

February 6, 2019

Commonwealth of Pennsylvania  
Department of Environmental Protection  
Cambria District Mining Office  
286 Industrial Park Road  
Ebensburg PA 15921-4119

To Whom It May Concern,

In the summer of 2018, The Fairfield Municipal Authority entered into an agreement with the Department of Environmental Protection, Source Water Protection Technical Assistance Program to have a plan prepared for our system by the engineering firm Spotts, Stevens and McCoy. We are in the middle of this process, with a first draft of the plan completed and under review. Identified in the process was the influence that S.G.I. could have on the groundwater from which our four municipal wells draw for the entire system.

Included with this letter is Figure 3-2 Source Water Protection Zones from the draft plan. Language from the draft states "The groundwater that enters the wells is derived from groundwater traveling northeast along the Toms Creek valley, which may act as a partial recharge boundary. For this reason, Zone III includes the entire upstream portion of the Toms Creek watershed...". Please consider this a formal request to have this information part of the public record for your consideration during the review process.

Any questions may be directed to our office by email: [fairfieldmunicipal@comcast.net](mailto:fairfieldmunicipal@comcast.net), or telephone at (717) 642-6557.

Sincerely,

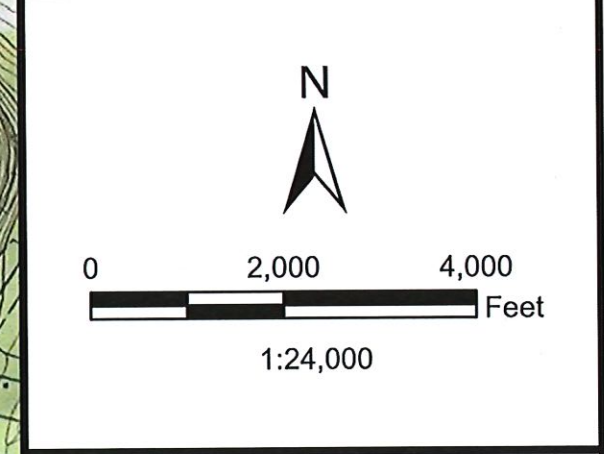



Patricia T. Smith  
Secretary and Board Member

DEP CAMBRIA OFFICE

FEB 08 2019





 **SSM**  
SPOTTS | STEVENS | MCCOY

Engineering and Environmental Services  
Reading | Lehigh Valley | Central Pennsylvania  
P: 610.621.2000 F: 610.621.2001  
[ssmgroup.com](http://ssmgroup.com)  
DEP CAMBRIA OFFICE

G:\projects\w100000\w108508\w0003\FMA 249\FMA 249.aprx fig 3 2 swp zones FMA 249



**Sent:** Sunday, February 10, 2019 9:54:50 AM

**Subject:** Re: SGI comments

Rock Martin DEP Technical Services  
Matthew McClure SGI Director of Operations

2-7-19

At the recent meeting there was some concern about run off over flowing from the holding ponds into Tom's Creek , and I believe that's the biggest concern , the community has concerning this permit request . It's a valid concern but I believe it's a problem that can be resolved . I've worked at Flowserve Pump Company for 35 Years , 20 in the weld shop and 15 in the office as a application engineer , helping customers with selections , pricing and delivery , of vertical pumps

PA DEP has a requirement that the pumping systems must be capable of pumping the holding ponds dry in 7 days . I'd like to suggest each pond should have 2 pumps with enough combine pumping capacity to pump each pond in 60 hours , the intent is to have the capacity should we ever need to use it . We can avoid the risk of discharge into Toms Creek , if we should receive additional heavy rain during the 7 day period , NT1 it's full storage capacity is 4,018,228 million gallons % by 60 hours = 66,970 per hour % by 60 minutes = 1,116 gpm. , NT2 it's full storage capacity is 6,810,018 million gallons % 60 hours = 113,250 per hour % by 60 minutes = 1,891 gpm .

I'd also suggest we should have a spare bowl assembly for each pump.

I believe SGI has done a great job presenting the facts and as long as they're willing to address the problem of pumping capacity , then there's no reason why they shouldn't be issued the permit.

Thanks Larry Hartlaub

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**From:** "Martin, Rock" <[martin@pa.gov](mailto:martin@pa.gov)>  
**To:** "lhartlaub" <[lhartlaub@centurylink.net](mailto:lhartlaub@centurylink.net)>  
**Sent:** Friday, February 8, 2019 10:59:48 AM  
**Subject:** SGI comments

Larry,

Got your voicemail. You send me any comments that you have.

Thanks,

**Rock Martin, PG** | Acting District Mining Manager

Department of Environmental Protection

New Stanton District Office

P.O. Box 133 | 131 Broadview Road | New Stanton, PA 15672



Phone: 724.925.5538 | Fax: 724.925.5555

[martin@pa.gov](mailto:martin@pa.gov)

[www.dep.pa.gov](http://www.dep.pa.gov)

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## Paronish, Chadwick

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**From:** Mike Bruno <miketrain2@aol.com>  
**Sent:** Sunday, February 10, 2019 5:16 PM  
**To:** Martin, Rock  
**Cc:** Paronish, Chadwick; hckeahey@verizon.net; Maggie Heyward  
**Subject:** [External] Fwd: Some insignificant little creek ? Permit #01180301 / NPDES #PA0279617

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Dear Mr Sammarco and Mr Martin

I am in support of the efforts of Friends of Toms Creek and the concerned citizens of Adams and Franklin counties to at the very least slow the progression of SGI in their plan to take our neighborhoods and progressively turn them into a wasteland. I must admit I am a bit pensive in writing to someone with a title like , District Mining Manager in a District Mining Office . Those titles alone make me feel like the deck is already stacked against us and that your priorities lie with the mining industries and not preserving the environment. I guess I hope I'm wrong but that's just a gut feeling .

**From:** Mike Bruno <miketrain2@aol.com>  
**Date:** January 19, 2019 at 4:57:54 PM EST  
**To:** [miketrain2@aol.com](mailto:miketrain2@aol.com)  
**Subject:** Some insignificant little creek ?

