

Comment-Response Document

**Keystone Cement Company
Hazardous Waste Permit Renewal Application
Permit No. PAD002389559
East Allen Township, Northampton County**

Prepared by:
Pa. Department of Environmental Protection
Northeast Regional Office
Waste Management – Facilities Section

April 2025



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION

PROJECT DESCRIPTION

Keystone Cement Company (KCC, Keystone Cement, or Keystone) is an existing permitted hazardous waste storage facility that specializes in the storage of approved liquid wastes prior to the beneficial use of the liquid waste as a fuel in the site cement kiln. The facility's initial hazardous waste management permit for the treatment, storage and disposal of hazardous waste was issued on December 27, 1991.

A renewal permit was issued on December 26, 2001. A permit modification adding treatment requirements related to burning waste in the kiln to the original storage permit was approved on July 9, 2009. The permit was renewed for 10 years as part of this permit action. The renewal permit expired on July 9, 2019. The facility has since operated under a Permit Shield pending approval and issuance of the renewal operating permit.

The facility was issued a Class 2 Permit Modification for the Waste Analysis Plan and Waste Fuel Acceptance Standard Operating Procedures on 5/7/2014.

The facility was issued a Minor Permit Modification on 3/5/2015 to revise the Minimum shell thickness requirements for Hazardous Waste Storage Tanks 1A and 1B.

The facility was issued a Class 2 Permit Modification for the RCRA Part B Permit on 10/29/2015 for a previously permitted new tank farm, railcar unloading area, and direct fuel transfer system.

The facility was issued a Class 1 Permit Modification on 6/14/2018 to install and operate a new Hazardous Waste fuel vapor vent line.

The renewal permit will include a Hazardous Waste fuel mixing system that will be used with the tank farm, rail car unloading and direct fuel transfer system. When issued, the renewal permit will allow the Facility to continue operations for the next ten (10) years.

A permit renewal application was received by the Department on August 3, 2018 (as subsequently revised on June 9, 2020, and December 21, 2022, respectively).

The Department issued a draft permit on June 7, 2024. The draft permit sets forth, in one document, all the requirements with which the permittee must comply during the ten (10) year duration of the permit. Pa Code Section 270a.80 (b) and (c) require that the public be given the opportunity to make comments on a draft permit. When making a final decision regarding this proposed permit action, the Department considers all written comments received during the public comment period. The Keystone Cement Company draft permit was issued for public comment on June 22, 2024. The forty-five (45) day public comment period ended on August 6, 2024. During the comment period, the Department received multiple requests for a public hearing. In response to these requests, a combination public meeting and public hearing was held

on October 28, 2024, at the Nitschmann Middle School located at 1002 W Union Blvd, Bethlehem, PA. The Department also extended the comment period until November 15, 2024.

The Hazardous Waste regulations require DEP to prepare a summary of the comments submitted during the public comment period and provide responses to the comments. This Comment-Response Document summarizes public comments received by DEP during the comment period and at the public hearing and provides the Department's responses to those comments. All commenters are individually listed in this document.

LIST OF COMMENTATORS

1. Bob Swigart
Citizen
2. Ellen Bearn
Citizen
3. Allen Haines
Citizen
4. Brian Grzelkowski
Citizen
5. Valerie Noonan
Citizen
6. Bryan Smith
Citizen
7. James D. Bloom
Citizen and Professor at Muhlenberg College
8. Robin Beaty
Citizen and member of the Monocacy Creek Watershed Association
9. Patrick Henry
Citizen
10. Lynne Simoncic
Citizen
11. Thomas Fritz
Citizen
12. Charissa West
Citizen
13. George M. Beris
Citizen
14. Adriana Maria Milutin
Citizen

15. Dan Brady
Citizen
16. Theresa Mass
Citizen
17. Barbara K. Fraust
Citizen
18. Diederik Terlaak Poot
Citizen
19. JoAnn M. Yurconic
Citizen
20. Aimee and Richard Mack
Citizens
21. Debra Brady
Citizen
22. Margie Chafin
Citizen
23. Dennis Chafin
Citizen
24. Jane Cook
Citizen
25. Sean and Debra Tallarico
Citizen
26. Susan Derr Kirk
Citizen
27. John and Elisa Schooner
Citizens
28. Michael Harrington
President, Monocacy Creek Watershed Association
29. Breena Holland
Citizen

30. Steve Vanya
Citizen
31. Cynthia and Stephen Simmons
Citizens
32. George M. Beris
Citizen
33. Jeff Fagan
Citizen
34. Mrs. Lombardo
Citizen
35. Jason Savenelli
Citizen
36. Mrs. Ricci
Citizen
37. Sharon Weiner
Citizen
38. Leo Kurtz
Citizen
39. Leonard Zelasko
Citizen
40. Joan D. Fekula
Citizen
41. Rosemary Dailey
Citizen
42. Carl W. Coleman
Citizen
43. Debby Yerger
Citizen
44. Kaitlyn Acierno
Citizen

45. Linda M. Smith
Citizen
46. Bhavana Singh
Citizen
47. Edvige Kromayer Barrie
Citizen
48. Joanne Sigafoos
Citizen
49. Nathan Holland
Citizen
50. Melissa Eddy
Citizen
51. John Marquette
Citizen
52. Terry Ziemba
Citizen
53. Abhay Singh
Citizen
54. Cara Eyer
Citizen
55. Susan A. Lawless
Citizen
56. Robert Epinger
Citizen
57. Tammi Babiasz
Citizen
58. Tim Sheehan
Citizen
59. Mary Arenas
Citizen

60. Stephen Gross
Citizen
61. John S. Kintzer
Citizen
62. Anonymous commentator
63. Ellen F. Johnson
Citizen
64. Dr. Elizabeth Babbin
Citizen
65. Ann Henderson Shankar
Citizen
66. Paul Salerni
Citizen
67. Laura Johnson
Citizen
68. Cody Suranofsky
Citizen
69. Stephen Davies, Esq.
Citizen
70. Jeannette and Stephen Killea
Citizens
71. Jose DeJesus
Citizen
72. Albert Luten
Citizen
73. Peg Church
Citizen
74. Jane Biggs
Citizen

75. Bud Hackett
Citizen

76. Mr. Bearn
Citizen

COMMENTS AND RESPONSES

Public Hearing

1. **Comment:** Several commentators requested the Department hold a public hearing.

Response: A public meeting and hearing was held on October 28, 2024, at the Nitschmann Middle School located at 1002 W Union Blvd, Bethlehem, PA.

Rail Transport

2. **Comment:** 100,000 to 120,000 gallons of hazardous wastes in one spot on wheels four different times per week is a huge hazard risk to thrust upon the residents of the City of Bethlehem.

Response: The Keystone Cement Company (KCC) Site is limited to 220,000 gallons for the storage tank farm at any given time. Volumes and delivery schedules by railcar would be determined by KCC based on delivery schedule, amounts delivered, and railcar volume.

3. **Comment:** The potential rail transport of hazardous wastes (as DOT flammable liquids and DOT environmental toxins) to the Keystone TSDF, using the Cement Secondary rail line, represents a serious new risk of pollution for the Monocacy Creek. It is also a catastrophic threat to the community.

Response:

Public concerns over use of railcars to deliver hazardous waste derived fuel (HWDF) to Keystone Cement Company were addressed by the company in the public meeting / hearing held on October 28, 2024, and included the following statements:

- a.) Rail line meets and exceeds Federal Railroad Administration (FRA) standard and travel speed is low in order to be safe and protective of the environment, people, and communities.
- b.) The rail line is regulated by the FRA as a Class 2 branch line. However, the branch line meets FRA Class 1 branch line safety standards which are more stringent and protective of safety and the environment.
- c.) All types of goods and materials are authorized to safely travel on the line (including hazardous and non-hazardous).
- d.) KCC will only receive DOT approved railcars that are 30,000 gallons or less.

- e.) The railcars on-site will be unloaded over secondary containment that is large enough to wholly contain a potential release, rainwater, and firefighting water.
- f.) The PPC Plan is a comprehensive set of procedures to govern how the facility will respond to any incidents on-site and requires coordination agreements and communication with emergency response organizations.

The Department's position on the renewal of the Hazardous Waste RCRA permit using the railcar delivery method is that there is no compliance, or other legitimate reason to disallow rail transport. The regulatory requirements of the RCRA permit are limited to the Keystone Cement Company (KCC) permit area and do not extend to the NS rail lines. That said, the proposed changes being approved improve safety of the receipt of these materials by reducing tanker truck deliveries and add an additional protective layer of regulatory monitoring through the FRA. Based on discussion between DEP and the FRA, if/when rail shipments of hazardous materials start to flow to KCC, FRA's Hazardous Materials Division (HMD) will become directly engaged with the facility and add it to their inspection plan to ensure compliance with the Federal Hazardous Material Regulations (HMR) requirements. Also, due to the classification of the HWDF, as per 49 CFR § 172.101 Hazardous Materials Table a "Special Provision" will be evaluated for applicability before a railcar is received. Lastly, a detailed route analysis plan may need to be submitted to and reviewed by the FRA.

Also, the protective safety and operational measures KCC has in place along with the Norfolk Southern (NS) Railroad operation practices and standards should provide a multilayered level of reasonable assurance that the railcar delivery system will operate as safely as possible considering the health, safety, welfare, and environmental concerns of the public. The Department will encourage KCC to work with NS and the FRA and to collaborate with local municipalities and local emergency management agencies to resolve any public issues and concerns.

It should be noted that KCC has been previously approved by the Department since 1991 to accept HWDF by railcar and has met the Department's regulatory requirements.

- 4. **Comment:** Hazardous waste transport by rail could potentially impact waterways including Monocacy Creek.

Response: By way of reference see response to comment #3.

- 5. **Comment:** What is the route the hazardous waste railcars will take? Will the railcars travel from Bethlehem to Bath along the Monocacy Creek, through residential neighborhoods, through the Gertrude Fox Conservation Area, and through the Archibald Johnston Conservation Area?

Response: The railcars will travel on the existing Norfolk Southern owned rail lines to the Keystone Cement Company facility.

6. **Comment:** Train derailments have been in the national news recently, and even locally there was a very recent train derailment along the Lehigh River. Are local emergency management organizations prepared for flammable hazardous waste railcars travelling through their jurisdictions?

Response: According to Data from the Federal Railroad Administration (FRA)hauling Hazardous Materials by rail is 50 times safer than by truck. Norfolk Southern (NS) standards for railcars are built, maintained inspected according to FRA standards. NS provides training to first responders through its Operational Awareness & Response (OAR) program. NS provides community safety information along with contact phone numbers and a citizen reporting program for suspicious activity called “Protect the Line” on the NS website:

<https://www.norfolksouthern.com/en/commitments/safety/safety-in-your-community>

By way of further response, see response to comment #3.

7. **Comment:** To what extent will additional hazardous waste railcars be parked along the creek outside of any security fence? A statement on page 8 of the Keystone December 2022 Railcar Management Plan says, “Within ten days of arrival, cars are to be moved into staging.” So multiple cars will sit unfenced along the Monocacy Creek for up to 10 days? This is extended by another ten days once a railcar enters the staging area. So, 20 days or less is the target for a railcar to arrive at Keystone and be unloaded?

Response: Pursuant to excerpts from the most recent version of KCC’s Railcar Management Plan:

Keystone will move full railcars into the fenced railcar unloading and staging area within 10 days from their arrival on-site.

It is expected that the frequency of railcar deliveries would be limited to every few days from Monday to Friday, with a maximum of three (3) railcars per delivery.

Railcar deliveries to the facility will arrive on a siding from the tracks that are parallel to Route 512 at the plant entrance as shown on Figure 9 of the Application. The track is currently used for bulk materials deliveries and product (i.e., cement) transfer. The maximum number of railcars that can be accommodated at the new railcar unloading and staging facility is four (4) railcars. Railcars may also be staged on existing rail tracks on-site.

8. **Comment:** Why not extend the railroad spurs to get the hazardous waste railcars deeper into the Keystone site and away from the creek?

Response: Portions of the existing Norfolk Southern (NS) railroad line (estimated to be running North to South per the facility site plan) that runs adjacent to the Monocacy Creek also runs through and near the perimeter of the facility permitted boundary. An existing rail spur diverts (South to West) off the existing NS railroad line and extends further into the permitted boundary of the site. Railcars can be staged on the existing rail spur within Keystone Cement Company permitted boundary. The approved Railcar Management Plan allows for up to four (4) railcars within the previously permitted new railcar unloading and staging facility.

