discharge, demonstrates that the discharge will not adversely impact the waterbody.

Background. As acknowledged by PADEP’s Permit Fact Sheet, the Quarry has had an authorized, permitted discharge to the UNT to Bog Run since July 1978. Heidelberg’s current Permit includes a discharge flow rate of 0.238 million gallons per day (“MGD”) to the tributary, which will be maintained in the renewed Permit.

On January 19, 2023, Heidelberg timely submitted a NPDES renewal application to PADEP, which proposed to modify the existing NPDES discharge at Outfall 001. The existing Outfall at 001 near the western portion of the Site will continue to discharge to the UNT to Bog Run and will encompass the total

¹ See 56 Pa. Bulletin 1411, 1483-84 (Mar. 14, 2026)

² The Unnamed Tributary to Tohickon Creek (Bog Run) was recommended for an Exception Value designation in 2024, though that designation has not been finalized.

flow from the Quarry pit (Outfall 004), and two (2) stormwater basins (Outfalls 002 and 003). Following Heidelberg's January 19, 2023 submittal, the Department required that Heidelberg supplement its permit application with additional sampling for anti-degradation evaluation purposes.³ Relevant to PADEP's request, the UNT to Bog Run has a designated use as Trout Stocking Fishes, Migratory Fishes (TSF, MF) and has an existing use as Exceptional Value, Migratory Fishes (EV, MF). Following extensive evaluation⁴, Heidelberg concluded that the Quarry discharge is not expected to adversely impact the waterbody.

Request. Heidelberg respectfully requests that PADEP revise the published requirements for Outfalls 001 and 004 to generally match those applied to Outfalls 002 and 003. This revision would primarily change the requirements for Total Phosphorus, Total Nitrate-Nitrite, Total Aluminum, Total Iron, Total Dissolved Solids, and Total Sulfates to "Monitor and Report" only, as reflected on Exhibit A, attached hereto.

Heidelberg makes this request for the following reasons:

1. Per PADEP's Fact Sheet, no changes have been made to suggest any implications from Heidelberg's discharge. The Fact Sheet acknowledges that "[w]hile this modification adds three Outfalls as monitoring points, the discharges were physically in existence prior to the stream being recommended as EV. They are essentially grandfathered (see PA DEP TGD 391-0300-002 pages 46-47)." For reference, PADEP's Water Quality Antidegradation Implementation Guidance (Nov. 29, 2003) ("Guidance")⁵, states that "[d]ischarges in existence prior to HQ or EV designation are 'grandfathered' and considered to be part of the existing quality of the waterbody." See Guidance, at p. 46.

With that important context in mind, Heidelberg reiterates that the Quarry discharge is not "new, additional, or increased" per 25 Pa. Code § 93.4c(b)(1)(i). The Quarry's permitted discharge has been authorized for almost fifty years, the discharge flow rate from the Quarry will remain unchanged at 0.238 MGD, and the UNT to Bog Run's current Designated Use is neither High Quality (HQ) nor EV. **The discharge from the Quarry is considered to be part of the existing quality of the local waterbody, and the Department is not required to impose water quality limits on Outfalls 001 and 004.**

2. Heidelberg performed the supplemental antidegradation analysis at PADEP's request in light of the pending designation of the watershed to EV, despite it not being required by Chapter 93.4c regulations. The supplemental sampling results indicate that the Quarry discharge into the UNT to Bog Run is unlikely to adversely impact existing water quality. **Monitoring at Outfalls 001, 002, 003, and 004 will provide additional sampling information to evaluate any potential impact from the Quarry discharge.**
3. The Quarry discharge, to a significant extent, reflects local naturally occurring substances resulting from local wildlife and will not reflect Quarry operations. This is especially true with respect to nitrate and total aluminum, which the Anti-Degradation Guidance acknowledges and identifies as "Naturally Occurring Parameters" that may be components of the waterbody in question. **The Department should limit such parameters to "Monitor and Report" at Outfalls**

³ See PADEP Letter (May 31, 2023), Comment No. 7 (Application Supplement – Anti-degradation).

⁴ See Heidelberg's September 30, 2024 submittal for information on Heidelberg's sampling and analysis, including the Water Quality Assessment included therein.

⁵ Available at

<https://greenport.pa.gov/elibrary/PDFProvider.ashx?PromptToSave=False&Size=1064686&ViewerMode=2&action=PDFStream&docID=9148392&docName=WATER+QUALITY+ANTIDEGRADATION+IMPLEMENTATION+GUIDANCE>.