I'm not real sure of why we're here or at least what it is we hope to accomplish. Part of me says trying to protect our environment from the over reaching of SGI ,and part of me says wasting my or our time . How much of this is a lost cause ? Has this already been decided? Who are we up against ? SGI is owned by Standard Industries . As for mining interests they have I believe they have 3 other plants besides Blue Ridge Summit , Missouri, California, and Wisconsin . Now if that's not big enough Standard Industries also owns GAF ,roofing products \_ BMI , a European equivalent to the American GAF , Siplast ,another European roofing manufacturer, Schiedel , a German manufacturer of industrial ventilation products , a company called 40 North and a company called Winter , both some type of New York real estate investment company's. Standard seems to based in New York , claims to have 15000 employees, operates in 80 countries , over 180 manufacturing plants worldwide , with headquarters in New York , New Jersey , London , and Luxembourg. Have we been in this position before ? Have you tried to stop or at least slow this steam roller down ? How'd that work out ? We're just a small handful of people in a 3 or 4 mile radius up against a Goliath that operates around the world . Do you honestly believe Mr. Millstone is concerned about a creek in our community. As far as that is concerned why should the focus be just on the creek ? There are square miles of destruction going on all around us . What does the EPA protect ? I might go as far as to say they protect the company's with vast enormous resources to influence the right people . Who are we influencing? What resources do we have ? Can we afford monetarily to go up against a steam roller of this size , and get any real results? We seem to be here arguing over a hole in the ground that they propose to take deeper . I feel like we're already in that hole . I come home around Charmian Rd , and at the turn before the tracks what is clearly in sight are two small mountains being taken down stone by stone . How do you even get a permit for that ? When that mountain is gone how deep will that hole need to go ? At what point does environmental protection become a priority ? Or is it only a priority when something goes wrong and something needs fixing and they level a fine against a company with hundreds of billions in assets . What will it take for the EPA to actually step up to the plate and at least appear to protect the environment ? I don't believe Standard Industries has or will ever have any reason or inclination to consider slowing the growth of their business . We've failed to slow them before and I would venture to say there are many more plans for



their future that we don't even know about that their not worried about achieving when the time comes . I'm not a pessimist but I do live in the real world . I may have been born at night but it wasn't last night and as for trusting a federal government agency to actually do their job and really protect the environment and our community well Im sorry but I really don't have much faith in that happening . I wish I had a better solution other then writing some over lobbied governor or senator. If you have a solution any solution please just do it. Your community is being dismantled stone by stone .



February 10, 2019

Cambria District Mining Office  
District Mining Operations  
Department of Environmental Protection, Commonwealth of Pennsylvania  
Attn: Daniel Sammarco, P.E., District Mining Manager  
Rock Martin, P.G., Permit Chief  
286 Industrial Park Road  
Ebensburg, PA 15931

Re: Comments on Large Surface Mining Permit No. 01180301 and NPDES No.  
PA0279617, Specialty Granules LLC

Dear Messrs. Sammarco and Martin:

I write in support of the efforts by Friends of Toms Creek and concerned citizens of Adams and Franklin counties to preserve our area.

I have owned home above the mine in Blue Ridge Summit for almost 20 years. I am deeply concerned about the abundance of trucks traveling just a few feet from my home, every day, and large numbers of them. From what I see, many are traveling with no covering over the contents they are hauling, which I understand is potentially toxic. This dust flies into the air, into my home, gets wet and flows into my vegetable garden, coats my car (see attached photo of what my cars look like from traveling by the mine entrance 4-6 times a day on the way to take my young one to school) and flows into my yard (see attached photo of the road runoff into my yard; as you can see this is all from contents of the mine).

I am so deeply concerned for the health of me and my family. I am concerned about the destruction to our land and streams. I am concerned over the large amount of heavy haulers on our residential roads all day, every day, traveling above the posted speed limit and using brake retarders from the top of Charmian to the mine entrance.

Please deny the above referenced permit applications for these listed reasons.

Sincerely,

Karen Jaeger  
14946 Charmian Road  
Blue Summit, PA 17214

karen.s.jaeger@gmail.com











February 10, 2019

Cambria District Mining Office  
District Mining Operations  
Department of Environmental Protection  
Commonwealth of Pennsylvania  
Attn: Daniel Sammarco, P.E., District Mining Manager  
Rock Martin, P.G., Permit Chief  
286 Industrial Road  
Ebensburg, Pennsylvania 15931

Re: Comment on Large Surface Mining Permit No. 011180301 and NPDES No. PA0279617,  
Specialty Granules LLC

Dear Messrs. Sammarco and Martin,

We are writing to oppose the issuance of the above-referenced permits that would allow Specialty Granules LLC (SGI) to mine an environmentally protected area. There are many reasons to deny this permit application. The ones that rise to the top of the list for us are:

1. This land (Pine Hill) – called the “Northern Tract” by SGI – was never supposed to be mined. It was purchased with Adams County taxpayer money to be conserved to protect water resources and the headwaters of Tom’s Creek and Middle Creek in perpetuity. Pine Hill fell into SGI’s hands as a result of a land swap that was carried out entirely in secrecy. Once it was disclosed to the public, it was vehemently opposed by the vast majority of residents in the community. Community residents have continued to express their opposition at every juncture. At the end of January 2019, at a hearing with DEP, 18 out of 26 speakers opposed the issuance of permits. With one possible exception, those in favor of the permits had a financial relationship with SGI – as employees, former employees, customers, etc. And very few of those in favor actually live in close proximity to the mine. The people who are directly affected in Adams County and Franklin County have spoken clearly and repeatedly in opposition to the mine expansion.

2. We do not need to imagine what it will be like for residents if SGI expands to Pine Hill. The impacts are already being felt by neighbors who have endured well-documented hardships and hazards to health and safety as a result of SGI’s existing operations: reduced levels of water in drinking water wells, contaminants in drinking water wells, cracks in house foundations and other structural damage from blasting, green dust covering houses and cars and outdoor spaces, noise at all hours of the night and day, light pollution, destruction of mountains and forest cover that once attracted residents to the area, reduced flow to Tom’s Creek and its tributaries – all from blasting and hydrologic changes to what was once Pine Mountain (now pits in the earth) and vicinity. In addition, we need only look at Miney Branch to see what the discharge of storm water from SGI has done to the aquatic life in that once beautiful creek. The damage is irreversible.

Prospective buyers of houses have decided not to buy in our area when they learn of the quarry and its 24/7 operations and possible expansion. Property values are plummeting. The negative impacts due to lost tax revenue from homeowners and lost opportunities from other businesses related to recreation and tourism (for example) on the local economy are real and growing.

