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February 17, 2015

Via Electronic and First Class Mail

79745m3

Nels J. Taber  
Pennsylvania Department of  
Environmental Protection  
909 Elmerton Avenue, Third Floor  
Harrisburg, PA 17110-8200

Re: New Hope Crushed Stone Permit/Permit Amendment Issues

Dear Nels:

As you are aware, New Hope Crushed Stone ("NHCS") recently withdrew its appeal of the Environmental Hearing Board's ("EHB's") opinion rescinding its permit to mine to -170'. As a result, the EHB's decision and findings will remain unchallenged. The purpose of this letter is to follow up on a few issues of critical concern to Solebury School. I have taken the liberty of copying Michael Menghini since many of the issues discussed below are within Mr. Menghini's purview and since this matter is no longer in litigation.

Status of NHCS's NPDES Permit Renewal and Quarrying Permit Revision

By letter dated September 11, 2014, the Department requested that NHCS submit revisions to both its NPDES renewal application and its mining permit to "bring both permits into compliance with the" EHB's opinion. NHCS's response simply requested a meeting and we've heard nothing further from NHCS or the Department. In light of the EHB's finding that the operation of the NHCS quarry constitutes a nuisance and that it presents substantial safety risks to both Solebury School and the surrounding community, we are anxious to understand the status of the Department's review of these permits. Please communicate the status of the Department review of these permits.

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Status of Revision of NHCS's Inadequate Bond

We believe that the current amount of the bond associated with NHCS's mining activities is wholly inadequate to assure proper closure of the quarry, and most importantly, return of groundwater levels beneath the School and adjoining properties. We therefore request that the Department promptly undertake a review of NHCS's bond and adjust the bond as required by law. We also request that the Department keep us updated on this assessment. Such assessment is particularly important now that it is clear that the quarry's life is limited by the EHB's decision.

Status of Prohibition on Mining the Furlong Fault

As you know, Solebury School raised concerns with NHCS's proposed mining through the protective Furlong Fault. Our concerns were based, among other things, on our experts' belief that the removal of the fault would prevent filling of the quarry with water, post mining, and therefore would not sufficiently protect the School and the surrounding area from further sinkhole development. Based on these concerns, and presumably on the School's stated intent to seek an injunction against mining through the fault, NHCS agreed that it would not mine through it (and not mine within 50' of it) during the pendency of its appeal of the EHB's decision. As a result, NHCS submitted (by letter dated October 8, 2014), and the Department approved (by letter dated October 31, 2014), an amendment to NHCS's mining plan setting forth a new "Interim Mining Limit" that prohibits NHCS from mining within 50' of the Furlong Fault. In his February 5, 2014 email notifying us that NHCS was withdrawing its appeal, Bill Benner stated that "there are no present plans to seek an amendment to that mining plan that currently restricts mining to the western side of the Furlong Fault." While we believe that the interim mining plan remains in effect, regardless of the status of NHCS's appeal, we request that the Department confirm, in writing, that NHCS continues to be prohibited from mining within 50' of the Furlong Fault unless and until it submits, and the Department approves, a new mining plan.

Solebury School appreciates the Department's efforts to assure protection of the School and the surrounding area and looks forward to a response to the issues raised in this letter. We would be happy to meet to discuss these issues if the Department would find that helpful.

Very truly yours,



Steven T. Miano  
Shareholder

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cc: Michael Menghini  
William Benner, Esquire  
Thomas Wilschutz