

Primrose Creek Watershed Association

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To: Michael Menghinni, DEP District Mining Manager
DEP Pottsville District Office
5 West Laurel Boulevard
Pottsville, PA 17901-2522

November 4, 2015

Subject: Extension Request Compliance Order 15-5-048-N New Hope Crushed Stone & Lime Co. SMP No.: 7974SM3 Solebury Township, Bucks County EarthRes Project Number: 011012.015

Ref: 10/28/2015 Letter from EarthRes to Michael Menghini, Dist. Mining Manger PA DEP

We are gratified to see what we hope is the start of the restoration of Primrose Creek as was agreed upon in Consent Order and Agreement, CO# 13-5-042-N, between the Commonwealth of Pennsylvania, Department of Environmental Protection (DEP), New Hope Crushed Stone and Lime Co.(NHCS) , Primrose Creek Watershed Assoc.(PCWA) and Citizen's for Pennsylvania's Future (PennFuture).

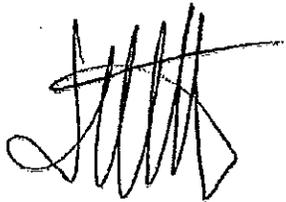
However we are concerned with the continuing delays related to providing the updated NHCS quarry reclamation plan and other actions as was requested in the letter dated 7/10/2015 by Michael Kutney, DEP, Pottsville Office. At that juncture NHCS did not respond with an appropriate revision to the reclamation plan.

A 30 day extension was offered to NHCS in the 10/1/2015 DEP Bureau of Mining and Reclamation Compliance order, Cert Mail No. 70131710000127616252 . Nevertheless, as evidenced by the Maurer & Scott 10/22/2015 letter to NHCS, when a reclamation final draft should have been reviewed by NHCS, the reclamation process had not commenced.

Additionally, we agree with the Environmental Hearing Board's assertion, "The quarry is creating a public nuisance, 52 P.S. § 3311(b)...The Department has a duty to abate and remove public nuisances. 52 P.S. § 3311(b); 71 P.S. § 510-17(3).", (EHB Docket No. 2011-136-1, p 65). While many efforts have been provided by the DEP to enable NHCS to comply with the EHB ruling, this has not occurred.

With the delays and/or inadequate responses that have occurred since 6/30/2015, we do not see indications that an additional 30 day extension will result in solutions ordered by the Environmental Hearing Board, (EHB Docket No. 2011-136-L), and documented in the letter dated 7/10/2015 by Michael Kutney, DEP, Pottsville Office.

The PCWA Board supports the Michael Kutney / DEP, 7/10/2015 letter statement that "Failure to satisfactory address the items in this letter may result in the Department initiating an appropriate compliance action to address the issues raised in the Environmental Hearing Board's Adjudication". Consequently, PCWA Board believes that additional DEP processes are required to adhere to EHB adjudication, Docket No. 2011-136-L. This would include a DEP developed reclamation plan as well as non-renewal of the NHCS NPDES permit.



John Winterbottom, President Primrose Creek Watershed Association

cc:(via email)

Hope Blaythorne, VP Primrose Creek Watershed Assoc.

Dennis Carney, Solebury Township Manager

Paul Cosdon, Solebury Township Supervisor

Peter Grover, Primrose Creek Watershed Assoc. Quarry Committee

Robert Heath, Jr. Solebury Township Supervisor

Dan Koury, PA DEP Watershed Mgr.

Nathan Houtz, PA DEP PG Chief

Dennis Mankin, Primrose Creek Watershed Assoc. Quarry Committee

Edward McGahan, Jr. / Solebury Township Supervisor

Charles McIlhinney, Pennsylvania State Senator

Kevin Morrissey, Primrose Creek Watershed Assoc. Quarry Committee

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James Searing, Solebury Township Supervisor

Helen Tai / Solebury Township Supervisor

Kurst Weist, PennFuture

Thomas Wilschutz, Head of Solebury School

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