



July 8, 2020

Mr. Gary Latsha, Inspector Supervisor
Department of Environmental Protection
Pottsville District Mining Office
5 West Laurel Boulevard
Pottsville, PA 17901

Dear Mr. Latsha,

In a July 2, 2020 letter to Mr. Gutshall at Hanson Aggregates PA, LLC, you state that “the Department hereby extends the due date for reporting TEM and petrographic analysis of rock samples described in the Department’s April 17, 2020 letter from June 30, 2020 until August 14, 2020. This additional time is being granted because the Department asked Hanson to wait on analyzing the samples until the Department and Hanson could agree on testing and counting protocols.”

As you can imagine, given the serious impact this has on our community, we were highly anticipating Hanson’s report to you that was due on June 30, 2020, which was an already extended deadline for Hanson. Would you please share what ‘agreement’ was made between you and Hanson?

We have discussed your letter to Mr. Gutshall with our expert consultant, Dr. Bradley Erskine. Yet another extension granted by DEP to Hanson raises multiple questions and concerns about DEP’s deference to Hanson’s actions.

First, we question why DEP waited until after Hanson’s June 30th deadline to announce an additional extension and why DEP has asked for further negotiations with Hanson on test methods for the petrographic analyses which have no relationship with the testing, in this case, water testing. There should be no extension of these analyses based on discussions of test methodology.

If “agreement” has not yet been reached on testing protocols, please explain why DEP feels it necessary to allow Hanson additional opportunities to respond. Please explain why a test protocol is negotiable. The test method for water is EPA 100.1. If this is related to RJLG using 100.1 but eliminating fibers < 5µm, this is not in accordance with the test method. Furthermore, why wait until after the June 30th deadline to announce that an extension was granted? And why such a long extension of 6 weeks when water sample preparation and analyses is a 1-2 day process, at most. They can be done in about 4 hours on a rush basis. Samples could have been analyzed weeks ago using the proper test method, EPA 100.1

Please disclose if Hanson met the June 30, 2020 deadline and what documents were received by DEP at that time, and if an agreement is being sought by DEP based on Dr. Erskine's comments submitted on June 26, 2020. If so, all of Hanson's work should have been completed and essentially submitted to DEP by the time Dr. Erskine's comments were presented to DEP.

If there is some sort of "agreement" on test methodology, it should be made public, and we should have the opportunity to review the agreed-upon methodology before the analyses are completed and sent to DEP. This would avoid additional delays caused by reviews of Hanson's submittals after the fact and which repeatedly uncover attempts by Hanson to underreport NOA levels through deviations from standard industry testing protocol.

This most recent last minute and vague reference to a communication from DEP is quite inappropriate, and further delays are unacceptable. Since DEP's first communication to the public on December 7, 2018 acknowledging the presence of asbestos in the Rockhill Quarry, residents have been patiently waiting (as requested) for DEP to take decisive and permanent action to protect the health and safety of the community. Nineteen months later we are still waiting for DEP to decide the proper protocol for testing at the site when, in fact, clear and applicable protocols for asbestos testing are available through regulatory agencies?

We respectfully ask that DEP responds to all of the above questions without further delay, and not simply acknowledge receipt of this letter, as has been so often the case in the past. Moreover, we once again ask, along with numerous residents and government officials, environmental groups and residents, that DEP permanently cease operations at the Rockhill Quarry.

Respectfully yours,

Rockhill Environmental Preservation Alliance, Inc.

cc: The Honorable Thomas Wolf, Governor of Pennsylvania
The Honorable Patrick McDonnell, Secretary, PA-DEP
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
Amiee Bollinger PADEP
Virginia Cain, PADEP
Robert Fogel, PADEP
Erika Furlong, PADEP
Craig Lambeth, PADEP

Shawn Mountain, PADEP
Patrick Patterson, PADEP
James Rebarchak, PADEP
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John Stefanko, PADEP