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FEB 14 2019



3. It is clear from the comments made in writing and in hearings with DEP that there has not been adequate testing for naturally occurring asbestos (which is present in greenstone) in the air, water and soil around the current quarry. Naturally occurring asbestos is a human carcinogen. These tests must be carried out properly and by an independent party – perhaps DEP or the EPA.

Other tests by SGI have also not followed protocols and should be carried out by independent parties: surveying for bog turtles, timber rattlesnakes, Indiana bats and other threatened/endangered species of flora and fauna on Pine Hill which need to be done at the proper times of year in the proper ways to yield accurate data.

Testing of macro invertebrates and other aquatic life in Tom's Creek must be done to insure that this pristine trout stream is protected by the most stringent standards – also by an independent entity.

Testing of SGI's storm water discharge must include tests for metals and other harmful pollutants such as copper, asbestos, selenium, titanium, barium, nitrogen, nitrates, color, etc.

Viewshed analysis and review of historic and cultural resources also need to be done at the proper time of year in the proper way by an independent entity. There is ample documentation that the Confederates retreated from the Battle of Gettysburg along Iron Springs and Gum Springs Roads, around the base of Pine Hill.

We are concerned that the state is privileging corporate profit over the will of the voters and the health, welfare, and safety of the residents of the community and the Tom's Creek watershed. It is clear that the taxpayers of Adams County would not have turned Pine Hill over to the state to become part of Michaux State Forest if they had thought that the state would turn around and put Pine Hill in the hands of SGI to expand its mining operations.

My family had a residence approximately four miles from Pine Hill since 1964. Our land is precious to us and we have worked hard to be good stewards there. Our land is in the Forest Stewardship program and is Clean and Green. We feel we have done our part. Now we expect that our rights to clean air and clean water under the Pennsylvania Constitution will be protected by the Department of Environmental Protection.

Sincerely,



Natalie Shivers  
23 E. Delaware Ave.  
Pennington, NJ 08534  
609-303-0150  
Natalieshivers@gmail.com



## Paronish, Chadwick

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**From:** Rhonda Myers <ar5myers@comcast.net>  
**Sent:** Monday, February 11, 2019 11:11 AM  
**To:** Martin, Rock; Paronish, Chadwick  
**Subject:** [External] DENY Large Surface Mining Permit No. 01180301

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February 11, 2019

Cambria District Mining Office

District Mining Operations

Department of Environmental Protection, Commonwealth of Pennsylvania

Attn: Daniel Sammarco, P.E., District Mining Manager

Rock Martin, P.G., Permit Chief

286 Industrial Park Road

Ebensburg, PA 15931

Re: Comments on Large Surface Mining Permit No. 01180301 and NPDES No.

PA0279617, Specialty Granules LLC

Dear Messrs. Sammarco and Martin:

I write in support of the efforts by Friends of Toms Creek and concerned citizens of Adams and Franklin counties to preserve:

1. The exceptional values of Toms Creek and pure surface and subsurface waters, and the restoration of degraded Miney Branch Creek;
2. The historic 1863 Civil War Retreat through our mountain passes – including the natural contours of Pine Hill – through which thousands of soldiers, teamsters, and wagons traversed on July 4-5, 1863;
3. The wetlands of Pine Hill which support fragile flora and fauna, including owls, bats, bears and foxes known to inhabit the dense forests of Pine Hill, and an endangered colony of Nodding Trillium, a plant now extinct in Ohio;



4. Our quiet mountain heritage and pure mountain air, which we have enjoyed and cherished for many years before the intrusion of vast surface (mountain top removal) mining; and most importantly
5. The families' health and well-being who live on or near the mountain top and whose runoff has flooded their properties multiple times this year.

Please deny the above referenced permit applications for these listed reasons.

Sincerely yours,

Rhonda S. Myers

717-778-1545

## Paronish, Chadwick

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**From:** Alison Hess <hess.alison@yahoo.com>  
**Sent:** Monday, February 11, 2019 1:06 PM  
**To:** Martin, Rock; Paronish, Chadwick  
**Subject:** [External] Please no SGI expansion

**ATTENTION:** *This email message is from an external sender. Do not open links or attachments from unknown sources. To report suspicious email, forward the message as an attachment to CWOPA\_SPAM@pa.gov.*

As a concerned citizen of Adams County and resident living less than a mile from SGI, I am writing to ask you to not allow SGI expansion. I have lived in Adams County my entire life; I literally grew up on the banks of Toms Creek near the covered bridge and now live on Scotch Trail and I see the effects from SGI. We constantly have green dust on our house and decks, we see the polluted water, we see the land being destroyed, we fear the harmful effects on our health. I have seen SGI plant trees to fulfill their "green part" and have watched many trees just die. I invite you to my property and neighborhood to see the harmful effects. I ask that you not allow them to expand and take any more of our beautiful County. Our waterways do not need the pollution. Our lungs do not need the pollution. Please think about the future of the residents and the land and do not allow expansion!

Alison Hess  
75 Scotch Trail  
Fairfield  
717-504-3828

[Sent from Yahoo Mail on Android](#)



## Paronish, Chadwick

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**From:** Lee Sturtevant <leesturtevant@gmail.com>  
**Sent:** Monday, February 11, 2019 5:11 PM  
**To:** Martin, Rock; Paronish, Chadwick  
**Subject:** [External] Pine Hill mining proposal

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February 11, 2019

Cambria District Mining Office  
District Mining Operations  
Department of Environmental Protection, Commonwealth of Pennsylvania  
Attn: Daniel Sammarco, P.E., District Mining Manager  
Rock Martin, P.G., Permit Chief  
286 Industrial Park Road  
Ebensburg, PA 15931

Re: Comments on Large Surface Mining Permit No. 01180301 and NPDES No. PA0279617, Specialty Granules LLC

Dear Messrs. Sammarco and Martin:

We are concerned about the long-term quality of the area west of Gettysburg and Fairfield: forest land is important for air quality and natural habitat. In addition, as you know, that area also has historic significance as part of the retreat from the Battle of Gettysburg. Of increasing importance: the entire greater Fairfield area is attracting more and more recreational opportunities and tourism, with the business advantages these represent for the township. Preservation of mountains and a clean environment is important in attracting more visitors to what is becoming a desirable recreation destination, as well as the historic Civil War trail.