9. **Comment:** Limit the number and duration of stay for cars outside the security fence protecting the staging and offloading areas. Just how many hazardous waste railcars can be situated along the creek at once? This should be kept to a minimum.

Response: According to the Railcar Management Plan, upon arrival on site railcars will be moved onto Keystone Cement Company rail siding and tracks. The site drawing includes 4 railcars within the security fence which is within the permitted facility boundary. The facility can also stage railcars on the rail tracks within the permitted boundary outside of the unloading/staging area. The facility will accept railcar deliveries mostly Monday - Friday at a frequency of every few days with a maximum of three (3) railcars per delivery.

10. **Comment:** Only the one railcar targeted for offloading will be protected with secondary containment. Why not extend the secondary containment area to include the three-car staging area?

Response: The size of the unload and staging area and secondary containment were determined by Keystone Cement Company and are within the permitted boundary. All railcars will meet current safety design standards to minimize any spillage concerns which will also be addressed per the facility's Preparedness, Prevention, and Contingency (PPC) Plan.

11. **Comment:** A roof over the offloading car is listed as optional. A roof over the offloading car should be made mandatory.

Response: Pursuant to the most recent version of the Railcar Management Plan: *The unloading/loading area will be sheltered by a roof and contains a secondary containment system to collect discharge that may occur during the unloading and loading of PADEP-approved materials from the railcars.*

12. **Comment:** Consider extending the roof over the staging area.

Response: The railcar unloading/loading area and the adjoining staging area are enclosed by a security fence. The railcar unloading/loading area is sheltered by a roof. There is also secondary containment in this area since this where any actual fuel transfer takes place. The adjacent railcar staging area is not sheltered by a roof since no actual fuel transfer takes place here.

By way of further response see response to comment #11.

13. **Comment:** Allowing rail transport would result in the frequent and routine transport of large quantities of hazardous wastes along Monocacy Creek and through the following important public places: Historic Downtown Bethlehem, Monocacy Way Trail, Illick's Mill Park, Monocacy Park, Main Street Extension Neighborhood, Biery's Bridge Road Neighborhood, Gertrude B. Fox Conservation Area, Archibald Johnston Conservation Area, Janet Johnston Housenick/William D. Housenick Memorial Park, and Monocacy Meadows Park.

Response: Railcar transport routes are managed by Norfolk Southern (NS). Keystone Cement Company (KCC) most recent version of its Railcar Management Plan was revised to include frequency of railcar deliveries. Response #7 includes this information.

By way of further response see response to comment #6.

14. **Comment:** If DEP allows the Keystone Cement hazardous wastes to travel by rail along the Monocacy Creek, you should at the very least prohibit chlorinated solvents, all DNAPLs, and any other wastes with a density greater than water to be transported this way because of the severe environmental risks they pose.

Response: The facility has a PPC Plan and is regulated for any HWDF materials brought onsite. NS is responsible for transport of these materials outside of the permitted boundary.

15. **Comment:** Given the environmentally sensitive nature of the high-quality cold water Monocacy Creek and its native, self-reproducing population of brown trout, the historic and conservation-oriented parks along the creek's path, Keystone Cement's weak past permit compliance record, and the dangerous environmental implications posed by these liquid hazardous wastes, I recommend the DEP considers denying Keystone Cement the ability to receive their hazardous wastes in railcars because it would result in new and serious hazards to the Monocacy Creek along its entire length from Bethlehem to Bath.

Response: By way of reference see response to comment #3.

16. **Comment:** I strenuously object to allowing the transportation of hazardous DNAPL material via the Bethlehem-Bath Norfolk Southern railway. This stretch of railroad

passes directly behind homes, and along parks, fishing sites, and homes of various protected wildlife.

Response: By way of reference see response to comment #3.

17. **Comment:** Monocacy Creek is a rare natural and urban wonder, a Class A Trout stream in the midst of a city. It and the surrounding residents and communities, need to be protected. The East Palestine disaster in western PA/Ohio serves as the perfect example of the risks and potential costs of such a proposal to transport hazardous waste by rail. Please support the rejection of this dangerous proposal.

Response: By way of reference see response to comment #3.

18. **Comment:** I firmly believe that it would be a serious mistake to allow Keystone Cement to change their transportation of hazardous wastes from truck tankers on the roads to railcar tankers on rails. Please reconsider this action or consider modifying the draft permit to reduce the amount of waste that Keystone can receive by rail over a given time period, such as per day or week.

Response: Keystone Cement Company monitors and reports the amount of HWDF received on site. According to the Railcar Management Plan, upon arrival on site, railcars will be moved onto KCC rail siding and tracks. Within 10 days, movement into the railcar staging and unloading area will occur. The staging and unloading area is designed to hold a maximum of 4 railcars. KCC's most recent version of its Railcar Management Plan was revised to include frequency of delivery and maximum number of railcars expected to be delivered per week.

19. **Comment:** What is more hazardous? 6,000 gallons of Class 3 Flammable wastes, 30,000 gallons, or 120,000 gallons? One 30,000-gallon railcar represents five tanker trucks. Four railcars is the same as a convoy of 20 trucks! To me, one railcar is five times more hazardous than one tanker truck. The risk is not about how often one accident happens. It is about how catastrophic one accident is.

Response: By way of reference see response to comment #3.

20. **Comment:** I believe a risk assessment is warranted for the catastrophic failure of 1-, 2-, 3-, and 4-railcars of hazardous waste scenarios within the City of Bethlehem. It would be a way to measure the risks we are exposing the residents to.

Response: Pursuant to the PPC plan submitted with the facility permit application, page 43, IE.1, Arrangements with local response agencies, a copy of the PPC plan for the facility was supplied to DEP, Northampton County Emergency Management Agency, East Allen Township Fire Department, Pennsylvania State Police (Bethlehem), Borough of Bath, and emergency response contractors.

KCC is also subject to Spill Prevention Response (SPR) provisions of the Pennsylvania Storage Tank and Spill Prevention Act. KCC is required to prepare a notification list to include surface water intakes, municipalities and counties, within 20 miles downstream of the facility. This list includes the City of Bethlehem.

21. **Comment:** Replacing 6,000-gallon truck tankers with 30,000-gallon railcars and up to four railcars per train (for a total of 120,000 gallons), is a huge concern in case of a derailment or other accident.

Response: By way of reference see response to comment #3.

22. **Comment:** Recent Norfolk Southern derailments and now well-established flaws in the company's Precision Railroad Scheduling make it imperative that DEP deny Keystone's application.

Response: DEP has determined that KCC meets requirements and regulations for permit renewal for facility operations within the permitted boundary.

By way of further response see response to comment #3.

23. **Comment:** I strongly believe that it would be a serious environmental mistake to allow Keystone Cement to ship large quantities of hazardous chemicals along a Norfolk Southern track that follows a pristine waterway for most of its route.

Response: By way of reference see response to comment #3.

24. **Comment:** Accidents can and will happen, but the scale of the environmental impact of a single spill of these particular hazardous chemicals into a waterway would be immeasurably more severe than a tanker truck spill on a highway.

Response: By way of reference see response to comment #3.

25. **Comment:** One of my primary concerns is the transportation of hazardous chemicals, including trichloroethylene, through Bethlehem via Norfolk Southern rail. The rail line runs along the Monocacy Creek and through residential areas, posing a significant threat to both the creek and the residents.

Response: Trichloroethylene (Waste code D040) is not one of the approved primary waste codes for HWDF stored in waste solvent storage tanks at the permitted facility, however it is an approved secondary waste code. Each primary waste code in the permit may exhibit a secondary waste code for commercial chemical products, manufacturing chemical intermediates, or off-specification commercial products. Secondary waste codes may only be accepted at concentrations as approved by the DEP for each individual waste stream via the Module 1 process, in addition to the general waste acceptance limit for chlorides.

By way of further response see response to comment #3.

26. **Comment:** The permit process, as it stands, does not address the transportation of chemicals, focusing solely on the Keystone site. This oversight leaves a critical gap in ensuring the safety and well-being of our community.

Response: By way of reference see response to comment #3.

27. **Comment:** The Monocacy Creek is right next to the rail line and is a high-quality trout stream. Besides the obvious danger to the creek from an accidental spill/leak, a derailment could be catastrophic to the creek and the neighborhoods this rail line runs through.

Response: By way of reference see response to comment #3.

28. **Comment:** The rail line leaves the mainline under the Hill to Hill bridge and follows the creek into Bath. The line runs several hundred yards behind Main Street and passes through the Industrial Quarter. Any derailment in this area would pose a huge evacuation effort, many businesses on main street, including Hotel Bethlehem would need to be evacuated. Slightly north this line runs next to four senior citizen high rise buildings. As the line continues north, it runs next to Monacacy Park, still following the creek. The line then follows through residential neighborhoods, following Main Street Extension, then Bierys Bridge Road. Any incident in this area would be a nightmare for first responders, as Main Street Extension and Bierys Bridge are very narrow, getting large trucks into this area and setting up firefighting operations and Hazmat response vehicles would be very difficult. Even a response from Norfolk Southern and their equipment would be almost impossible.

Response: By way of reference see response to comment #3.

29. **Comment:** The rail line runs along the Monocacy Creek and through the residential areas of Bethlehem. The permit process does not cover transport, only the Keystone site. It is a genuine health and environmental protection issue since the chemicals in question are a threat to the creek and the residents of Bethlehem. Please do not approve this permit.

Response: By way of reference see response to comment #3.

30. **Comment:** In a recent news article, an official at the Keystone TSDf stated that their change to rail transport will, “remove approximately four tanker trucks from the roads for every one railcar, reducing road traffic and associated risks.” However, as I see it, the tradeoff will now be the significant increase in the volume of DOT hazardous

materials transported on the Cement Secondary rail line. Accordingly, those “associated risks” will now be transferred as threats to Monocacy Creek, and the neighborhoods along the track.

Response: By way of reference see response to comment #3.

31. **Comment:** Keystone Cement stated that, “Rail transport is statistically safer than road transport by a significant margin.” Given there have recent local train wrecks, specifically on March 2, 2024, and July 5, 2024, I’d conclude that the margin has significantly narrowed. In March 2024 an extensive derailment occurred involving 3 trains on the Norfolk Southern Lehigh Line in nearby Lower Saucon Township. That train wreck resulted in rail cars being scattered along the bank of the Lehigh River, including 2 locomotive engines with diesel fuel spilling into the water. Polypropylene plastic pellets also spilled into the river. This event was clearly a catastrophic near-miss incident, in that 3 of the derailed cars were carrying residues of ethanol and butane (both DOT hazardous materials) and thankfully did not leak. On 5 July 2024, a train derailment again occurred on the NS Lehigh Line, this time beneath the Hill-to-Hill Bridge in Bethlehem. The wreck was located on the southern side of the trestle crossing the river. While the 4 cars that derailed were empty, this was another catastrophic near-miss, as 2 cars on the 125-car train contained DOT hazardous materials. Fortunately, they were not in the vicinity of the derailed cars, thus no release of those materials. A NS representative determined the cause of that wreck to be “train handling”. A spokesman with the Federal Railroad Administration better characterized it as being caused by “human error”.

Response: By way of reference see response to comment #3.

32. **Comment:** Almost daily shipments of tanker railcars containing 60,000 gallons to 120,000 gallons of DOT hazardous materials (mostly flammable materials) along the rail line represents an incredible risk of catastrophe to residents in densely populated Bethlehem, as well as those living adjacent to the tracks in the suburban areas of Bethlehem Township, Lower Nazareth Township, East Allen Township, and the Borough of Bath.

Response: By way of reference see response to comment #3.

33. **Comment:** A comparison to the 3 February 2023 incident in East Palestine OH is not far-fetched. The National Transportation Safety Board (NTSB) found that a rail car’s defective wheel bearing caused the derailment and subsequent hazardous material release. The derailment occurred when a bearing on a hopper car failed and overheated, leading to the conflagration in the center of that small Ohio town. NTSB also noted that overheated wheel bearings are a common cause of rail accidents. Along major railways, trackside hot bearing detectors are part of a system intended to warn crews to stop the train before the hot bearing can cause a derailment, I seriously

doubt that any such wayside monitoring systems now exist on the Cement Secondary rail line.