001 and 004 so as to not unnecessarily burden the Quarry discharge based on naturally occurring substances.

Conclusion. Given that the Quarry discharge is neither new, additional, or increased and can be grandfathered with respect to its relationship to the existing water quality of the local waterbody, that the UNT to Bog Run is not designated as HQ or EV, and that the discharge of the Quarry will not adversely impact the existing quality of the waterbody, Heidelberg respectfully requests that the Department revise the requirements for select parameters to “Monitor and Report” only, as reflected on Exhibit A.

Thank you for your consideration of this request. Please feel free to contact me at (610) 366-4819 should you wish to discuss the submission or require additional information.

Sincerely,



Andrew J. Gutshall, P.G.
Mine Permitting Manager

encl: Exhibit A – Outfall 001 & Outfall 004

cc: Michael P. Kutney, P.G., PADEP (e-mail only)
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Environmental File

EXHIBIT A

i. 30-Day Average

NPDES NO. PA0594121 OUTFALL 001 (dry weather)	PUBLISHED TERMS	REQUESTED TERMS	REVISED
Parameter (unit)	30-day Average	30-day Average	
pH	-	<i>No requested change</i>	
Total Alkalinity (as CaCO ₃) (mg/L)	Monitor and Report	<i>No requested change</i>	
Total Acidity (as CaCO ₃) (mg/L)	Monitor and Report	<i>No requested change</i>	
Net Alkalinity (mg/L)	-	<i>No requested change</i>	
Total Suspended Solids (mg/L)	35.0	<i>Monitor And Report</i>	
Total Phosphorous (mg/L)	0.39	<i>Monitor And Report</i>	
Total Nitrate-Nitrite as N (mg/L)	0.22	<i>Monitor And Report</i>	
Total Aluminum (mg/L)	0.46	<i>Monitor And Report</i>	
Total Iron (mg/L)	1.22	<i>Monitor And Report</i>	
Total Dissolved Solids (mg/L)	227.0	<i>Monitor And Report</i>	
Total Sulfates (mg/L)	10.9	<i>Monitor And Report</i>	
Turbidity (NTU)	40.0	<i>No requested change</i>	
Discharge (MGD) 004	Precipitation Dependent	<i>No requested change</i>	

NPDES NO. PA0594121 OUTFALL 004	PUBLISHED TERMS	REQUESTED TERMS	REVISED
Parameter (unit)	30-day Average	30-day Average	
pH	-	<i>No requested change</i>	
Total Alkalinity (as CaCO ₃) (mg/L)	Monitor and Report	<i>No requested change</i>	
Total Acidity (as CaCO ₃) (mg/L)	Monitor and Report	<i>No requested change</i>	
Net Alkalinity (mg/L)	-	<i>No requested change</i>	
Total Suspended Solids (mg/L)	35.0	<i>Monitor And Report</i>	
Total Phosphorous (mg/L)	0.39	<i>Monitor And Report</i>	
Total Nitrate-Nitrite as N (mg/L)	0.22	<i>Monitor And Report</i>	
Total Aluminum (mg/L)	0.46	<i>Monitor And Report</i>	
Total Iron (mg/L)	1.22	<i>Monitor And Report</i>	
Total Dissolved Solids (mg/L)	227.0	<i>Monitor And Report</i>	
Total Sulfates (mg/L)	10.9	<i>Monitor And Report</i>	
Turbidity (NTU)	-	<i>No requested change</i>	
Oil and Grease (mg/L)	Monitor and Report	<i>No requested change</i>	
Discharge (MGD) 004	0.238	<i>No requested change</i>	

EXHIBIT A cont.

i. Daily Maximum

NPDES NO. PA0594121 OUTFALL 001 (dry weather)	PUBLISHED TERMS	REQUESTED REVISED TERMS
Parameter (unit)	Daily Maximum	Daily Maximum
pH	-	<i>No requested change</i>
Total Alkalinity (as CaCO ₃) (mg/L)	Monitor And Report	<i>No requested change</i>
Total Acidity (as CaCO ₃) (mg/L)	Monitor And Report	<i>No requested change</i>
Net Alkalinity (mg/L)	-	<i>No requested change</i>
Total Suspended Solids (mg/L)	70.0	<i>Monitor And Report</i>
Total Phosphorous (mg/L)	0.78	<i>Monitor And Report</i>
Total Nitrate-Nitrite as N (mg/L)	0.44	<i>Monitor And Report</i>
Total Aluminum (mg/L)	0.75	<i>Monitor And Report</i>
Total Iron (mg/L)	2.44	<i>Monitor And Report</i>
Total Dissolved Solids (mg/L)	454.0	<i>Monitor And Report</i>
Total Sulfates (mg/L)	21.8	<i>Monitor And Report</i>
Turbidity (NTU)	80.0	<i>No requested change</i>
Discharge (MGD) 004	Precipitation Dependent	<i>No requested change</i>

