



EAST ROCKHILL TOWNSHIP BOARD OF SUPERVISORS

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June 30, 2021

Via Electronic Mail

Gary A. Latsha
District Mining Manager
Commonwealth of Pennsylvania
Department of Environmental Protection
Pottsville District Mining Office
5 West Laurel Boulevard
Pottsville, PA 17901

Re: East Rockhill Township's Comments on Department's Extension to Respond to Department's Elevated Review Technical Deficiency Letter Issued to Hanson Aggregates Pennsylvania, LLC for the Rockhill Quarry

Dear Mr. Latsha:

East Rockhill Township (the "Township") writes in response to the Pennsylvania Department of Environmental Protection's (the "Department") letter dated June 21, 2021, in which the Department issued a partial extension to Hanson Aggregates Pennsylvania, LLC ("Hanson") to respond to the Department's Elevated Review Technical Deficiency letter dated April 12, 2021 relating to the Rockhill Quarry (the "Site"). The Township objects to the extension as an unwarranted accommodation to Hanson that will further delay an outcome in this matter. The Township is also concerned about certain inaccurate statements made by Hanson in its letter dated June 14, 2021, in which Hanson requested the extension.

Residents of East Rockhill Township are deeply concerned about the presence of naturally occurring asbestos at the Site. On December 5, 2018, upon the Department's discovery of a positive asbestos sample result, the Department issued an order to Hanson to cease all mining and rock crushing activity at the Site. However, since that time, this matter has been plagued by delays caused by Hanson's refusal to provide certain information requested by the Department, as well as the Department's accommodation of numerous, lengthy extension requests from Hanson. For example, on September 20, 2019, the Department sent a letter to Hanson requesting that Hanson conduct Transmission Electron Microscopy ("TEM") on all rock samples that Hanson previously collected at the Site; prepare samples for petrographic analysis; and resample at all of the water sampling locations. The Department proceeded to grant a series of extensions, ultimately giving Hanson until August 14, 2020, *nearly a year*, to provide this critical information.

After the Department received the requested information on August 14, 2020, the Department issued to Hanson a technical deficiency letter dated November 18, 2020, to which Hanson responded by letter dated January 15, 2021. Based on the inadequacy of Hanson's response, the Department placed the matter in "Elevated Review." The Department then issued to Hanson an Elevated Review Technical Deficiency letter dated April 12, 2021 which listed twelve

categories of information to provide to the Department by no later than July 6, 2021. Hanson ***waited more than eight weeks*** then sent a letter to the Department, dated June 14, 2021, requesting that the Department extend Hanson's deadline to respond to the Elevated Review Technical Deficiency letter from July 6, 2021 to October 29, 2021, ***more than sixteen additional weeks***, giving Hanson a total of ***more than six months*** to respond. The Department responded by letter dated June 21, 2021, agreeing to extend the deadline to October 29, 2021 to respond to items 10.e through 12 in the Deficiency Letter, but maintaining the July 6, 2021 deadline with respect to items 1 through 10.d.

On December 5, 2021, five weeks after Hanson's complete response to the Elevated Review Technical Deficiency letter is due, it will be ***three years*** from the date the Department ceased mining operations at the Site on December 5, 2018. Nearly half of that time will have been spent by Hanson delaying its responses to the Department's information requests, including taking nearly a year to respond to the Department's letter dated September 20, 2019 and taking over six months to respond to the Elevated Review Technical Deficiency letter. These delays are unwarranted and cannot continue. As the Township has explained in prior letters, the Township and its residents need clarity regarding whether the Department intends to allow mining operations to recommence at the Site. The Township has limited resources and, for planning purposes, develops prospective budgets that allocate those resources, including those pertaining to emergency services and infrastructure improvements. The allocation of those resources will vary dramatically depending on whether operations at the Site will recommence or remain ceased. Delaying Hanson's response to the Elevated Review Technical Deficiency letter will continue to restrict the Township's ability to plan for the safety of its residents and is therefore unacceptable.

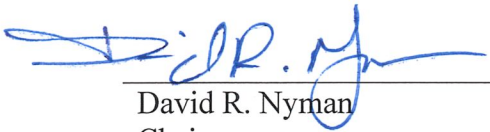
Furthermore, the Township is concerned with certain inaccurate statements made by Hanson in its letter dated June 14, 2021, in which Hanson requested the extension. Hanson incorrectly stated that "the information requested by DEP will apply to our operation regardless of whether Hanson is mining once or twice a year or more frequently, such as on a weekly or daily basis." Clearly, the Elevated Review Technical Deficiency letter did not contemplate any activities beyond the removal of 500 tons of minerals per year, and it most certainly did not contemplate full-scale mining operations. Pending before the Department is a request by Hanson restricted to the removal of 500 tons of minerals per year. Hanson has not requested to recommence full-scale operations, nor has Hanson submitted the many revised permit modules and other necessary applications that would be required for the Department to even consider what information it would need from Hanson to enable the Department to make a decision on whether to allow full-scale mining operations to recommence. In fact, Hanson acknowledged in its own letter that full-scale operations would require "additional permitting action(s) and approval(s)" from the Department. Furthermore, the language in the Elevated Review Technical Deficiency Letter, by its own terms, limits the scope of the letter to the removal of 500 tons of minerals per year.

If Hanson intends to convert its request before the Department from the removal of 500 tons of minerals per year to full-scale mining operations, Hanson would need to submit the required revised permit modules and other necessary applications before the Department could assess what additional information the Department would need to enable the Department to make a decision relating to full-scale operations. The Elevated Review Technical Deficiency letter simply does

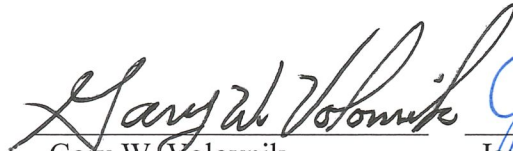
not contemplate full-scale operations, and Hanson's position that it does is completely baseless and should be rejected out of hand by the Department.

Thank you for your consideration of the foregoing comments.

Respectfully submitted,



David R. Nyman
Chairperson



Gary W. Volovnik
Vice Chairperson



James C. Nietupski
Member

cc: Township File
Thomas M. Duncan (via email)
Suzanne Schiller (via email)
William Hitchcock (via email)
Will Oetinger (via email)
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