Response: By way of reference see response to comment #3.

34. **Comment:** The NTSB concluded that use of DOT-111 tank cars to transport flammable liquids and other hazardous materials contributed to the severity of the hazardous materials release in East Palestine. Three DOT-111 cars mechanically breached, releasing flammable and combustible liquids that ignited. The NTSB has said that the DOT-111 tank car is being phased out of flammable liquids service because of its “long record of inadequate mechanical and thermal crashworthiness and propensity to release materials in a derailment”. Please realize that it would be reassuring to the local community if the PADEP could specify in the Keystone TSDF permit that DOT-111 tankers cannot be used to transport flammable liquids and other hazardous materials into the TSDF.

Response: The most recent version of the Railcar Management Plan provides:
Keystone will only accept railcars that are USDOT-approved railcars. As newer, safer USDOT-approved railcars are available to generators, Keystone will encourage its generators to utilize these USDOT-approved railcars (e.g., USDOT-117s are preferred over USDOT-111s).
The USDOT establishes regulations for the specifications of railcars intended for the movement of hazardous materials. All railcars that carry hazardous materials must be equipped with double shelf couplers, which prevent separation of cars and possible punctures by a coupler in the event of an accident or derailment. The Federal Railroad Administration (FRA) regulates the rail tracks, safety, inspection frequency, and regulatory requirements for the railroad companies.

35. **Comment:** I am aware of the potential hazardous materials making their way through Bethlehem and I wanted to raise concerns regarding this action. I do not want any harm to be caused to the residents or water system in Bethlehem.

Response: By way of reference see response to comment #3.

36. **Comment:** In light of recent derailments in the area I find the possible exposure of a significant population and a natural treasure to hazardous wastes, trichloroethylene among them, to be ill advised.

Response: By way of reference see response to comment #3 and comment #25.

37. **Comment:** It is concerning that hazardous chemicals (trichloroethylene among them) will be transported through my neighborhood in Bethlehem via Norfolk Southern rail. The line runs along the Monocacy creek and through the residential areas of Bethlehem.

Response: By way of reference see response to comment #3 and comment #25.

38. **Comment:** The intended route poses considerable risk: to the Monocacy Creek, a pristine brown trout stream that borders the tracks into and through Bethlehem up to the Keystone facility; the newly designated World Heritage Site located along the creek and tracks in the heart of historic Bethlehem would be at risk in an accidental spill situation; to the residential areas that border the creek, some within 60 ft of the tracks, that are actively and densely populated; the increased runoff from development from both housing and warehouse construction causes the creek to rise and cross the tracks in multiple locations; the nature of the topography in creek bordering areas is such that hazmat containment, equipment, and operations would be exceptionally difficult to execute; the nature of the waste has an evaporative quality making evacuation planning and execution extremely difficult resulting in a severe public health risk of extraordinary proportions; a spill of this significant volume would destroy the creek, and possibly the Lehigh River. The public safety record of the Railroad is less than stellar, with two significant derailments in the recent past.

Response: By way of reference see response to comment #3.

39. **Comment:** Regardless of the safety measures Keystone currently employs, they are insufficient as they do not cover outside their operating location.

Response: By way of reference see response to comment #3.

40. **Comment:** Currently, there are 6 or 7 15+ ft dead trees within sight of my property between the tracks and the creek. The condition of the rising creek will continue to cause erosion, and subsequent destruction of plant life, and the subsequent root decay will undermine the rail bed. Along much of Biery's Bridge road there is a scant 6 ft between the tracks and the creek.

Response: By way of reference see response to comment #3.

41. **Comment:** I'm emailing to express my concern regarding Keystone Cement's proposal to transport liquid fuel via train tank cars. As you know, train tracks often run along streams and rivers to take advantage of the level geography. The Lehigh Valley has experienced two train derailments, in March and also early July of this year. It's perturbing considering a 30,000 gallon, per tank car, derailment along the Lehigh River or the Monocacy Creek.

Response: By way of reference see response to comment #3.

Comment: I am concerned about the rail transit permit being applied for. The hazmat dangers in rail transit have the potential to threaten the Monocacy Creek and many

surrounding homes. Palestine Ohio was a devastating ordeal, and it should be a wake up call to the PADEP so that history does not repeat itself.

Response: By way of reference see response to comment #3.

42. **Comment:** Two serious local train derailments in Bethlehem in the past few months make me very concerned about the extremely hazardous waste traveling along these tracks. We believe that the risk these hazardous wastes pose to the environment and the public is too great a risk to be permitted.

Response: By way of reference see response to comment #3.

Comment: There are many communities and creeks along the route Norfolk Southern Rail would utilize to transport these wastes to Keystone Cement. Approval of the permit will put our communities and natural resources, in particular, the Monocacy Creek, in jeopardy in the event of a derailment or spill.

Response: By way of reference see response to comment #3.

43. **Comment:** It is my understanding that this proposal would allow Keystone to transport as much as 120,000 gallons of hazardous waste materials (via 4 railcars each containing 30,000 gallons) on a small train that would travel along the Monocacy, through the city of Bethlehem on its way to Bath. The rail line passes through a highly populated area and any accident would endanger the lives of people, wildlife, and the fish and other aquatic creatures that reside in this area.

Response: By way of reference see response to comment #9.

44. **Comment:** I want to express opposition to Keystone Cement's request for a permit to transport hazardous material in rail tank cars. This would include extensive travel and storage of these hazardous chemicals along Monocacy creek near Bath, Pa.

Response: By way of reference see response to comment #3.

45. **Comment:** Statistically speaking, train car deliveries are less prone to accidents than truck deliveries are. But as we have seen in just the past four months, trains do derail and can send shipments into the nearby waterway, in those two separate cases into the Lehigh River. When the cause is human error, the result is no more or less potentially devastating than if the cause is mechanical, weather-related, or some other reason. Train deliveries may be more reliable, but only until they are not. I cannot believe that the Monocacy Creek and other waterways should be exposed to such a real risk.

Response: By way of reference see response to comment #3.

46. **Comment:** We are concerned about hazardous waste traveling on the rail line between Bethlehem and Bath. It is inconceivable to us to even entertain the idea to permit hazardous materials into a pristine area such as the Monocacy Creek, which is classified by the PA DEP, as a “High Quality Coldwater Fishery”, and into the densely populated industrial quarter that has just been placed on the UNESCO World Heritage Site. Bethlehem draws visitors from all over the world and is considered the Christmas City as well as host to Musikfest and the Celtic Classic both of which host events in the area that would be affected by any accident of such a hazardous nature. Since the Norfolk Southern does not have a great track record when it comes to Safety concerns and there has been no public notice of Norfolk Southern’s safety protocols to protect this area, we believe the intended travel of hazardous wastes over this rail line represents a serious risk of pollution to the creek, river, and population of Bethlehem.

Response: By way of reference see response to comment #3.

47. **Comment:** I was not happy to read that Keystone Cement has applied for a permit to run hazardous materials (fuel) by rail along the Monocacy Creek. The stream is 28 miles long, starting in Chapman Borough, winding its way to and through Bethlehem, to the Lehigh River. The stream has always been an important waterway, protected even though it flowed through an industrialized city. The 50 square mile watershed is classified a High Quality Coldwater Fishery, a treasure of Pennsylvania. Just this year, 2024, there have been two local derailments: March in Lower Saucon along, and partially in, the Lehigh River (\$2.5 million clean-up) and July under the Hill to Hill Bridge in Bethlehem also along the Lehigh River. Both of these derailments were on the main rail line, where maintenance is frequent. Fortunately, hazardous materials were not being transported (but there were traces of hazardous materials in two cars). The railways for the Keystone proposal are not main line, so the conditions and maintenance may very well be suspect.

Response: By way of reference see response to comment #3.

48. **Comment:** The Monocacy Creek Watershed Association believes that moving flammable material (hazardous waste) in railcar tankers over this portion of the Cement Secondary rail line represents a serious new risk of pollution for the creek. It also represents the possibility of catastrophic incidents in the Historic Bethlehem area, as well as risks to residents living in the immediate area of the track.

Response: By way of reference see response to comment #3.

49. **Comment:** It is my understanding that a renewal of Keystone Cement’s permit would allow delivery of hazardous waste to its site by railcar rather than only by tanker-truck. While I believe both forms of transport pose a risk, I am particularly concerned about this change in the mode of transportation, since the waste would have to get to Keystone Cement via a Norfolk Southern rail line that runs through the city of Bethlehem and along one of our special protection waterways, known as “Monocacy

Creek.” Putting hazardous waste in the railcars that run through our city and along that creek is an exceptionally bad idea. It poses new environmental threats and will deter residents who recreate in the area from taking advantage of this unique opportunity to access nature in the middle of our city.

Response: By way of reference see response to comment #3.

50. **Comment:** Areas such as the Monocacy Way Trail, Gertrude Fox Conservation Area, Archibald Johnson Conservation Area and others cannot be easily accessed in the event of a derailment of hazardous materials. Derailment in these areas would greatly reduce intervention and remediation time.

Response: By way of reference see response to comment #3.

51. **Comment:** There are many reasons why switching from semi-trailer trucks to rail cars is a bad idea. Not only could there be as much as four times the amount of waste being transported in one load, but if there were to be an accident, it would be much more difficult to contain the damage. If a truck were to be involved in an accident, emergency vehicles could quickly reach the scene. But imagine a derailment in the Archibald Johnson nature area, or in my own neighborhood of Monocacy Hills where the creek winds around the base of a hill. It would be almost impossible to get fire trucks to the site in these locations.

Response: By way of reference see response to comment #3 and comment #20.

52. **Comment:** Many of the roads this rail line crosses do not have crossing gates, so the train needs to blast its whistle at each crossing. Not only does the lack of crossing gates raise the risk of an accident, but there is also an issue with noise.

Response: Crossing gate safety and noise from rail traffic outside the Keystone Cement Company permit boundary are not regulated by the RCRA Permit.

By way of further response see response to comment #6.

53. **Comment:** Recently, the historic Moravian sites in Bethlehem were named to the list of World Heritage Sites. And yet now there is the possibility of hazardous waste being transported right next to the 18th Century historic district. If an accident were to occur, we would lose a vital part of the city’s heritage and of our economy since it is the charm of historic Bethlehem that draws people to our downtown area.

Response: By way of reference see response to comment #3.

54. **Comment:** Once the hazardous waste rail tankers arrive at Keystone along the creek, they have 10 days to move them into the fenced staging and unloading area. Once they are in there, they have 10 days to unload them. So, each loaded rail tanker delivered is

on a 20-day clock to be unloaded. Only four will be fenced and only the one car to be offloaded will have secondary containment. Tankers will be unprotected and without secondary containment protection along the creek. And that 20-day clock will be difficult to keep track of. Could you please add a requirement in the final permit for the permittee to keep a written log of rail tankers to ensure compliance with the 10- and 20-day requirements?

Response: KCC monitors and reports the amount of HWDF received on site. According to the Railcar Management Plan, upon arrival on site railcars will be moved onto KCC rail siding and tracks inside the permitted facility boundary. Within 10 days, movement into the railcar staging and unloading will occur. Once inside the staging/unloading area the tank will be unloaded within 10 days. The unload area is designed to hold a maximum of 4 railcars. The Railcar Management Plan requires Keystone to maintain an activity log to demonstrate compliance with the 10- and 20-day deadlines as the site already does with truck shipments. The most recent version of the Railcar Management Plan becomes part of the permit and is a regulatory requirement.

55. **Comment:** I can't help but feel that the rail tanker change is a way for Keystone to, in effect, more than double their RCRA storage limit without triggering an official change to their permit storage volume. This would all come at the expense of environmental risk to the adjacent Monocacy Creek. Controls are needed in the final permit to ensure that, between Keystone and Norfolk Southern, we do not end up with 12 or more hazardous waste tankers situated near the Monocacy. I would hope that there would be no delay between Norfolk Southern arriving with a tanker and Keystone's 20-day clock starting.