Therefore, I write in support of the efforts by Friends of Toms Creek and concerned citizens of Adams and Franklin counties to preserve:

1. The exceptional values of Toms Creek and pure surface and subsurface waters, and the restoration of degraded Miney Branch Creek;
2. The historic 1863 Civil War Retreat through our mountain passes – including the natural contours of Pine Hill – through which thousands of soldiers, teamsters, and wagons traversed on July 4-5, 1863;
3. The wetlands of Pine Hill which support fragile flora and fauna, including owls, bats, bears and foxes known to inhabit the dense forests of Pine Hill, and an endangered colony of Nodding Trillium, a plant now extinct in Ohio, and
4. Our quiet mountain heritage and pure mountain air, which we have enjoyed and cherished for many years before the intrusion of vast surface (mountain top removal) mining.



Please deny the above referenced permit applications for these listed reasons.

Sincerely yours,  
Emily Sturtevant  
Blue Ridge Summit, PA.

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Phone

Address

Email



## Paronish, Chadwick

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**From:** Sturtevant, Lee <lsturtevant@stalbansschool.org>  
**Sent:** Monday, February 11, 2019 5:20 PM  
**To:** Martin, Rock; Paronish, Chadwick  
**Subject:** [External] Pine Hill mine proposal

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Date: February 11 \_\_\_\_\_, 2019

Cambria District Mining Office  
District Mining Operations  
Department of Environmental Protection, Commonwealth of Pennsylvania  
Attn: Daniel Sammarco, P.E., District Mining Manager  
Rock Martin, P.G., Permit Chief  
286 Industrial Park Road  
Ebensburg, PA 15931

Re: Comments on Large Surface Mining Permit No. 01180301 and NPDES No. PA0279617, Specialty Granules LLC

Dear Messrs. Sammarco and Martin:

I write in support of the efforts by Friends of Toms Creek and concerned citizens of Adams and Franklin counties to preserve:

1. The exceptional values of Toms Creek and pure surface and subsurface waters, and the restoration of degraded Miney Branch Creek;
2. The historic 1863 Civil War Retreat through our mountain passes – including the natural contours of Pine Hill – through which thousands of soldiers, teamsters, and wagons traversed on July 4-5, 1863;
3. The wetlands of Pine Hill which support fragile flora and fauna, including owls, bats, bears and foxes known to inhabit the dense forests of Pine Hill, and an endangered colony of Nodding Trillium, a plant now extinct in Ohio, and
4. Our quiet mountain heritage and pure mountain air, which we have enjoyed and cherished for many years before the intrusion of vast surface (mountain top removal) mining.

Please deny the above referenced permit applications for these listed reasons.

Sincerely yours,  
Al Sturtevant  
Blue Ridge Summit, Penna.



## Paronish, Chadwick

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**From:** cmickley@comsystems-llc.com  
**Sent:** Monday, February 11, 2019 7:58 PM  
**To:** Martin, Rock; Paronish, Chadwick  
**Subject:** [External] Comments on Large Surface Mining Permit No. 01180301 and NPDES No. PA0279617, Specialty Granules LLC

**Importance:** High

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Date: 02/22/ 2019

Cambria District Mining Office  
District Mining Operations  
Department of Environmental Protection, Commonwealth of Pennsylvania  
Attn: Daniel Sammarco, P.E., District Mining Manager  
Rock Martin, P.G., Permit Chief  
286 Industrial Park Road  
Ebensburg, PA 15931

Re: Comments on Large Surface Mining Permit No. 01180301 and NPDES No. PA0279617, Specialty Granules LLC

Dear Messrs. Sammarco and Martin & Chad Paronish

I write in support of the efforts by Friends of Toms Creek and concerned citizens of Adams and Franklin counties to preserve:

1. The exceptional values of Toms Creek and pure surface and subsurface waters, and the restoration of degraded Miney Branch Creek;
2. The historic 1863 Civil War Retreat through our mountain passes – including the natural contours of Pine Hill – through which thousands of soldiers, teamsters, and wagons traversed on July 4-5, 1863;
3. The wetlands of Pine Hill which support fragile flora and fauna, including owls, bats, bears and foxes known to inhabit the dense forests of Pine Hill, and an endangered colony of Nodding Trillium, a plant now extinct in Ohio, and
4. Our quiet mountain heritage and pure mountain air, which we have enjoyed and cherished for many years before the intrusion of vast surface (mountain top removal) mining.
5. I live less than 2 nautical miles from the new expanded mine operation. I have seen 2 mountain tops completely removed from the view on my property. I see constant smoke and grit in the air. I also have felt extensively the ground vibration from the blast, over the past summer/fall almost every



Friday about 1:30pm. From the comments I heard at the meeting over a week ago, it is clear that SGI does not have appropriate readiness to serve and protect the Toms Creek tributaries or downstream needs.

Please deny the above referenced permit applications for these listed reasons.

Sincerely yours,  
Charles Mickley  
2390 Mount Hope Road, Fairfield PA 17320  
717-642-6338





**Fair Shake®**  
Environmental Legal Services

February 11, 2019

*Sent via Certified First Class U.S. Mail and Electronic Mail*

PA Department of Environmental Protection  
Cambria District Mining Office, District Mining Operations  
Attn: Daniel Sammarco, P.E., District Mining Manager  
Gregory Aaron, P.G., Permit Chief  
286 Industrial Park Road  
Ebensburg, Pennsylvania 15931

Re: *Friends of Tom's Creek Public Comment on Specialty Granules, LLC's Permit Application for Large Surface Mining Permit No. 01180301 and NPDES No. PA0279617, also referred to as the "Northern Tract Quarry."*

Dear Mssrs. Sammarco and Aaron:

On behalf of Friends of Tom's Creek ("FOTC"), and pursuant to the public comment period referenced in the Department's December 10, 2018 letter, I respectfully submit the following written comment on Specialty Granules, LLC's ("SGI") application for a Noncoal Surface Mining Permit No. 01180301 and NPDES No. PA0279617 ("Application") for noncoal surface mining on Pine Hill in Hamiltonban Township, Adams County, referred to by the Applicant as the "Northern Tract Quarry."

Following the informal public conference held on July 23, 2018 and the additional written public comments received by the Department related to the Application, the Department requested that SGI provide responses to specific concerns raised by commenters, including FOTC. This comment is based on a review of the SGI Responses submitted to the Department on November 16, 2018 as well as the original Application. In addition, this comment references and incorporates the July 23, 2018 written comment submitted by FOTC (attached as Exhibit A) and the January 29, 2019 Report of Princeton Hydro (attached as Exhibit B).

