

March 24, 2015

Mr. Michael Kutney, P.G.
Pottsville District Mining Operations
PA Department of Environmental Protection
5 West Laurel Boulevard
Pottsville, PA 17901-2522

RE: Response to Comments
New Hope Crushed Stone & Lime Co.
NPDES Permit Renewal No. PA0595853
Solebury Township, Bucks County
EarthRes Project Number: 011012

SMP 7974SM3

Dear Mr. Kutney:

Please find the following responses to the Department's comments as provided in your letter of February 24, 2015 to New Hope Crushed Stone & Lime Co. (NHCS).

PA DEP Comment #1: Submit revisions to both the Noncoal Surface Mining Permit No. 7974SM3 and this renewal of NPDES Permit No. PA0595853 that bring both permits into compliance with the Environmental Hearing Board's Adjudication on Docket No. 2011-136-L, issued on July 31, 2014 addressing the existing nuisance due to active mining on site.

NHCS' Response: Upon immediately being informed of the above referenced adjudication, NHCS immediately ceased blasting and mining of rock at elevations below -120 mean sea level (msl) in full compliance with the Environmental Hearing Board's order. Pumping of groundwater from the sump at approximately -160 msl was also halted, which enabled north pit water levels to rise approximately 25 feet. In regards to the NPDES discharge, increased sampling (weekly) and monitoring of the permitted outfall continues to show compliance with the NPDES permit conditions. NHCS has additionally and voluntarily implemented the following:

- 1) NHCS has not and will not mine Dike #1 at levels below -50 msl on the western quarry wall thereby mitigating groundwater drawdown impacts.
- 2) NHCS has filed a revised mining plan that limits mining in the area of the Furlong Fault. The modification reduced the NHCS's permitted mining area limit to 50-ft west of the fault.
- 3) By electing not to pursue its appeal to the Commonwealth Court from the Adjudication, along with Items 1 and 2, NHCS has reduced its minable reserves and shortened the quarry's life as a result. NHCS has also begun planning for reclamation of the quarry and restoration of the stream per the Consent Order. Both undertakings

- will require significant time, effort and cost and the continuation of mining.
- 4) NHCS has engaged the Army Corps of Engineers for permitting and restoration of the Primrose Creek Stream channel upgradient of the quarry. NHCS is awaiting approval of the required permits, as detailed in the following comment response.

These activities bring NHCS into compliance with the Adjudication and mitigate nuisance concerns.

DEP Comment #2: Please update the Department on the status of New Hope Crushed Stone's (NHCS) application to the U.S. Army Corps of Engineers (USACE) regarding NHCS's Stream Restoration Permit (PA DEP Application No. 7974SM3C16).

NHCS' Response: NHCS met with USACE and Department personnel on November 14, 2014 in follow-up to the Joint Permit Application submitted for stream restoration. The USACE subsequently contacted NHCS on January 12, 2015 via e-mail requesting the submittal of a Jurisdictional Determination (JD). On behalf of NHCS, EarthRes submitted the required documents to the USACE on March 9, 2015. It is our understanding that the USACE needs to assess the JD so they can officially take or waive jurisdiction over the Primrose Creek. In the latter case, the review of the Joint Permit Application would officially be transferred to DEP. We are currently awaiting a response from the USACE on NHCS' most recent submittal.

DEP Comment #3: Please provide a schedule detailing how NHCS plans to restore the groundwater below Solebury School to pre-mining elevations.

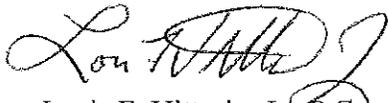
NHCS' Response: NHCS is in full compliance with the July 31, 2014 EHB order. Water has recovered in the north pit from approximately -160 msl to -135 msl. Additionally, NHCS has voluntarily taken actions (detailed above in response to DEP Comment #1) that have reduced minable reserves, mitigated potential impacts and shortened the life of the quarry. The completion of mining as currently permitted is required to achieve reclamation and stream restoration efforts. NHCS' robust monitoring program assures minimization of impacts to surface water and groundwater, and we know of no other quarry that completes such a comprehensive monitoring regimen as detailed in the ongoing reports filed with the Department. NHCS is planning and budgeting reclamation efforts and, upon receipt of USACE permits, will commence with stream restoration efforts in accordance with the schedule contained in the Consent Order. During subsequent reclamation of the quarry, lower benches will be flooded as reclamation allows and as permitted reserves are depleted in the course of mining operations.

Lastly, in compliance with the existing NPDES permit, NHCS routinely monitors the outfall as required. The monitoring requires weekly laboratory analysis of the discharge and the results continually show the discharge to be significantly below permit limits. The data conclusively shows that the quarry is a highly effective settling basin protecting downstream areas from flooding and siltation, especially when upstream areas are muddied and silt-ridden due to fairly common flooding events that have been documented to affect the basin.

In consideration of the ongoing and positive compliance data provided to the Department, NHCS respectfully requests reissuance of the quarry's NPDES permit so that NHCS can complete quarrying and commence reclamation in a manner that is beneficial to all involved parties.

Should you have any questions or need any additional information, please contact me at your convenience.

Sincerely,
EarthRes Group, Inc.



Louis F. Vittorio, Jr., P.G.
Vice President

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