Response: The railcar staging and unloading area is designed to hold a maximum of 4 railcars. The most recent version of the Railcar Management Plan becomes part of the permit and is a regulatory requirement. KCC monitors and reports the amount of HWDF received on site. According to the Railcar Management Plan, upon arrival on site railcars will be moved onto KCC rail siding and tracks inside the permitted facility boundary. Within 10 days, movement into the railcar staging and loading/unloading will occur. Once inside the railcar staging and unloading area the tank will be unloaded within 10 days. Therefore, this process potentially can take up to 20 days. Pursuant to language in the Railcar Management Plan:

Upon arrival on-site, the railcar will be moved onto the Keystone rail siding and tracks. Within 10 days, movement into the railcar staging and unloading area will occur. Once inside the railcar facility, Keystone will unload the waste derived fuel within 10 days.

Movement and staging of rail cars outside the KCC permit boundary is not covered by the RCRA permit.

By way of further response see response to comment #54.

56. **Comment:** Keystone proposes to begin rail delivery in 2026, using either standard tanker cars or the newer cars with stronger double wall construction while the latter are being "phased in." It was suggested that the switch to using the safer tankers would be complete by 2029, but this timetable is by no means certain. Even if the goal is met, that leaves 3 years of heightened daily risk of transport by single-walled tanker cars. I urge you to stipulate, as a condition of the permit renewal, that all rail shipments of hazardous chemicals arrive at Keystone Cement (and be stored, while awaiting unloading,) in the newer reinforced tanker cars.

Response: By way of reference see response to comment #34.

57. **Comment:** Keystone Cement stated that use of the rail line is expected to remove four trucks from the roads for every one rail car received at their site. It's also my understanding that during the Q&A period, a Keystone representative stated that there will be 3 rail cars as part of each train traveling to their site. By my estimates, that would be approximately 90,000 gals of ignitable and environmental toxic liquid waste moving along the rail line. This would occur as part of Norfolk-Southern's routine Monday-Saturday train deliveries to customers along their Cement Secondary Railroad. This transport represents an astounding increase in the volume of DOT hazardous material currently moving through the communities of Bethlehem, Bethlehem Township, Lower Nazareth Township, East Allen Township, and the Borough of Bath. In the city of Bethlehem, the railroad track runs parallel to the Monocacy Creek (a rare, high-quality waterway) and passes through the Historic Bethlehem area (a World Heritage site), Illicks Mill Park, the neighborhoods of Main Street Extension and Biery's Bridge Road, plus the Gertrude Fox and Archibald Johnson conservation areas, both having a variety of abundant wildlife.

Response: By way of reference see response to comment #3 and comment #7.

58. **Comment:** An effective response to a leaking 6,000 gallon tanker truck on a public highway is much more efficient than a response to a release event from a 30,000 gallon rail tanker along the often isolated 10 miles of the rail line, from its origin in downtown Bethlehem to the Keystone Site in the borough of Bath.

Response: By way of reference see response to comment #3.

59. **Comment:** Keystone Cement said that they will know how to manage the railcar system safely, with containment, and spill response, also adding that they plan to have the local fire department at the site to perform a table drill before starting the project. While that might bring comfort to those concerned about operations within the legal boundaries of the Keystone facility, it does nothing for the many residents and business located along the 10 miles of track. And while Keystone may harbor an attitude of not being responsible for the safety of the rail line outside of their facility, I remind DEP that you cannot have a "*rail car unloading system*" without a railroad to

transport the cars into the facility. I strongly believe that it is irresponsible for DEP to not consider the railroad itself as a necessary function of the total system.

Response: The railroad is regulated by the FRA. DEP will encourage KCC and NS to collaborate with the community on environmental, health and safety issues.

By way of further response see response to comment #3 and comment #6.

60. **Comment:** At the hearing, company representatives stated that the rail cars will be travelling at very low speeds, with an average of 12 mph and a limit of 22 mph. They apparently believe that this would allay any fears of derailment for the residents and businesses having homes and facilities immediately adjacent to the track. In 2022 the Association of American Railroads revealed that, “the vast majority of train derailments happen in rail yards where the average train speed is about five MPH — not on mainline track running across the country.” In fact, the train that derailed on the trestle beneath the Bethlehem Hill-to-Hill Bridge on 5 July 2024 was moving at a low speed. A Norfolk-Southern representative determined the cause of that wreck to be “train handling”. A spokesman with the Federal Railroad Administration better characterized it as being caused by “human error”. Another derailment on the same trestle occurred on 28 September 2022. Please recall that there are at least 10 trestles that cross the Monocacy Creek between Bethlehem and Bath.

Response: The railroad is regulated by the Federal Railroad Administration. DEP will encourage Keystone Cement Company and Norfolk Southern to collaborate with the community on environmental, health and safety issues.

By way of further response see response to comment #6.

61. **Comment:** DEP should include language in the permit that requires Keystone Cement to ensure that the liquid hazardous waste that they have contracted to receive at their facility can confidently arrive there without concern about spill or release into the Monocacy Creek. At a minimum this can be ensured by including permit language that would require Keystone to: ensure that transport will occur only via the use of the more robust Class DOT-117 tank cars, actively cooperate with both Norfolk-Southern and the Northampton County LEPC to develop spill response plans for all isolated locations along the track, routinely review with Norfolk-Southern their maintenance and repair plans and records for the track, provide funding to the designated first response teams for the purchase of necessary equipment to expedite an adequate response, and work with the responders to conduct periodic training at a variety of locations along the creek.

Response: By way of reference see responses to comment #20 and comment #34.

62. **Comment:** I believe that the residents and business owners adjacent to the rail line need to have adequate assurance that both Keystone and Norfolk-Southern are

working together for common safety and environmental protection along the entire transportation route. This can be afforded by DEP by putting aside the traditional mindset of regulatory territories and assigning common responsibilities for monitoring and review in the Keystone permit.

Response: The railroad is regulated by the Federal Railroad Administration. DEP will encourage Keystone Cement Company and Norfolk Southern to collaborate with the community on environmental, health and safety issues.

By way of further response see response to comment #6.

63. **Comment:** Please do not allow chemicals to come through the Lehigh Valley on trains. Don't want it close to my home should there be an accident like the one in Ohio.

Response: By way of reference see response to comment #3.

64. **Comment:** I do not wish toxic chemicals to be transported through my community.

Response: By way of reference see response to comment #3.

65. **Comment:** The route in question passes alarmingly close to residential areas, including my home on Spring Street in Bethlehem, placing my family and many others in jeopardy. The potential for train derailments, which have historically led to environmental disasters, cannot be ignored. Such incidents could result in the release of toxic substances into these critical water bodies, with devastating consequences for public health and the environment. The Lehigh River, Monocacy Creek, and Delaware River are not only vital sources of water but also treasured natural resources that support diverse ecosystems and recreational activities. Contaminating these waterways with hazardous chemicals would have long-term, detrimental effects on our community's health and quality of life. I urge you to reconsider this plan and explore safer alternatives that do not threaten our homes, health, and environment. The safety of our community should be the top priority, and it is imperative to address our concerns seriously and promptly.

Response: By way of reference see response to comment #3.

66. **Comment:** Since huge quantities of liquid toxic hazardous waste could in the future spill into Monocacy Creek, Lehigh River, or The Delaware River, the Keystone applications must be rejected. The PA DEP serves all the citizens of PA best interest. Not big business. The Keystone Cement application is nothing less than an act of premeditated reckless endangerment with no thought or care about possible damage they could cause to the environment and the people who live in it.

Response: By way of reference see response to comment #3.

67. **Comment:** We don't want the trains hauling waste near our waterways.

Response: By way of reference see response to comment #3.

68. **Comment:** The people of Bethlehem, PA are against having Norfolk Southern Railroad transport toxic liquid hazardous waste to Keystone Cement. Against Keystone cement building a transport area for the railroad. There have been too many derailments across the country to allow this in our area. We just had one in Lower Saucon Township, right outside if Bethlehem proper, and waste did enter the river and required clean up. The Monocacy Creek runs along parts of the railroad also and is a recreational and fishing venue for many in the area. Please consider our request to void the application.

Response: By way of reference see response to comment #3.

69. **Comment:** I am against Norfolk Southern Railroad transporting 30,000, 60,000, 90,000 gallons of toxic liquid hazardous waste frequently next to Monocacy Creek, Lehigh River and The Delaware.

Response: By way of reference see response to comment #3.

70. **Comment:** I would like to voice my objection and true concerns about allowing this hazardous waste being transported by rail. We just had a derailment in March of this year by Norfolk Southern. Please don't allow this to be done.

Response: By way of reference see response to comment #3.

71. **Comment:** I'm against this approval because of the possibility of just one derailment causing irreparable damage to our people, land, and wildlife.

Response: By way of reference see response to comment #3.

72. **Comment:** The manner in which Norfolk Southern handled (is handling) the East Palestine, OH, derailment is a disaster. Almost two years later, the ruination exists. As a result of its East Palestine investigation, in its June 25, 2024, News Release, the National Transportation Safety Board (NTSB) issued new safety recommendations to the Secretary of Transportation about the following safety issues:

- Failure of wayside monitoring systems to diagnose a hot (why did the crew not receive a hot bearing warning until ... East Palestine... when axle about to fail).
- Inadequate emergency response training for volunteer first responders (at the meeting some people in audience stated that first responders of any magnitude would not be able to get to a mishap at certain places along the tracks).
- Hazardous materials placards that burned away, preventing emergency responders from immediately identifying hazards.

- A lack of accurate, timely and comprehensive information passed to local incident commanders and state officials.
- The continued use of DOT-111 tank cars in hazmat service.
Before any movement continues in this process, with all due respect, I'd like to know the cost including a mishap-revenue analysis, and I expect answers by Norfolk Southern about the specific corrections made by it to safely transport toxic waste to Keystone via railway.

Response: By way of reference see response to comment #3 and comment #6.

73. **Comment:** I had been at the hearing at Nitschmann Middle School in Bethlehem, PA, and was astonished that Norfolk Southern, a main party to this endeavor, was not present.

Response: The meeting/hearing being referred to was a DEP Waste Program meeting specific to the Hazardous Waste Permit renewal application. Norfolk Southern was not specifically requested to participate in this meeting. That said, DEP did not require all attendees sign in and therefore DEP cannot confirm if anyone from Norfolk Southern was present at the meeting.

By way of further response see response to comment #3.

74. **Comment:** I am very opposed to possible approval of the Keystone Cement permit to send hazardous wastes on trains from Bethlehem to Bath. Any spill of these very hazardous materials, especially along the Monocacy Creek, would cause major poisoning of the area. We are already aware of the railroads very superficial safety checks. A disaster like the recent catastrophic East Palestine, Ohio spill would be very possible. My 96-yr-old father lives within yards of the tracks. He is not mobile. He would be severely endangered by a spill. I hope you will consider the lives and health of Bethlehem residents by denying this permit.

Response: By way of reference see response to comment #3.

75. **Comment:** I ask you to please step up to protect our community and the environment by not allowing Keystone to use the railroad for delivery and storage of their hazardous materials.

Response: By way of reference see response to comment #3.

76. **Comment:** I would like to point out the potential hazards of Keystone Cement transporting hazardous waste along the Monocacy Creek. Given their track record of the spill in East Palestine, Ohio, the potential of that happening in this area is worrisome.

Response: By way of reference see response to comment #3.

77. **Comment:** No to trains carrying toxic waste.

Response: By way of reference see response to comment #3.

78. **Comment:** We do not want trainloads of hazardous waste transported near our waterways. It is irreversible if there is an accident.

Response: By way of reference see response to comment #3.

79. **Comment:** I do not want Norfolk to transport any toxic chemicals in my area. I am appalled that the city council would not stop this before it came to a vote. Have we learned nothing from the incident in East Palestine?

Response: By way of reference see response to comment #3.

80. **Comment:** I do not endorse the transport of hazardous wastes along the waterways here in Saucon Valley.

Response: By way of reference see response to comment #3.

81. **Comment:** I was at the recent meeting on October 28th which several issues were brought up regarding Norfolk Southern's safety record and the inaccessibility of this route. There is significant danger to human life, property and the environmental. At the very least extensive measures should be incorporated such as:

- Strenuous track inspection and maintenance procedures
- Increased road crossing protection
- Dedicated vehicles on standby capable of using railroad tracks with spill abatement equipment
- Intensive rail car maintenance

The best protection of the people who live along the route as well as the environment would be to deny the permit. I urge you to not approve this permit.