At this time, and in consideration of the constitutional, statutory and regulatory requirements at issue, FOTC strongly urges the Department to deny the Application and return the Application to SGI because it does not pass constitutional scrutiny or meet the criteria for permit approval, as expanded upon below.

DEP CAMBRIA OFFICE

FEB 13 2019



## **I. Public Notice was Inadequate**

As referenced in FOTC's July 23, 2018 written comment, both 25 Pa. Code § 77.121 (public notice of filing of permit applications) and § 77.123 (public hearings – informal conferences) require that notice of a proposed noncoal surface mine and a public hearing regarding the same be published in a "newspaper of general circulation in the locality of the proposed mine." 25 Pa. Code § 77.123(b)(2). This is relevant here because the locality of the proposed mine includes both Adams County and Franklin County. Even after FOTC raised this issue in previous comments, the hearing notice for the January 30, 2019 public hearing, however, again failed to ensure residents of both counties were notified.

The proposed Northern Tract development is physically located in Adams County, Hamiltonban Township. Notice was published in the Adams County Gettysburg Times. However, the notice indicated that the proposed Northern Tract is located in Blue Ridge Summit, Franklin County which is likely to result in confusion for Adams County Residents and uncertainty about the location of the proposed development. In Franklin County, the Waynesboro Record Herald did not publish notice at all. Those residents were therefore never notified even though they will be impacted by this project, most directly from facility traffic routed through Franklin County. FOTC incurred significant expense and cost in an effort to notify these communities through additional direct mailings. The responsibility of public notice, however, is statutorily entrusted to the applicant and the Department, not to other concerned citizens.

## **II. Naturally Occurring Asbestos Poses a Significant Threat to Environmental and Human Health that SGI Failed to Disclose or Fully Evaluate**

In a September 13, 2018 letter from Daniel Sammarco, Acting Director of the Department's Bureau of District Mining Operations, to FOTC Board Member Sue DeVeer, Mr. Sammarco responded to four primary concerns raised by FOTC. One of those concerns related to "the presence of naturally occurring asbestos in the metabasalt proposed for extraction at the Northern Tract Quarry." Mr. Sammarco stated that "the Department has requested SGI to investigate and determine if naturally occurring asbestos is present in the metabasalt and at what concentrations. SGI will submit their findings to the Department for evaluation." While FOTC appreciates the attention that the Department paid to this important public health issue, FOTC wants to ensure the Department follows through on this request of SGI and conducts a risk assessment to determine whether naturally occurring asbestos is present and, if so, whether the concentrations of naturally occurring asbestos pose a risk to public health.<sup>1</sup> For FOTC,

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<sup>1</sup> See Pan, XL, et al., *Residential Proximity to Naturally Occurring Asbestos and Mesothelioma Risk in California*, American Journal of Respiratory and Critical Care Medicine, Volume 172 (2005), available at:



the Department's attention to detail in this regard is particularly important and necessary in light of the misleading and inadequate evaluation conducted by SGI and described in Section 7 of SGI's November 12, 2018 Response to Public Comments received at the July 23, 2018 Public Meeting. While this sampling and analysis on its face responds to the community's concerns and the Department's request for further investigation, it is entirely inadequate to ensure protection of community health, air, water and safety for two major reasons.

*SGI's Method of Rock Sampling and Analysis is Inappropriate for the Site*

First, the rock sampling and analysis was conducted using inappropriate methods. SGI indicates that they drilled 17 rock cores during the exploration phase of the proposed Northern Tract Quarry area and from these cores, SGI ultimately collected 40 rock samples that were sent for laboratory testing. Appendix 7.1 of SGI's Responses indicates that the laboratory utilized the Environmental Protection Agency's Test Method for the Determination of Asbestos in Bulk Building Materials (EPA/600/R-93/116),<sup>2</sup> rather than utilizing a method more appropriate for identifying naturally occurring asbestos in rock or soil samples. The method used by SGI is specifically designed for the purpose of identifying asbestos in bulk building materials such as insulation, acoustic and thermal sprays, pipe and boiler wraps, plasters, paints, etc. It is clear that this method is not suited for evaluating the rock samples collected by SGI and evaluating whether naturally occurring asbestos poses a threat to public health. Rather, FOTC directs the Department to two potential sampling methods that are more scientifically and technically appropriate in this context.

The California Environmental Protection Agency Air Resources Board has published Method 435 for Determination of Asbestos Content of Serpentine Aggregate.<sup>3</sup> This method is applicable to determining asbestos content of serpentine aggregate in storage piles, on conveyor belts, and on surfaces such as roads, shoulders and parking lots. The applicability of any particular sampling method is important because it outlines procedures for everything from how to collect samples and the number of samples required to appropriate sample preparation and analytical procedures. While Method 435 would likely be more appropriate than the EPA Bulk Building Materials Method utilized by SGI, the EPA has also promulgated a method specifically designed for sampling soils such as the Northern Tract samples.

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<https://www.ncbi.nlm.nih.gov/pubmed/15976368> (concluding that residential proximity to naturally occurring asbestos is significantly associated with increased risk of malignant mesothelioma).

<sup>2</sup> See EPA Method for the Determination of Asbestos in Bulk Building Materials, EPA/600/R-93-116 (July 1993), available at: <https://www.nist.gov/sites/default/files/documents/nvlap/EPA-600-R-93-116.pdf> (last visited January 17, 2019).

<sup>3</sup> See California Environmental Protection Agency Method 435 Determination of Asbestos Content of Serpentine Aggregate (June 6, 1991), available at: [https://www.arb.ca.gov/testmeth/vol3/m\\_435.pdf](https://www.arb.ca.gov/testmeth/vol3/m_435.pdf) (last visited January 17, 2019).

The EPA's Elutriator Method is a method that is peer reviewed and the best method for determining if soil contains respirable fibers.<sup>4</sup> This method also provides results acceptable for risk assessment studies, which should apply at the Northern Tract Site. Soil or bulk material is sieved and then gravimetrically tracked through separation into coarse and fine fractions. The fine fraction is tumbled in a sample elutriator and any dust or fibers are liberated into the air within the tumbler and then collected on air cassettes for subsequent transmission electron microscopy analysis. Importantly, the guidance document states "samples are collected in a manner suitable for providing representative measurements of the releasable fraction of asbestos in the matrix sampled."

