

November 2, 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 October 12, 2023. As with other letters from Heidelberg, many of the issues in Heidelberg's October 12 letter have been addressed previously and responses to those issues will not be repeated at length here. We note, however, that Heidelberg continues to mischaracterize regulated amphibole asbestos fibers as "non-asbestiform" amphibole particles. Given that Heidelberg continues to claim that asbestos is not present at the site, we can only presume Heidelberg does not intend to comply with asbestos worker protection regulations. In addition, if exported material is not properly identified as asbestos, it will likely not be labeled or communicated as asbestos containing material, and recipients of this material will be used on construction sites without worker protection and without safeguards designed to protect residents surrounding the work sites.

Heidelberg also continues to assert that, based on its completion of activity-based sampling exercises, it should be allowed "to fully resume permitted operations at the Quarry." As discussed in our September 13, 2023 letter however, the sampling protocol employed by Heidelberg 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. In its April 12, 2021 review letter, the Department of Environmental Protection (DEP) itself notes that "full site mining development" conflicts with the proposed activities described by Heidelberg. As Dr. Erskine explained in his June 22, 2023, report:

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The activity-based sampling during each of the three events represent fugitive emissions from limited volumes of material transported a limited distance and disturbed by a single loader. The results cannot be projected into the future where the activity or volume is increased, different numbers or mixes of equipment operate, or on days where climatic conditions differ. The results provide little, if any, opportunity to predict future exposures. In addition, ABS sampling of other individual tasks (hauling, excavation, drilling, blasting) cannot predict the potential exposure when activity is increased and multiple tasks are conducted simultaneously.

And, Heidelberg has failed to show that even 500 tons of previously crushed aggregate material per year can be safely removed from the site.

It is noteworthy that in its April 12, 2021 letter, the DEP directed Heidelberg to address all concerns expressed by the Pennsylvania Department of Health (DOH) in its September 16, 2020 letter to DEP, including the impact of full mining operations at the site. Heidelberg chose to disregard this request. Having ignored the requests to broadly evaluate activities at the site, Heidelberg cannot now be permitted to "fully resume" operations, or to even resume more limited removal.

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 Jessica Shirley, Interim Acting Secretary, PADEP
The Honorable Brian Fitzpatrick, U.S. Representative PA-01
The Honorable Steven Santarsiero, 10th Senatorial District
The Honorable Jarrett Coleman, 16th 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, Pennridge School District, School Board Member
Todd Hippauf, Quakertown Community School District, School Board Member
Amiee Bollinger PADEP

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