Response: By way of reference see response to comment #3.

82. **Comment:** I would like to voice my opposition to the permit for Norfolk Southern Railroad to transport hazardous waste through Bethlehem and near Monocacy Creek and the Lehigh and Delaware rivers. The Delaware River provides drinking water for Philadelphia and the surrounding areas. The Lehigh River and its tributaries feed into watersheds that provide drinking water for millions. Transportation through our city via rail creates more risks than rewards for the people of eastern and southeastern Pennsylvania. Norfolk Southern has had two derailments in recent months, one of which nearly ended up in the Lehigh River. Should the train have been carrying toxic waste rather than garbage the repercussions would have been devastating. It is for these reasons I ask that the permit not be granted.

Response: By way of reference see response to comment #3.

83. **Comment:** I have significant concern about the proposal to transport hazardous waste by train through my town of Bethlehem. There does not appear to be adequate safety provisions to prevent potential disaster, which would compromise the health of our environment, especially as the train travels next to the beloved Monocacy Creek area.

Response: By way of reference see response to comment #3.

84. **Comment:** We do not want hazardous waste transported via train near waterways in the Lehigh Valley.

Response: By way of reference see response to comment #3.

85. **Comment:** I lived over that stretch of railroad track for 13 years. For 12 of those years, the track was in terrible shape. My home would shake every time a locomotive and trailing rail cars would pass under my windows. Last year Norfolk Southern replaced the existing old rails and ballast with welded rail, which helped the vibration, but that stretch of the creek is being washed out from below. It's also subject to sinkholes. The history of this line has been carrying lumber and (earlier) coal with a few tankers to and from the end of the line. The Monocacy is fragile. It feeds the Lehigh, which in turn enters the Delaware. The drinking water of literally millions downstream is being endangered by this proposal for toxic trains along scary tracks. Some of my concerns include track work, sporadic flooding, littoral bank erosion, and tree cutting.

Response: By way of reference see response to comment #3.

86. **Comment:** As a resident of Bethlehem that lives very close to Monocacy Creek, I am concerned about safety along the rails when the trains are carrying hazardous waste. I am writing to convey my disapproval of the permit only because they are shipping on the rails. I think it makes more sense to continue trucking the waste because then if there were an accident, the equipment to clean up the spill could get to the site (on the road), and this would not be the case along the rails as there are very few access points.

Response: By way of reference see response to comment #3.

87. **Comment:** Given the proximity of the rail line to the Monocacy Creek, a treasured natural resource within my community, I write to ask the DEP to exercise any and all authority that it has to ensure that the rail line that Keystone intends to use is properly and regularly maintained to the highest federal standards - if transportation by rail is approved.

Response: By way of reference see response to comment #6.

88. **Comment:** The rail line provider, as you must know, has had a number of derailments recently. While we have been lucky thus far that the derailments have not involved the spilling of toxic or dangerous materials, should that happen in proximity to the creek, the results would be disastrous and irreversible for the duration of most of our lifetimes. And such derailments are a concern for other reasons. Much of the line is located in fairly inaccessible locations. Should a dreaded derailment occur with the spilling of these toxic waste materials, the damage to the creek would be immediate and difficult to address quickly. The damage to vital groundwater, and thus the entire surrounding community would be catastrophic.

Response: By way of reference see response to comment #3.

89. **Comment:** The most important task of the government, at all levels, is to protect the health and safety of the citizens of this great community and country. I write to ask that your department, perhaps in conjunction with other arms of the state, put in place the requirements and inspections necessary to ensure, as much as humanly possible, that rail, transportation is the safest it can be for transportation of materials of this nature.

Response: By way of reference see response to comment #3.

90. **Comment:** I am writing to express my strong objection to the proposed plan for Norfolk Southern trains to transport hazardous chemicals along the route adjacent to the Lehigh River, Monocacy Creek, and Delaware River. This plan directly affects my community and poses significant risks to our safety and well-being. The route in question passes alarmingly close to residential areas, placing many families in jeopardy. The potential for train derailments, which have historically led to environmental disasters, cannot be ignored. Such incidents could result in the release of toxic substances into these critical water bodies, with devastating consequences for public health and the environment. The Lehigh River, Monocacy Creek, and Delaware River are not only vital sources of water but also treasured natural resources that support diverse ecosystems and recreational activities. Contaminating these waterways with hazardous chemicals would have long-term, detrimental effects on our community's health and quality of life. I urge you to reconsider this plan and explore safer alternatives that do not threaten our homes, health, and environment. The safety of our community should be the top priority, and it is imperative to address our concerns seriously and promptly.

Response: By way of reference see response to comment #3.

91. **Comment:** Please advocate for the safety of our communities by not allowing toxic materials to travel near water ways.

Response: By way of reference see response to comment #3.

92. **Comment:** I am writing as a concerned citizen regarding the proposed plan by DEP Keystone Cement to transport materials by train through our community, a plan that I believe risks severe environmental and community harm. The Monocacy Creek, a delicate and vital ecosystem, runs near the proposed transport route. Known for its scenic beauty, biodiversity, and significance to our local ecosystem, the Monocacy is home to fragile fish populations and is an essential water source for our area. Any increase in industrial activity near this area raises the likelihood of environmental degradation, including runoff and sedimentation, which could devastate this sensitive ecosystem.

Furthermore, the nearby Delaware River is a crucial waterway not only for our community but for many along its course. It supplies drinking water to millions and sustains various natural habitats. Introducing train transport of industrial materials so close to this watershed poses a considerable risk. A single spill or accident could lead to irreversible contamination, endangering drinking water and affecting the wildlife and people who rely on the river. It is imperative that we prioritize preserving these precious waterways over the proposed transportation plans. I urge you to listen to the concerns of our community and to reconsider this project, placing the safety of our natural resources and the health of our environment at the forefront of future development.

Response: By way of reference see response to comment #3.

93. **Comment:** Bethlehem is a very special city, enjoying a rich history and natural beauty as well as a sense of community. Gambling on transporting hazardous material through the heart of the city is a dangerous bet. These materials should be processed at a more isolated location. If an accident occurs, things would never be the same.

Response: By way of reference see response to comment #3.

94. **Comment:** I urge the Department of Environmental Protection to not approve the change of delivery of hazardous wastes to Keystone Cement along the Norfolk Southern rail line from Bethlehem to Bath nor the placement of these wastes in railcars on the Keystone site. The track passes through numerous parks and conservation areas as well as downtown Bethlehem and through what was just recognized as a UNESCO World Heritage site. Any emergencies, such as the train derailment in Lower Saucon earlier this year, would be catastrophic to the Monocacy and many of these areas. The risks greatly outweigh any benefits.

Response: By way of reference see response to comment #6.

95. **Comment:** I am concerned about the recent proposal to transport 30,000 gal of waste to The Keystone Cement Plant. It travels through residential areas and along the

Monocacy Creek which is a natural environmental resource in our community. We are concerned about accidents and spillage.

Response: By way of reference see response to comment #3.

96. **Comment:** I am writing to express my dire concern and fear for the proposed plan to move hazardous wastes along the Norfolk Southern rail line, through Bethlehem, Pa to the Keystone Cement site in Bath, Pa. Further, I am expressly requesting that the PA DEP not approve the proposal to move these hazardous wastes through Bethlehem, Pa. This plan must be terminated immediately for the sake of our community's health and safety.

Response: By way of reference see response to comment #3.

97. **Comment:** I do not want train loads of toxic hazardous waste to travel near PA waterways.

Response: By way of reference see response to comment #3.

98. **Comment:** Please imagine what would happen if a Norfolk Southern train carrying hazardous waste derailed while traveling through downtown Bethlehem, the Moravian historic buildings in the colonial industrial quarter, following the Monocacy Creek to Burnside Plantation, past the walking trails from downtown to Illicks Mill, through the heavily used Illicks Mill municipal park, following the Monocacy Creek north through a pristine landscape -- the Creek which is a superior trout fishing stream and a source of drinking water for wildlife -- the Creek which flows close to many homes. We have seen such a catastrophe in East Palestine, Ohio, and perhaps escaped such a catastrophe in Bethlehem twice in the past year only because those trains were not carrying cargo as hazardous as the train in East Palestine -- or the cargo planned by Norfolk Southern. I believe, based on the potential consequences, the risk is too high.

Response: By way of reference see response to comment #3.

99. **Comment:** This plan puts the Monocacy Creek and surrounding residential, commercial, and agricultural areas at significant risk. The limited access along much of the track makes it nearly impossible to address the consequences of a derailment or other accident involving toxic materials. Monocacy Creek is a vital, spring-fed trout stream that is already threatened by nearby development. A single accident could irreparably harm the creek. In addition, the nearby properties are also vulnerable to the risks posed by transporting hazardous materials. To ensure public safety and protect the environment, I urge you to reject this proposal to transport and store hazardous waste along these tracks.

Response: By way of reference see response to comment #3.

100. **Comment:** In light of the recent East Palestine, Ohio catastrophic derailment and climate change staring us in the face, with extensive fires in the West, tornadoes with greater destruction, and more frequent and powerful winds hurricanes, we should be planning on 3-4 x the power of these forces. In many places along the rails behind our house there many places where homes are a stone's throw from the tracks, and five feet of chunky gravel between the creek and the rails. Another recent development was the change to more modern tracks that allow the trains to go faster and allow one engine instead of the usual two engines. Please come and walk the tracks and see for yourself. Also ride in the engine and see the process of transferring hazardous liquids from one car to another for transfer to Bath. Please deny the permit to Keystone to protect the safety of the people and environment surrounding Easton, Bethlehem, and Bath. One resident had an excellent suggestion of decontamination of hazardous waste on site of Keystone Cement thus eliminating this problem.

Response: By way of reference see response to comment #3.

101. **Comment:** This comment is to express my serious concerns about Keystone Cement's proposal to transport hazardous wastes on the Norfolk Southern tracks from Bethlehem to Bath Borough and to allow storage of these hazardous wastes in railcars on the Keystone site. This would put the Monocacy Creek and all the residential, commercial, and agricultural areas that are adjacent to and near to the Norfolk Southern tracks at risk of serious harm. Given that the access to most of this track is severely limited along so much of the route, if a disaster would occur, it would be almost impossible to mitigate the consequences of a derailment, accident, or some other event that would compromise the highly toxic contents of the railcars. Monocacy Creek is a high-quality trout stream that already suffers from the increasing development along its banks and throughout the 50+ square miles of its watershed. It must be protected in order to preserve its unique status as a spring-fed waterway through an urban area. Exposing the creek to such a risk should not be approved. All it would take is a single catastrophe, and the creek would be seriously comprised, possibly irreparably so. The residential and commercial properties near to the tracks are also susceptible to any derailment or accident that would compromise the train cars carrying toxic chemicals. That risk should also not be considered as acceptable. The only way to guarantee that these disasters will not occur is to not allow the transport of hazardous wastes along the Norfolk Southern tracks from Bethlehem to Bath and to not allow the storage of these same railcars on the Keystone property that is so close to the Monocacy Creek. I strongly urge you to not approve this change to the way that Keystone Cement can receive the hazardous waste that is incinerated in the Keystone kilns.

Response: By way of reference see response to comment #3.

102. **Comment:** I am concerned to have learned of Keystone Cement's plans to transport toxic hazardous waste by rail along the banks of Monocacy Creek. The numerous

risks this could cause to the creek's fragile ecosystem, to the City of Bethlehem and other populated residential areas along the creek, and to agricultural and commercial enterprises in this area are alarming. My home abuts the easement of the Norfolk Southern track in Bethlehem at the point where the track makes a severe curve. For most of the time that I have lived along the Monocacy Creek and the Northern Suffolk track, Northern Suffolk has been a good neighbor. However, recently we have seen the harm done by Norfolk Southern derailments: East Palestine OH in 2023 for example, and two locally that sent railcars into the Lehigh River. In the case of an accident, derailment, or leaking tank, long stretches of the track would be inaccessible to emergency equipment and first responders. Along Monocacy's ten mile stretch from Bethlehem to Bath are two important Conservation Areas, at least two parks, and the recently designated UNESCO World Heritage site in downtown Bethlehem, that could be at risk for irreparable harm. This includes not only Bethlehem City, but the Borough of Bath and the Townships of Bethlehem and Hanover. There is no room for error here as so many properties like mine adjoin the easement directly. A disaster could turn Monocacy Creek into another Superfund site. Please do not permit this change of transport and delivery as you consider Keystone's hazardous waste storage application renewal.