Both the California Environmental Protection Agency Air Resources Board's Method 435 for Determination of Asbestos Content of Serpentine Aggregate and the EPA's Elutriator Method are technically more appropriate for investigating and determining if naturally occurring asbestos is present in the metabasalt at the SGI site and at what concentrations. Further, the EPA's Elutriator method would actually help provide a risk assessment which could be evaluated to determine potential impacts on human health and the environment. Without appropriate sampling, the Department is not in a position to evaluate if or how airborne asbestos may impact the community and therefore SGI's application should be denied until further investigation and analysis is conducted.

#### *SGI's Ambient Air Monitoring Fails to Capture Impacts from the Northern Tract*

The second reason that SGI's response to the Department's request for further investigation is inadequate is because the ambient air monitoring that SGI conducted does not accurately identify or evaluate impacts from development of the proposed Northern Tract. Appendix 7.3 of SGI's Responses describes the perimeter air sampling that was conducted. As an initial matter, this sampling was conducted over a very limited period of 8 days and only 10 samples were collected. Given operations at the site, which have continued for several decades, this extremely limited time period and limited number of samples is not sufficient to draw any reasonable conclusions.

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<sup>4</sup> See EPA Superfund Method for the Determination of Releasable Asbestos in Soils and Bulk Materials, EPA 540-R-97-028 (1997), available at:

<https://nepis.epa.gov/Exe/ZyNET.exe/100028RW.TXT?ZyActionD=ZyDocument&Client=EPA&Index=1995+Thru+1999&Docs=&Query=&Time=&EndTime=&SearchMethod=1&TocRestrict=n&Toc=&TocEntry=&QField=&QFieldYear=&QFieldMonth=&QFieldDay=&IntQFieldOp=0&ExtQFieldOp=0&XmlQuery=&File=D%3A%5Czyfiles%5CIndex%20Data%5C95thru99%5CTxt%5C00000007%5C100028RW.txt&User=ANONYMOUS&Password=anonymous&SortMethod=h%7C-&MaximumDocuments=1&FuzzyDegree=0&ImageQuality=r75g8/r75g8/x150y150g16/i425&Display=hpfr&DefSeekPage=x&SearchBack=ZyActionL&Back=ZyActionS&BackDesc=Results%20page&MaximumPages=1&ZyEntry=1&SeeKPage=x&ZyPURL> (last visited January 17, 2019).



Further, over this limited 8 day period there were “several periods of rain.” While this is certainly not unusual, neither are weeks without rain. Given that one of the primary methods utilized for controlling asbestos dispersion is water, the periods of rain across these limited 8 days indicate that it was not a true representative sample.

At the very least SGI must be required to indicate exactly how much rain fell and over which specific time periods. In addition, Appendix 7.3 indicates that the “general direction of the wind during this period was from the west to southwest blowing toward the east/northeast.” However, according to Figure 1, the identified sampling locations are primarily along the western or southern side of active mine operations. Therefore, given that the wind was generally blowing particulates away from the monitors, the results are not surprising. Overall, SGI’s ambient air monitoring clearly fails to capture impacts from the Northern Tract.

### *The Department is Responsible for Protecting Citizens’ Environmental Rights*

Finally, as indicated in FOTC’s July 23, 2018 written comment, the Department has a constitutional responsibility to ensure that the peoples’ right to clean air is not unreasonably degraded. Pa. Const. Art. I, § 27. At times, the Department may be required to go above and beyond statutory and regulatory requirements to ensure that unreasonable degradation does not occur. As noted in *Center for Coalfield Justice, et al. v. DEP, et al.*, treating the Article I, Section 27 Constitutional standard as coextensive with compliance with statutes and regulations was “clearly rejected” by the Pennsylvania Supreme Court in *Pennsylvania Environmental Defense Foundation*. 2017 Pa. Environ. LEXIS 52 at \*62. Accordingly, an evaluation of anticipated degradation to air quality may include the consideration of air pollutants that are not specifically regulated, but may have an adverse impact on the people’s right to clean air. In this case, naturally occurring asbestos is certainly one such pollutant that has the potential to unreasonably degrade air quality, resulting in severe health impacts for residents living, working or recreating within close proximity to the Northern Tract development.

In order to fulfill obligations pursuant to Art. I, § 27 the Department must at a minimum evaluate the impacts from SGI’s Northern Tract and make a determination about whether those impacts constitute an “unreasonable degradation, diminution, depletion or deterioration of the environment.” *The Delaware Riverkeeper Network, et. al. v. Commonwealth of Pennsylvania Department of Environmental Protection, et. al.*, EHB Docket No. 2014-142-B, 2018 Pa. Environ. LEXIS 34\* (Opinion Issued May 11, 2018) (articulating a two-step analysis for compliance with Article I, Section 27). In fact, the Department has an obligation as trustee under Section 27 to act with prudence, loyalty and impartiality. *Id* at \*72. Therefore, in the context of asbestos emissions, this means the DEP must require adequate and appropriate soils analysis and air monitoring to evaluate environmental and health impacts. Given that naturally occurring asbestos may also be carried by water, FOTC suggests that additional water testing be conducted

for this parameter as well. Without such an analysis being completed, and a demonstration and finding that naturally occurring asbestos will not harm or degrade the environment or human health, SGI's application must be denied.

### **III. The Proposed Northern Tract Quarry will have Significant Adverse Effects on the Watershed**

Friends of Tom's Creek hired expert consultant, Princeton Hydro, to review SGI's proposed mine expansion and evaluate the anticipated impacts to the surrounding environment and watershed. The resulting report from Princeton Hydro identifies several different harmful impacts to the ecology of Tom's Creek, points out inconsistent monitoring practices, and explains that SGI's mine expansion will drastically change the hydrology of the watershed, harming habitat and aquatic life in Tom's Creek.

#### *Mine Expansion Will Harm the Ecology of Tom's Creek- Further Sampling Required*

Princeton Hydro evaluated the potential ecological impact that the Northern Tract Expansion would have on the species and habitat supported by Tom's Creek, including potential for impacts to the Indiana Bat, the Timber Rattlesnake, the Bog Turtle, and Nodding Trillium.

