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June 29, 2015

Via Email

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

Re: NPDES Renewal No. PA0595853

Dear Mr. Taber:

On behalf of Solebury School, I write in response to your letter of June 2, 2015.

First, you indicate that your letter responds to a letter from me on behalf of Solebury School dated February 17, 2015. After I sent that letter, William Benner, on behalf of New Hope Crushed Stone & Lime Co., sent a response to the Department dated February 27, 2015. In turn, and not hearing a response from the Department, I again wrote on April 10, 2015. In my April 10 letter, I discussed the following issues at some length:

- NHCS has not adequately responded to the fundamental issue regarding how it may continue to operate in the face of an unchallenged legal conclusion that its operations are causing an ongoing, unabated nuisance.
- NHCS has not responded to the Department's direction to submit revisions to both its surface mining permit and its water discharge permit to bring both permits into compliance with the EHB's July 31, 2014 Adjudication.

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- NHCS does not have an updated or complete plan regarding how it will meet its statutory reclamation obligations.
- NHCS's bond is inadequate to appropriately assure that funds will be available to pay for reclamation.
- NHCS has not responded to the Department's request for a schedule of restoration of groundwater under Solebury School's property.
- NHCS has not adequately responded to the Department's questions regarding other NPDES permit issues, including its requests for total suspended solids and turbidity data.

Your response from June 2 does not address the majority of these issues in any depth. In fact, you do not address at all the main point from both my February 17 and April 10 letters, which is that NHCS has not addressed the EHB's finding that the operation of the quarry constitutes a nuisance and presents substantial health and safety risks to Solebury School and the surrounding community.

We understand NHCS is in the process of preparing a conceptual site plan for reclamation due at the end of June, and we understand that the Department will review this plan and evaluate the degree of inadequacy of NHCS's bond. These are important steps, to be sure. However, they are not responsive to the EHB's conclusion that quarry operations constitute, and continue to constitute, a nuisance. They are also not responsive to the Department's direction to NHCS to submit revisions to *both* its surface mining permit and its application for renewal of its NPDES permit to "bring both permits into compliance with the Environmental Hearing Board Adjudication...addressing the existing nuisance due to active mining on this site." You note that "no further review of the NPDES permit renewal application" will occur while NHCS prepares its reclamation plan. You omit any mention of NHCS's required revisions to its surface mining plan to address the existing nuisance.

Solebury School again asks that you take the actions needed to protect Solebury School and enforce the EHB's clear finding that the quarry activities are creating an as-yet unabated nuisance. We would welcome the opportunity to meet to discuss these issues further.

Sincerely,


Steven T. Miano

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cc via email: The Honorable Chuck McIlhinney, Jr.
William Benner, Esq., Benner and Wild
Louis F. Vittorio, Jr., P.G., ERG
Michael Menghini, DEP
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Tom Wilschutz, Solebury School