Response: By way of reference see response to comment #3, comment #20, and comment #34.

103. **Comment:** I am concerned to learn of Keystone Cement's plans to transport toxic hazardous waste by rail along the banks of Monocacy Creek. The numerous risks this could cause to the creek's fragile ecosystem, to the City of Bethlehem and other populated residential areas along the creek, and to agricultural and commercial enterprises in this area are alarming. We have seen the grave harm done by other Norfolk Southern derailments: East Palestine OH in 2023 for example, and two locally that sent railcars into the Lehigh River. In the case of an accident, derailment, or leaking tank, long stretches of the track would be inaccessible to emergency equipment and first responders. I know this first hand as my residential property abuts the easement of the Norfolk Southern track in Bethlehem, at the point where there is a nearly 360 degree curve around our quiet neighborhood. So, I am familiar with the creek and appreciate it as an invaluable natural asset to our area. Along Monocacy's ten mile stretch from Bethlehem to Bath are two important Conservation Areas, at least two parks, and the recently designated UNESCO World Heritage site in downtown Bethlehem, that could be at risk for irreparable harm. This includes not only Bethlehem City, but the Borough of Bath and the Townships of Bethlehem and Hanover. I have more than once witnessed trains taking that curve at a dangerous clip. There is no room for error here as so many properties adjoin the easement directly. A disaster could turn Monocacy Creek into another Superfund site. Please do not permit this change of transport and delivery as you consider Keystone's hazardous waste storage application renewal.

Response: By way of reference see response to comment #3, comment #20, and

comment #34.

104. **Comment:** I believe that rail traffic is ultimately the most efficient way of transportation for the Keystone Cement Company in East Allen Township, Pennsylvania. I personally believe that it would save our roads from being flooded with dusty tractor trailers in an area inundated with warehouses and traffic that our infrastructure can already barely accommodate. The risk of a spill on the line is less than a tractor trailer on a highway. I honestly believe that more warehouses and businesses should make the switch to rail. Especially ones that use so many trucks. As a diesel locomotive has lower emissions per ton-mile. Which some studies indicate that one locomotive can be as low as 75% of the emissions of a tractor trailer with the same tonnage of cargo. As such, it would significantly reduce the amount of air pollution in the valley.

Response: The Department acknowledges the comment.

105. **Comment:** Our area has only started to recover from the decades of serious environmental pollution that drove out homeowners and spread cancer and other diseases to our families. Recent events have shown that we will have spills from railroads, and the nature of the valley means such transport will of necessity be mere feet from vital water ecosystems. To allow this greater traffic would be hubris. It is not our problem they are massive toxic polluters and it more expensive to take it by road. Do not sacrifice our growth, our economy, our natural beauty, and our children. If they can't afford to move their waste maybe they shouldn't work with it.

Response: By way of reference see response to comment #3.

106. **Comment:** This further rail traffic will doubtless hamper the continuing efforts to bring passenger rail to the area. The Lehigh Valley is growing in population in great part due to its easy access to nature. Not only will this ultimately poison us, it will crush our growing economy.

Response: By way of reference see response to comment #3.

107. **Comment:** The transportation of this hazardous material by train, seems like it would be potentially safer than by truck for the following reasons: The Lehigh Valley has unfortunately become one of the biggest logistics hubs in the country over the past 10 years. Huge warehouses cover much of what prior was farmland, and there has also been a housing construction boom. As a result, the truck and car traffic around the valley has increased exponentially. There are more accidents, more emissions, and the same old roadways that have not been updated to reflect this massive increase of traffic. If the use of train cars can reduce the amount of trucks carrying hazardous waste through our neighborhoods, we think that could potentially be a safer option, provided the DEP and State and local authorities can enforce and ensure that Keystone and the rail lines implement proper protocols and emergency procedures to ensure the

safety of the many surrounding residents, neighborhoods, and the environment, especially as it relates to the Monocacy watershed.

Response: By way of reference see response to comment #3.

108. **Comment:** For 25 years I have enjoyed, explored, and appreciated the Monocacy Creek. While so much green space in this area has disappeared, the Creek has remained a protected resource for sports fishermen, hikers, strollers, dog walkers, and wildlife. It's hard to believe that this treasured natural resource is now being threatened by Portland Cement's plan to route hazardous waste along the Monocacy to Bath. This proposal is alarming. No one can say accidents don't happen, won't happen. Norfolk Southern has had two derailments in the Bethlehem area in the last two months. No one can say there won't be another on a train carrying toxic waste. Need I mention East Palestine, Ohio? Please, let's protect the Monocacy Creek and the human and wildlife populations that live near it. Portland Cement has other options. The Monocacy does not.

Response: By way of reference see response to comment #3.

109. **Comment:** Has there been a comprehensive impact study from the point of origin where these railroad tankers will be loaded to point of destination, which is the Keystone Cement Plant? I did a preliminary impact study myself and came to the conclusion that if there is a substantial amount of hazardous waste, if it enters Monocacy Creek, it's only going to take a day and a half for that hazardous waste to flow to North Philadelphia. Now, that is the furthest point. If there's a hazardous waste incident into the Delaware River, that is going to arrive in Philadelphia much sooner. What impact study and action plan could possibly be successful when there's only going to be a day of a half or less before it affects the drinking water of 15 million people in the metropolitan Philadelphia area?

Response: By way of Reference see response to comment #3, comment #20, and comment #34.

110. **Comment:** Norfolk - the railroad has a great influence on our economy. The railroad operates in 20 states in this country. They have a total of 38,000 miles of roadway. They are huge. This company does have a powerful political influence in Harrisburg. They have influence in Washington D.C. This company wants this application approved. They need the revenue. The last few years they have lost revenue and most certainly, the last accident - incident that occurred in East Palestine, Ohio has cost them over a billion dollars and they're way underinsured. They are highly motivated to make money. And that's really what we're talking about. Keystone Cement wants to improve their operations for profit. So does the railroad. So, the question today is going to be who is the DEP going to protect? Who are they going to guard? Who are they going to serve? Whether the situation could involve 15 million people or greater,

I would like to know how that's going to work. Therefore, I strongly encourage the DEP to reject this application.

Response: By way of reference see response to comment #3.

111. **Comment:** The worry is that if there is a spill on Monacacy Creek between the Lehigh River and the Keystone Plant, for much of the length of that, including in areas of highly populated, highly valuable residential property in Bethlehem, there is no access to the creek by road. So, if there is a spill of 30,000 gallons into that creek, that's the death of the creek immediately. There's no way to mitigate that spill because you can't get to it with any kind of equipment. The tracks run in areas that are not paralleled by road and those areas include the newly designated World Heritage Site downtown. It puts that in jeopardy as well as the creek. So, the residents stand to lose their property, the value of their property, and we stand to lose a very valuable creek if there is an incident.

Response: By way of reference see response to comment #3.

112. **Comment:** Several areas of the railroad tracks are in poor repair, questionable maintenance. And a lot of that is from erosion from the creek. Norfolk Southern makes half-hearted attempts to mitigate that by dumping ballast, which ends up in the creek. But in many cases, these areas are within - the tracks run within 10 feet of the creek in some of these locations. And are continually being undermined when there's a storm event in the creek. These storm events, as you've heard here, they're - they're larger than wherever anticipated recently and there's more of them. And so, these concerns are real.

Response: By way of reference see response to comment #6.

113. **Comment:** I know many people do not have a good feeling about Norfolk Southern because of their recent track record, in East Palatine and the two derailments that occurred along the Lehigh River within the last year and a half here in the Bethlehem area within the City of Bethlehem, actually, where they dumped rail cars into the Lehigh River and derailed them on the bridge crossing to your trunk line from the main lines on the south side of the river. So, it happens. It's going to happen. And the fact that there is no good way for the municipalities here with their emergency personnel and emergency crews, there's no way for them to access these areas of the stream. That's a real concern. And those areas of the stream happen to be highly residential, highly valuable property. So, I urge the DEP to reconsider this application. It poses a danger to the community.

Response: By way of reference see response to comment #3.

114. **Comment:** The planned approval for Keystone Cement to receive hazardous waste by railcar as a decision that would create too much risk for people, property, and the

environment. The rail line runs from Bethlehem to Bath through the city's historic area, residential neighborhoods, parks, conservation areas, and all along the Monacacy Creek. It literally runs within feet of an apartment building on Conestoga Street in Bethlehem and right through many backyards. But this also affects residents and businesses that are adjacent to the rail line in the townships of Bethlehem, Lower Nazareth, East Allen, and the borough of Bath. Keystone will be putting people's lives at risk beyond the current risks for the sake of increased profits.

Response: By way of reference see response to comment #3.

115. **Comment:** The community is apprehensive about Norfolk Southern's safety record given their recent March 2nd and July 5th train derailments. Keystone themselves had a real crash and injury in 2019. To me, a 30,000 gallon railroad tanker of Benzene hazardous waste is five times more risky than delivery by a 6,000 pound truck. The likely presence of several rail tankers in each delivery train greatly magnifies the risk.

Response: Benzene (Waste codes D018, F005) are approved primary waste codes at the permitted facility and could be one of the constituents of HW fuel stored in waste solvent storage tanks.

By way of further response see response to comment #3.

116. **Comment:** The dangers of hazardous waste are not currently present on this rail line to my knowledge. It appears to mainly to move lumber and cement. Hazardous waste is a regulatory defined term as are hazardous substance and hazardous materials. The majority of the 70 hazardous wastes that Keystone has approved to receive can be characterized as flammable liquids and toxic liquids. But there are added complexities to hazardous waste. Through use, they can acquire secondary and tertiary hazard characteristics such as the presence of heavy metals and other contaminants. This adds difficulty to emergency response. It also complicates hazard exposures during releases. The Local Emergency Planning Committee and emergency response personnel may find they need additional training. They may also find they need additional equipment to access some of the remote sections of this rail line when a release occurs.

Response: Each primary waste code in the permit may exhibit a secondary waste code for commercial chemical products, manufacturing chemical intermediates, or off-specification commercial products.

Secondary waste codes may only be accepted at concentrations as approved for each individual waste stream via the Module 1 process, in addition to the general waste acceptance limit for chlorides.

The railroad is regulated by the Federal Railroad Administration. DEP will encourage Keystone Cement Company and Norfolk Southern to collaborate with the community on environmental, health, and safety issues.

117. **Comment:** The Norfolk Southern trains that will deliver the hazardous waste run on an easement through my backyard, northbound once a day and the thought of there being highly toxic and flammable content in several of the train cars as the train passes by is definitely not a good thing. Statistically speaking, the risk of a derailment or an explosion or leakage of these hazardous wastes is relatively slim. But with two derailments, for instance on Norfolk Southern tracks along the Lehigh River in the past few months, we need to be realistic. Statistics don't predict what will happen. They only can record past events. To allow hazardous and toxic waste on these tracks guarantees that, in fact, a disaster could certainly happen. The only way to prevent this tragedy is to not allow the toxic waste to be carried on these trains through our neighborhood or through the commercial properties or through the rural areas between Bethlehem and Bath Borough. This route includes historic Bethlehem, recently added in the exclusive list of UNESCO World Heritage Sites. It also includes downtown Bethlehem and Monacacy Park, all of which are in Bethlehem. The train route passes very near the Gertrude Fox conservation area in Hanover Township and Monacacy Meadows Park and Archibald Johnston conservation area, both of which are in Bethlehem Township. Many residences and commercial properties share their properties with the railroad through easements and rural properties are immediately adjacent to these tracks too. To expose myself and my family and our neighbors to these dangers and to expose the Monacacy Creek to any such risk is not reasonable.

Response: By way of reference see response to comment #3.

118. **Comment:** I request the Keystone permit application to receive and store hazardous waste that would arrive at the Keystone site via railroad transport not be approved. The inherent risks to the creek's fragile ecosystem are far too far great. To expose the adjacent residential, commercial, and agricultural properties to such risks is definitely not reasonable, nor is it warranted.

Response: By way of reference see response to comment #3.