As noted in the Princeton Hydro Report, the PA Game Commission has identified Adams County as summer habitat for federally endangered and state protected and endangered Indiana Bat (*Myotis sodalist*). While SGI conducted mist net surveys to identify the presence and evaluate potential impacts to these species, it is clear that additional sampling is necessary. The Princeton Hydro Report states that, "[t]he mist netting was done in early-mid October targeting the copper mine. Since Adams County is documented summer range, and the woodland habitat that SGI will deforest for mining activity would support Indiana bat roosting habitat, we would urge more sampling to be done within the property boundary in the summer months." Further sampling is clearly necessary to ensure that mine expansion will not impermissibly harm the Indiana Bat or its habitat.

Princeton Hydro notes that additional sampling data is also necessary for the Timber Rattlesnake and the Bog Turtle. While SGI determined that potential rattlesnake habitat is low within the area of disturbance, the testing only occurred on four occasions from April-May rather than the warmest months of the year when foraging and basking activity would be greater. Similarly, the report put together by Skelly and Loy for SGI concludes that the property would not support typical bog turtle habitat conditions. Yet, the photos taken do indicate the presence of supporting vegetative structure for Bog Turtle habitat and Princeton Hydro suggests that a Phase II survey is warranted.



In regard to Nodding Trillium species, Princeton Hydro concludes that the number of plants affected by Mine Expansion is much greater than SGI anticipates. This is due to the fact that more than half of the existing contributory drainage area to two hillside associated wetland habitats will be removed as a result of mine expansion. "If the 2 wetlands are altered, then the tributary to Tom's Creek and the Nodding Trillium population will experience much more detrimental effects from Quarry development."

It is clear that SGI has not adequately conducted monitoring and sampling to identify important ecological species and habitat that may be affected by Mine Expansion. Therefore, the Department must require SGI conduct additional monitoring and sampling.

#### *Water Quality Monitoring Data is Insufficient*

SGI and predecessor companies have operated this mine site for decades. The historic operations there are not only the best source of evidence for anticipated impacts related to the Northern Tract Expansion, but also serve as an important source of data that can be used to ensure SGI's mine expansion will not result in degradation of Tom's Creek. The SGI Pitts Quarry is an active mine site adjacent to the proposed Northern Tract Expansion. As indicated in the Princeton Hydro Report, SGI's own application notes that aluminum, nitrogen and iron were found in the stormwater runoff at the active Pitts Quarry and could likely end up in Tom's Creek if the Northern Tract is disturbed for expansion.

Further, based on SGI's past operations, they anticipate Titanium, Barium, Nitrogen, Nitrates or Color would be present, but fail to actually test for those same parameters in the stormwater runoff. See Princeton Hydro Report at 8. According to Princeton Hydro, "[a] specific pollutant that SGI noted to be present in their adjacent Pitts Quarry is Selenium." However, "[w]ithout any background sampling on biodiversity in Toms Creek or its unnamed tributaries, degradation from harmful pollutants like Se will not be accurately quantified."

Given this potential for harmful pollutant impacts, the Department must require SGI to actually collect sufficient ecological and water quality monitoring data to establish a baseline and ensure protection of the watershed. As pointed out by Princeton Hydro, "SGI did not show any kind of macroinvertebrate or fish surveys to indicate any species presence in Tom's Creek, just the 2 monitoring samples that only tested for limited parameters."

More robust water quality monitoring and data collection has been conducted by FOTC, however. That data suggests that Tom's Creek should be classified as an Exceptional Value Stream and must be protected. FOTC engaged Dr. Ben M. Stout III,

Ph.D., to measure the biological conditions of Tom's Creek and determine if it merited consideration for classification as an Exceptional Value Stream. On April 27, 2016, Dr. Stout issued a report following sampling (attached as Exhibit C). Dr. Stout sampled benthic macroinvertebrates and compared the fauna in Tom's Creek to (1) Carbaugh Run, a nearby PA DEP Exceptional Value reference stream, and (2) an Exceptional Value stream in Greene County within Ryerson Station State Park. He concluded that "[b]ased on biological condition scores Tom's Creek achieved Exceptional Value scores (100% attainment) compared to both of the Exceptional Value streams." Dr. Stout also concluded that "[a]t the ecosystem scale these streams provide a link between the surrounding forest and the downstream river ecosystem... [and] in addition to reptiles and amphibians, aquatic insect emergence from these streams coincides with the return of migratory birds during nesting and rearing season."

Although the Department, by letter on May 18, 2016, ultimately informed FOTC that the locations Dr. Stout used for sampling the reference streams were unacceptable, the data he collected from Tom's Creek is important for understanding the impacts that the Mine Expansion will have on the surrounding environment. Further, FOTC engaged Stephen P. Kunz, Senior Ecologist with Schmid & Company Inc., Consulting Ecologists, to review Dr. Stout's Report. Mr. Kunz relayed his findings to FOTC by letter dated May 18, 2016 (attached as Exhibit D). Mr. Kunz stated that he believed Dr. Stout's findings were credible. Furthermore, he stated that, "I understand that PADEP had investigated Tom's Creek during November 2014, and did not find it to be meeting "exceptional value" existing use at that time." He concluded that "[t]he excellent physical, chemical, and biological conditions that Dr. Stout found in Tom's Creek this spring, however, suggest that it is achieving EV existing use status. I am confident that if PADEP were to examine Tom's Creek again it would concur with Dr. Stout's conclusion. In the meanwhile, I believe that it is extremely important, and I would strongly recommend, that every possible effort be made to protect Tom's Creek from any and all activities that might threaten or degrade its EV existing use."

Without further macroinvertebrate or biological testing from the Department or SGI, FOTC strongly believes that the northern tract expansion will end up degrading an EV stream. This would be impermissible and the Department must consider the data that FOTC has provided as part of this comment. The Department is required by 25 Pa. Code § 93.4c(a)(1)(i) to protect the existing uses of surface waters and is required by 25 Pa. Code § 93.4c(a)(1)(iv) to make a final determination of existing use protection for surface waters as part of a final permit or approval action. More specifically, the PA Code states that "[e]xisting use protection shall be provided when the Department's evaluation of information (including data gathered at the Department's own initiative, data contained in a petition to change a designated use... or data considered in the context of a Department permit or approval action) indicates that a surface water attains or has attained an existing use." §93.4c(a)(1)(i). Further, water quality in EV streams



may not be reduced by a discharge, even with a social or economic justification. See § 93.4c(b)(iii)(only HQ waters may be reduced with justification). Therefore, consistent with the recommendations of Dr. Stout and Mr. Kunz, the Department must consider that Tom's Creek is achieving EV existing use status and ensure this is protected.