NPDES NO. PA0594121 OUTFALL 004	PUBLISHED TERMS	REQUESTED REVISED TERMS
Parameter (unit)	Daily Maximum	Daily Maximum
pH	-	<i>No requested change</i>
Total Alkalinity (as CaCO ₃) (mg/L)	Monitor And Report	<i>No requested change</i>
Total Acidity (as CaCO ₃) (mg/L)	Monitor And Report	<i>No requested change</i>
Net Alkalinity (mg/L)	-	<i>No requested change</i>
Total Suspended Solids (mg/L)	70.0	<i>Monitor And Report</i>
Total Phosphorous (mg/L)	0.78	<i>Monitor And Report</i>
Total Nitrate-Nitrite as N (mg/L)	0.44	<i>Monitor And Report</i>
Total Aluminum (mg/L)	0.75	<i>Monitor And Report</i>
Total Iron (mg/L)	2.44	<i>Monitor And Report</i>
Total Dissolved Solids (mg/L)	454.0	<i>Monitor And Report</i>
Total Sulfates (mg/L)	21.8	<i>Monitor And Report</i>
Turbidity (NTU)	-	<i>No requested change</i>
Oil and Grease (mg/L)	Monitor And Report	<i>No requested change</i>
Discharge (MGD) 004	0.238	<i>No requested change</i>

EXHIBIT A cont.

i. Instant Maximum

NPDES NO. PA0594121 OUTFALL 001 (dry weather)	PUBLISHED TERMS	REQUESTED REVISED TERMS
Parameter (unit)	Instant Maximum	Daily Maximum
pH	9.0	<i>No requested change</i>
Total Alkalinity (as CaCO ₃) (mg/L)	Monitor And Report	<i>No requested change</i>
Total Acidity (as CaCO ₃) (mg/L)	Monitor And Report	<i>No requested change</i>
Net Alkalinity (mg/L)	-	<i>No requested change</i>
Total Suspended Solids (mg/L)	90.0	<i>Monitor And Report</i>
Total Phosphorous (mg/L)	0.98	<i>Monitor And Report</i>
Total Nitrate-Nitrite as N (mg/L)	0.55	<i>Monitor And Report</i>
Total Aluminum (mg/L)	0.75	<i>Monitor And Report</i>
Total Iron (mg/L)	3.05	<i>Monitor And Report</i>
Total Dissolved Solids (mg/L)	568.0	<i>Monitor And Report</i>
Total Sulfates (mg/L)	27.2	<i>Monitor And Report</i>
Turbidity (NTU)	100.0	<i>No requested change</i>
Discharge (MGD) 004	Precipitation Dependent	<i>No requested change</i>

NPDES NO. PA0594121 OUTFALL 004	PUBLISHED TERMS	REQUESTED REVISED TERMS
Parameter (unit)	Instant Maximum	Daily Maximum
pH	9.0	<i>No requested change</i>
Total Alkalinity (as CaCO ₃) (mg/L)	Monitor And Report	<i>No requested change</i>
Total Acidity (as CaCO ₃) (mg/L)	Monitor And Report	<i>No requested change</i>
Net Alkalinity (mg/L)	-	<i>No requested change</i>
Total Suspended Solids (mg/L)	90.0	<i>Monitor And Report</i>
Total Phosphorous (mg/L)	0.98	<i>Monitor And Report</i>
Total Nitrate-Nitrite as N (mg/L)	0.55	<i>Monitor And Report</i>
Total Aluminum (mg/L)	0.75	<i>Monitor And Report</i>
Total Iron (mg/L)	3.05	<i>Monitor And Report</i>
Total Dissolved Solids (mg/L)	568.0	<i>Monitor And Report</i>
Total Sulfates (mg/L)	27.2	<i>Monitor And Report</i>
Turbidity (NTU)	40.0	<i>No requested change</i>
Oil and Grease (mg/L)	Monitor And Report	<i>No requested change</i>
Discharge (MGD) 004	0.238	<i>No requested change</i>