119. **Comment:** Norfolk Southern I consider to be rather overbearing with hubris, arrogance, and lack of respect that they showed for Pennsylvania and the East Palestine situation is really appalling. Also, when it comes to the city of Bethlehem, I've lived where I lived over 50 years and there have been several incidences of there being trains derailing right again where I can throw a rock at. Did the City of the Bethlehem ever alert me to any of the multiple incidences over 50 years? No. Did Norfolk South ever do anything? No.

Response: By way of reference see response to comment #3.

120. **Comment:** A year and a half ago, I approached and spoke to City Council and there have been hundreds of people that have written something about the quiet zone for Norfolk Southern in that area. And the city of Bethlehem has been unable to make any contact with them to just discuss it.

Response: DEP cannot speak to attempted communications between Norfolk Southern and the City of Bethlehem.

By way of reference see response to comment #6.

121. **Comment:** Many of the rail crossings do not have any crossing guards or rails. And I see plenty of people running red lights on Center Street all the time. And the idea of a careless driver hitting a train car because they're just too impatient to wait makes me very nervous.

Response: By way of reference see response to comment #6.

122. **Comment:** The rail line goes right through the World Heritage Site. And if there were to be an accident down there, you can't reconstruct history. History is those buildings that are around and they're precious.

Response: By way of reference see response to comment #6.

123. **Comment:** What work can be done about railroad crossings that have no lights or no rail that comes down?

Response: By way of reference see response to comment #6.

124. **Comment:** I am deeply concerned that you acknowledge the fact that the railroad is not at the meeting but have not given us any idea of how to bridge that gap. You have not given us the information or avenue to solve the problems that we are bringing up. I think we need another meeting with the railroad and the city here, as well as the first responder hazmat, because it is currently impossible to get the hazmat safety equipment into multiple areas of the railroad.

Response: The meeting/hearing being referred to was a DEP Waste Program meeting specific to the Hazardous Waste Permit renewal application. Norfolk Southern was not specifically requested to participate in this meeting. That said, DEP did not require all attendees sign in and therefore DEP cannot confirm if anyone from Norfolk Southern was present at the meeting. Concerns about the railroad and first responder access in the City of Bethlehem should be brought to the city as this is outside of the scope of the RCRA permit.

By way of further response see response to comment #3 and comment #6.

125. **Comment:** I am in support of the company's proposal to use rail instead of trucks. I don't want to see any more trucks through our community to support their manufacturing operations.

Response: The Department acknowledges the comment.

Stormwater

126. **Comment:** The current planned location of the new hazardous waste handling area suggests that a site stormwater permit change may be necessary regarding the parameters to monitor for at outfalls 003 and 004 to account for the railcars.

Response: The Hazardous Waste RCRA Permit does not regulate stormwater outfall locations or monitoring requirements. Outfalls are regulated under the Pa DEP Bureau of Clean Water Program through a National Pollution Discharge Elimination System (NPDES) permit. KCC has an NPDES permit and is required to operate in accordance and in compliance with its NPDES Permit. The Waste Management Program consulted with the regional Clean Water Program prior to issuance of the permit renewal. There were no concerns identified.

127. **Comment:** Outfall 004 serves the discharge from the site stormwater sedimentation basin. Based on a Keystone plan/drawing, this basin is a depression in the ground adjacent to the underground septic drain field serving the packhouse sanitary needs. This is likely not a good arrangement and B.O.D. and E. coli testing at 004 would be prudent to monitor the subsurface drain field failure.

Response: By way of reference see response to comment #126.

Draft Permit Language

128. **Comment:** On permit page 30, under B. Accepted Waste Criteria, 4. Approved Waste Sources, please consider adding the word “be” prior to “accepted onsite” in the 4.a. sentence “No waste from an unapproved source may “be” accepted onsite.

Response: The word “be” was added.

129. **Comment:** On page 41, under E. Management of Truck/Railcar Containers, 1. a. “Any waste-containing railcar/truck ??? parking or staging area must be monitored” seems to be missing some words at the ???.

Response: The permit is correct as written. There are no missing words.

Compliance History

130. **Comment:** Keystone Cement has an all-around weak environmental permit compliance record. This is documented in their ten-year compliance record assembled in their RCRA permit application. This is dominated by air permit issues, but it extends into wastewater and stormwater permit issues. Enforcement actions and fines have not only been levied but they are common.

Response: The Department conducted a thorough evaluation of Keystone Cement Company's compliance history as well as a review of Keystone Cement Company's related entities' compliance histories. This evaluation concluded that Keystone Cement and its related parties have not shown a lack of intent or ability to comply with Department regulations. DEP determined that Keystone Cement and/or its related parties did not hold a history of compliance failure such that the applicant demonstrated a "lack of ability or intent to comply" pursuant to Section 503 of the Solid Waste Management Act, 35 P.S. § 6018.503. DEP's consideration of compliance history includes DEP's familiarity with Keystone Cement and its operations. Inspectors employed by DEP in multiple programs routinely conduct both announced and unannounced inspections of the facility. While Keystone Cement has had occasions of non-compliance, it is DEP's position that Keystone Cement's operations are, as a general rule, well-managed and compliant, and provide a basis to support issuance of the permit renewal.

131. **Comment:** In 2023, the PennEnvironment Research & Policy Center identified Keystone Cement as the number one polluter in the Lehigh Valley area. Keystone Cement was fined \$197,000 by the PA DEP in 2015. They were also investigated for pollution from their East Allen Township plant in 2023, although no follow-up was publicized. There are legitimate concerns about this company's ability to control potential pollutants.

Response: By way of reference see response to comment #130.

132. **Comment:** We live very close to the Keystone plant for over 30 years. In that time, we have unfortunately experienced some issues that we had to contact the DEP about regarding Keystone Cement. In one instance we contacted the DEP, and their subsequent report latter confirmed, that Keystone had exceeded the legal limit in blasting as monitored on our property. Since then, there has been much less monitoring of blasting from our property despite outreach to us from Keystone in trying to assuage our concerns. The very marked lessening of monitoring from our property, despite their own admission that much of the current blasting is occurring much closer to our property than it used to be, raises our concerns about this company's sincerity in complying with the legal limits required by their existing permits. Though we understand that these particular concerns are unrelated to the current permit being sought, we feel it raises legitimate concerns about how good a neighbor Keystone cement is in considering the impact of their actions on the surrounding neighborhood and environment. These prior actions by Keystone raise concerns about the level of oversight from the DEP and other agencies that we can expect, in insuring that Keystone will implement and comply with safety protocols regarding the current permit they are seeking.

Response: By way of reference see response to comment #130.

133. **Comment:** Keystone Cement reportedly does not have a stellar environmental permit compliance record. That combined with Norfolk Southern's strong focus on its DEI initiative, demanding workloads and inspection issues could be a recipe for disaster.

Response: By way of reference see response to comment #130.

134. **Comment:** You think the DEP can enforce Commonwealth laws a little faster than handing out fines after years of law breaking violations? Fines that discourage bad behavior. Not a slap on the wrist. It's cheaper to pay the fine again and again than spend the money to correct the problem.

Response: By way of reference see response to comment #130.

135. **Comment:** Given Keystone's documented history of their permit violations and deficient safety issues, they have not earned my trust to safely manage 30,000 gallon rail cars of hazardous waste.

Response: By way of reference see response to comment #130.

136. **Comment:** With the many violations that Keystone Cement has had, I'm very concerned about their track record. Anecdotally, I'm aware of Keystone's nearby residents and businesses having problems with airborne emissions from the site that may not be officially acknowledged.

Response: By way of reference see responses to comment #130, comment #165, comment #166, and comment #167.

Potential Environmental Impacts

137. **Comment:** The hazardous wastes are all liquids that, when released to the environment, will quickly move to permeate soil, groundwater, and surface waters. Many are flammable. These are exactly the kind of chemicals we would not want to transport along the Monocacy Creek.

Response: By way of reference see responses to comment #20 and comment #34.

138. **Comment:** Dense, nonaqueous phase liquids (DNAPLs) released in a fractured limestone geology, like what we have, are a particular concern. Their high density allows them to sink in water and groundwater making them almost impossible to remediate completely and very expensive to track their migration and capture or remediate in place. They are very long-lasting once released into the environment. And the Monocacy Creek has a particularly valuable characteristic of being spring fed. This is the source of the cold clean water that allows the native brown trout population to exist. If DNAPLs were to be released to the environment in the spring-fed creek

stretch, it would be a disastrous and long-lasting effect on the native trout. It could very well end their presence there.

Response: In the event of a spill, proven remediation treatment technologies exist for DNAPLS. In situ technologies considered for their potential to eliminate or reduce DNAPL source zones include steam-enhanced extraction, dynamic underground stripping, electrical resistance heating, thermal conduction, chemical flushing, chemical oxidation, enhanced desorption, emulsified zero (water pollution) and bioremediation. EPA has published documents citing remediation of DNAPLS projects where regulatory closure goals have been achieved.

139. **Comment:** The Monocacy Creek is a beloved local waterway and shelters several local green spaces, including Illick's Mill Park. The spent solvents that would be transported along this line are a major pollution hazard. The DNAPLS that would be transported, since they are not water-based, in the event of a spill would seep into the water table and stay there, requiring expensive remediation. This is especially so in a fractured limestone geology such as is present in our area.

Response: By way of reference see response to comment #138.

140. **Comment:** Approval of this application will not only pose a direct pollution threat to Monocacy Creek's water quality. Shipping flammable solvents alongside the creek will endanger the health and safety of thousands of Northampton County and Lehigh County residents and threaten further degradation of the entire watershed.

Response: By way of reference see response to comment #3.

141. **Comment:** I am concerned about the physical properties and hazards of the industrial waste which may contribute to the risk and potential demise of Bethlehem, Pa and the Monocacy Creek.

Response: By way of reference see response to comment #3.

142. **Comment:** I am deeply troubled by the potential health and environmental risks associated with this permit. The hazardous chemicals in question present a genuine risk to our environment and public health. Any accidental spillage or leakage during transport could have devastating consequences for the Monocacy Creek, a vital waterway for our ecosystem, and for the residents living along the rail line.

Response: By way of reference see response to comment #3.

143. **Comment:** The chlorinated chemicals found on the application's long list of liquid hazardous wastes that can be received at the Keystone TSDF are particularly troublesome. Any release of these materials into the creek would mean certain death to the variety of aquatic organisms in it. More importantly, any release of these dense

solvents to soil would immediately sink deep into the groundwater aquifer. These materials are long-lasting, thus could forever contaminate the springs feeding the creek.

Response: By way of reference see response to comment #3 and comment #25.

144. **Comment:** The nature of the chemicals included in the permit would destroy the creek and possibly contaminate the Lehigh River at its confluence with the creek. Tetrachloroethylene and trichloroethylene are two nonaqueous substances that would result in devastating damage to waterways.

Response: Halogenated solvents (F001, F002) are approved primary waste codes at the permitted facility and could be one of the constituents of HW fuel stored in waste solvent storage tanks. Waste codes for tetrachloroethylene D039, trichloroethylene D040, are approved as secondary waste codes that may be found in approved primary waste codes (F001 and F002).

Each primary waste code in the permit may exhibit a secondary waste code for commercial chemical products, manufacturing chemical intermediates, or off-specification commercial products. Secondary waste codes may only be accepted at concentrations as approved by the DEP for each individual waste stream via the Module 1 process, in addition to the general waste acceptance limit for chlorides.

By way of further response see response to comment #3

145. **Comment:** The watershed and the many neighborhoods along the route of the hazardous waste being transported, could potentially be threatened not only by the proposed train travel, but also by the existing truck traffic bringing these hazardous materials into and out of the plant.

Response: By way of reference see response to comment #3.

146. **Comment:** Monocacy creek is a wonderful resource that flows near several residential areas south of Bath. It is used by fishermen, hikers, and walkers, including dog walkers for several miles. Children also use the creek as an old fashioned swimming hole. Please don't allow this precious natural resource to be exposed to any further risk of destruction.

Response: By way of reference see response to comment #3.

147. **Comment:** Changing from 6,000-gallon trucks to 30,000-gallon train cars on the Norfolk Southern tracks creates a tremendous increase in volume of hazardous materials that will be brought in, stored, probably transferred, and then burned at the Keystone site. This opens up a real possibility of a catastrophe that the Monocacy Creek should not be exposed to.

Response: By way of reference see response to comment #3 and comment #9.

148. **Comment:** An inflow of hazardous materials into the creek from the Bath site where these toxic materials could be stored will directly impact all of the downstream properties, wildlife habitats, and water that flows into the Lehigh and Delaware Rivers, compromising everything from Bath down through Philadelphia.

Response: By way of reference see response to comment #3.

149. **Comment:** The City of Bethlehem, County of Northampton, and Department of Environmental Protection must be involved in the planning, risk assessment and reduction, and a concrete emergency response plan put in place. The PA Clean Water Act and frequent monitoring and maintenance of the railways must be followed. There are many people living and recreating along the Monocacy in several municipalities.

Response: By way of reference see response to comment #3.

150. **Comment:** While the likelihood of a chemical spill may be small, the risk is potentially catastrophic. We don't understand how any company or governing body can think it is acceptable to allow transportation and storage of such toxic materials where the health and safety of residents, wildlife and waterways is at risk.

Response: By way of reference see response to comment #3.

151. **Comment:** The Monocacy Creek Watershed Association is concerned about the catastrophic effect that any outflow from the storage facility at Keystone or along the train track route would have on the creek and its wildlife, in addition to the adjoining properties that would be impacted if a derailment or other accident would occur.

Response: By way of reference see response to comment #3.

152. **Comment:** Hazardous material transport via Norfolk Southern to and from Keystone Cement as well on site loading, unloading and storage at Keystone is of great concern. We were extremely lucky on March 2nd and July 5th of this year that those derailments did not result in hazardous material disasters. Both I believe were related to human error, "train handling". Proposed routine transport of such hazardous materials bring great risk to the city of Bethlehem, the town of Bath and surrounding municipalities. The Lehigh River and the Monocacy Creek, a HQ Class A wild brown trout stream could experience irreparable damage. The magnitude of economic loss suffered by the community, damages to public and private holdings and remediation services could be devastating and long lasting i.e. East Palestine derailment.

Response: By way of reference see response to comment #3.

153. **Comment:** A spill of liquid hazardous waste into Monocacy Creek would result in immediate death to that DEP-designated high quality full water fishery. Mitigation of the spill would be very difficult because response equipment would likely not be able to conveniently access the area. In addition, the pathway of the creek would carry those ignitable and toxic materials downstream to the Lehigh River. A potential conflagration could be horrendous to all life and property adjacent to the waterway.

Response: By way of reference see response to comment #3.

154. **Comment:** Please say no, we need to protect our wildlife.

Response: By way of reference see response to comment #3.

155. **Comment:** We want to talk about the chemicals proposed, to be sent to mid- Eastern PA, as we feel they could be very dangerous. As a fire investigator, I'm very concerned about the environment should there be a spill.

Response: By way of reference see response to comment #3.

156. **Comment:** We do not want toxic waste anywhere near our children or the lakes and rivers we enjoy! It's wrong.

Response: By way of reference see response to comment #3.

157. **Comment:** My family regularly visits Illicks Mill and the Monocacy Creek. This is a very fragile ecosystem and even a minor spill can result in disastrous downstream effects. This has implications for ample wildlife as well as the resident that enjoy this area. I urge you to strongly reconsider, allowing for the transport of hazardous was in this area.

Response: By way of reference see response to comment #3.

158. **Comment:** What could be more important than protecting water from pollution?

Response: By way of reference see response to comment #3.

159. **Comment:** The planned changes to the Keystone site are insufficient to protect the Monacacy Creek. The switch to rail tankers targets the creek area for all the parking, moving, staging, and unloading of the tankers. Only four tankers will be provided with a security fence and only one tanker is planned to have secondary containment. This leaves the Monacacy Creek woefully unprotected from very large quantities of hazardous wastes managed by both Norfolk Southern and Keystone Cement.

Response: Keystone Cement Company monitors and reports the amount of HWDF received on site. According to the Railcar Management Plan, upon arrival on site

railcars will be moved onto KCC rail siding and tracks inside the permitted facility boundary. Within 10 days, movement into the railcar staging and unloading will occur. Once inside the staging/unloading area the tank will be unloaded within 10 days. The unload area is designed to hold a maximum of 4 railcars. The most recent version of the Railcar Management Plan becomes part of the permit and is a regulatory requirement.

160. **Comment:** I have great concerns about the chlorinated solvents planned for transport along the Monacacy Creek. The United States Hazardous Materials Instructions for Rails includes a table of environmentally sensitive chemicals. Keystone receives at least eight of these wastes such as methylene chloride. All of these chlorinated solvents are toxic to the biodiversity of Monacacy Creek. I request the DEP amend the Keystone draft permit to prohibit the transport of these chlorinated solvents along the Monacacy Creek.

Response: The facility has an approved PPC plan as part of the renewal permit application. The facility has a listing of approved hazardous waste codes and related acceptance limits as part of the permit and permit operating requirements. It also has an Air Quality Risk Management Plan that must be resubmitted every five (5) years. Methylene Chloride and other chlorinated solvents are included in this plan.

By way of further response see response to comment #3.

161. **Comment:** Keystone Cement has been burning hazardous waste for a number of decades, I believe. And what I guess I'm wondering about is how much longer do we continue to do that? Isn't there something that DEP wants to do to prevent both the continued production of hazardous waste and this sort of magic button burner to make it go away kind of thing that this seems to continue to represent? None of this makes much sense in an age of climate change and continuing to foster combustion and then to come up with like a sort of Rube Goldberg path to get stuff we don't know what else to do with and we should have never made in the first place, and we'll throw it in the cement kiln and, quote, get rid of it.

Response: All wastes that are accepted per operating permit requirements must meet stringent waste acceptance criteria, including a minimum BTU heat content. All hazardous wastes that meet operating permit waste acceptance criteria are used as kiln fuel. Kiln gas temperatures of approximately 3,000 degrees F assure destruction of organic components in the waste derived fuel at a destruction and removal efficiency of at least 99.99 percent.

By way of reference see response to comment #3.

162. **Comment:** A technical approach to the approval of this proposal would leave out many things that you might have thought would be relevant to the Department of the

Environment. And so, the Department of the Environment should take its responsibility as broadly as possible rather than as narrowly as possible.

Response: By way of reference see response to comment #3.

Security Risks

163. **Comment:** It is a regional security risk to accumulate this large volume of mobile wastes in one spot. It could become a very dangerous target for the wrong people. This all creates terrible risks beyond what Bethlehem has now. Given the above, these risks should be greatly reduced by limiting the shipments to one railcar tanker per train and three such trains per week.

Response: Pursuant to the revised and approve Railcar Management Plan:

The railcar facility will be fenced for security purposes and monitored via a video surveillance system.

Currently, an average of 30,000 to 40,000 gallons of waste derived fuel is delivered to the facility on a normal weekday. It is expected that the frequency of railcar deliveries would be limited to every few days from Monday to Friday, with a maximum of three (3) railcars per delivery.

The most recent version of the Railcar Management Plan becomes part of the permit and is a regulatory requirement.

The renewal RCRA permit does not increase the currently permitted volume of hazardous waste fuel Keystone Cement Company is allowed to receive, store, and use.

Waste Types

164. **Comment:** Keystone Cement receives wastes that are non-flammable, like chlorinated solvents such as trichloroethylene. And yet these wastes are listed in tables labeled “Approved Hazardous Wastes for Kiln Fuel.” The wastes that are destroyed by the kiln’s high temperatures, rather than serving as fuel, should be listed separately so we know what is fuel and what is not. I would like to know which wastes are not fuels and how much of these non-flammable wastes are destroyed onsite.

Response: All wastes that are accepted per operating permit requirements must meet stringent waste acceptance criteria, including a minimum BTU heat content. All hazardous wastes that meet operating permit waste acceptance criteria are used as kiln fuel. Kiln gas temperatures of approximately 3,000 degrees F assure destruction of organic components in the waste derived fuel at a destruction and removal efficiency of at least 99.99 percent.

Air Quality

165. **Comment:** I am concerned about the impact to the air quality for the neighboring communities when these hazardous wastes, specifically, trichloroethylene, are processed.

Response: KCC is subject to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Hazardous Waste Combustors (HWC MACT) found in 40 CFR Subpart 63, Subpart EEE. They must meet emission standards for certain Hazardous Air Pollutants (HAPs), establish limits on certain process and control device parameters, demonstrate ongoing compliance with the standards and perform regular comprehensive performance tests ('CPT') to demonstrate compliance with emission standards. The testing is done for several pollutants and destruction and removal efficiencies every five years with a confirmatory test for specific pollutants at 2.5 year intervals. The last CPT was conducted in May of 2023 with the report currently under PADEP review. The test evaluates particulate matter, Hydrogen Chloride and Chlorine, semi volatile metals (lead, cadmium), low volatile metals (arsenic, beryllium and chromium), Dioxin and Furans as well as other HAPs. Preliminary results show compliance with applicable standards. In conclusion, regulations that Keystone Cement are subject to protect the public by setting strict emission standards for HAPs released from cement kilns that burn hazardous waste, essentially limiting the amount of potentially harmful pollutants that can be released into the atmosphere, thereby safeguarding public health and the environment.

By way of further response see response to comment #25.

166. **Comment:** The air quality is a very important issue, as the burning of this hazardous waste greatly concerns us. If allowing the proposed train transport will lead to an increase of the use and burning of these hazardous materials, then we are very much against it. Is the permit asking for permission to burn more hazardous waste? Does Keystone want to add train transport of this material to increase its use in the plant, or are they proposing to replace the trucks carrying hazardous waste by train transportation instead?

Response: The permit does not increase the permitted amount of hazardous waste to be combusted. Keystone Cement anticipates it will replace some, but not all, of the trucks with railcars.

167. **Comment:** I witnessed a concrete truck leaving Keystone Cement totally covered in concrete dust. When the truck pulled out into the highway dust started blowing off the truck. The driver did not stop. The dust cloud was so bad I had to keep 50 yards behind the truck just so I could see. After a mile or so I was able to pass the truck and proceed safely. How many years has this situation with Keystone Cement been going

on? Their creating major air pollution and motor vehicle hazardous driving conditions outside their facility property.

Response: Any public concerns such as those mentioned in the comment can be reported through its complaint hotline 570.826.2511 or online ([Report Incidents and Complaints | Department of Environmental Protection | Commonwealth of Pennsylvania](#)) for Department investigation. Keystone operates under Air Quality Permit 48-00003. As such, Keystone is required to address fugitive emissions from material handling operations including the use of vehicles used to transport cement. Those actions include, but are not limited to, maintaining vehicle bodies in a condition that prevents any leaks and a vacuum system for cleaning truck roofs. The Department regularly inspects Keystone in order to verify compliance with permit conditions. If any compliance issues are identified, the Department requires Keystone to correct that issue in a timely manner.

Health Effects

168. **Comment:** The rail and steel industries already should be funding free health care in Eastern Pennsylvania much as the 911 commission does in NYC. The environmental explosion and cancer deaths they have created are exponentially higher than terrorist could dream.

Response: By way of reference see response to comment #3.

169. **Comment:** Whatever they're burning and whatever goes in there, which is already called hazardous waste, maybe a lot of it's destroyed, I'm not a good enough chemist for all of it. But I know where I live and I'm pretty sure I live downwind and downstream from all of this operation. We're in the age of climate change. Combustion itself is quite questionable for almost all we do. We have real possibilities for some of these materials to be replaced by something that doesn't necessarily have to be part of another set of pollutants and another set of CO2 and also pollutants that all come down onto us. Bethlehem Steel executives, we know quite well from where their houses were located, were neither downstream nor downwind from the steel mill. They were built upstream and upwind. And they were making the decisions, and the workers were paying the price. But right now, we have the whole planet paying the price with all of our combustion.

Response: By way of reference see responses to comment #3, comment #130, comment #165, comment #166, and comment #167

Application Process

170. **Comment:** Why can't the DEP automatically disapprove these types of applications instead of dragging out the process? Time and taxpayer money wasted. Unnecessary

stress to citizens awaiting DEP decisions. The DEP needs to have automatic application disqualifying criteria based on common sense and scientific data.

Response: The Department must follow the permit application review process outlined in both the regulations and DEP's Permit Review Process Policy.