*Mine Expansion Will Impermissibly Alter the Hydrology of the Watershed*

The Princeton Hydro Report also concludes that SGI's own analysis indicates that the hydrological changes caused by Mine Expansion pose a direct threat to the wetlands and resident biota. The Report states:

Though it appears that the pollutant load decreases as the landscape changes due to mine expansion, the underlying cause of load reduction is the issue for concern. There is less nutrient loading not because the amount of pollutant decreases, but because the water that conveys the pollutants is being diverted along the landscape differently. Tom's Creek itself is receiving less water from runoff, which is an indication of a drastic overall hydrology change to the watershed. If the flow of Tom's Creek is jeopardized by diverting the water the creek would normally receive to retention ponds, then the habitat that supports migratory fish and other undocumented aquatic life will suffer due to lack of habitat. Further, any receiving waters for the retention ponds will experience increased pollutant loads.

Princeton Hydro Report at 11. The Department must require that SGI conduct a thorough analysis to determine exactly how much water will be diverted away from Tom's Creek and toward the retention ponds and Miney Branch.

The Clean Streams Law protects all waters of the Commonwealth, including but not limited to groundwater, rivers, streams, ponds, lakes, dammed water, springs, and all other bodies or channels, whether natural or artificial, within the boundaries of the Commonwealth, for all statewide existing and designated water uses. 35 P.S. § 691.1; 25 Pa. Code §§ 93.4a, 93.9 and 93.6. In order to determine whether the existing and designated uses of Tom's Creek are protected, the Department must evaluate whether SGI's proposed diversion of storm water will impermissibly impair the uses of Tom's Creek. As indicated by Princeton Hydro, if sufficient water is diverted, then the habitat that is supported by that storm water may be impermissibly impaired.

*The Capacity of SGI's Discharge Basins is Inadequate to Ensure Protection of Tom's Creek*

Under SGI's proposal, once the Northern Tract development is complete, stormwater runoff will drain into Pitts Quarry and to the existing sedimentation pond

prior to discharge. Generally, that sediment pond involves a passive discharge as water reaches appropriate levels. It is clear that SGI already has to drain the pond by way of pump just before a rain event is predicted. Since the sediment pond is normally a passive discharge and pumping is required, this clearly suggests that the ponds are under capacity and are not effective at removing solids. If SGI's proposal is approved, however, they will be adding increased additional storm water from the expansion and there will be more active pumping discharges. Based on Princeton Hydro's review of the sedimentation pond capacity, this additional active pumping would prevent solids from adequately settling out and lead to additional unanticipated discharges to Tom's Creek, further impacting water quality. The Department must carefully review the capacity of SGI's sedimentation pond to ensure Tom's Creek is protected.

#### **IV. SGI's Social and Economic Justification is Inadequate**

Tom's Creek and its tributaries provide important social and economic benefit to the local community and larger surrounding region. SGI's Module 24, which describes their Social and Economic Justification for potentially degrading discharges to Tom's Creek is misleading and inaccurate because it fails to account for the many significant social and economic benefits that Tom's Creek provides to the community and that would be harmed if Tom's Creek is degraded.

For proposed discharges to special protection waters, if an applicant determines there are no cost-effective and environmentally sound nondischarge alternatives, the discharge must either result in non-degradation or the applicant must demonstrate that the proposed degradation is socially or economically justified. 25 Pa. Code §§ 93.4c(b)(1)(i)(B); 93.4c(b)(1). The code clearly only permits a reduction of water quality upon social and economic justification for HQ waters, whereas EV waters may not be degraded. See § 93.4c(b)(iii). Based on sampling conducted by FOTC and others, Tom's Creek clearly qualifies as an EV water and may not be degraded.

Even if Tom's Creek only qualified as an HQ water, however, the analysis done by SGI is inadequate and fails to justify degradation. The Department's Antidegradation Guidance Document relies on the preamble to the DEP's regulations published in the PA Bulletin on July 17, 1999 and indicates that "the SEJ analysis should be a 'balancing' type evaluation. In such an evaluation, the asserted beneficial social or economic development must be viewed in light of, and weighed against, the degree of water quality degradation that the discharge and the proposed activity are projected to cause." The Department's Antidegradation Guidance Document goes further and identifies several SEJ evaluation factors, including: 1) water quality considerations such as sensitivity of water uses, nature of pollutants, degree of change in water quality, reliability of treatment technology, compliance records and other factors; 2) social or



economic considerations such as effect on public services, on public health and safety, on quality of life, on employment, on tax revenues, tourism and other factors.<sup>5</sup>

The fact that residents have turned out in significant numbers opposing this proposed development is evidence itself that SGI's operations affect the local community. SGI disingenuously states that, "The proposed mining project is anticipated to have little effect on residents and visitors of the area except for providing stable employment, good paying job opportunities , and tax revenues..." Module 24 at 5. SGI's analysis clearly focuses on employment and taxes to the exclusion of the remaining factors, which must also be considered.

There are, in fact, many ways that degradation of Tom's Creek would impact the social and economic values that having such a clean and beautiful stream brings to the community. FOTC themselves hold several events each year where they rely on use and enjoyment of Tom's Creek. For example, FOTC recently held a hike with the Sierra Club in the area of Michaux State Forest close to Tom's Creek with a picnic afterwards at a local resident's house. FOTC also holds a community event twice per year where they conduct water quality testing of Tom's Creek across the road from Pine Hill. There are miles of hiking and horseback riding trails in Michaux State Forest in the near vicinity of Toms Creek; the creek flows in Michaux; the Mt. Hope Rd., Gum Springs Rd., Iron Springs Rd. "loop" is a great bicycling/motorcycling route. Tom's Creek is also stocked with trout in the area across from Pine Hill and is a popular fishing spot in the spring.

In fact, Tom's Creek is annually stocked with trout twice per year. The Pennsylvania Fish and Boat Commission stocks Tom's Creek with approximately 1,000 trout per year. The Pa Fish and Boat Cooperative Fish Nursery stocks Tom's Creek with approximately an additional 600 trout annually. Further, the Mummasburg Sportsman's Club also stocks Tom's Creek with approximately 125 trophy trout, meaning at least 16-24 inches in size. Stocking starts at the covered bridge on Jacks Mountain Road and Zoo Road, then proceeds to the bridge at Zoo Road and Iron Springs Road, proceeds upstream along Iron Springs Road until Gum Springs Road and ends at approximately Gum Springs Bridge and Mt. Hope Road Bridge.

In addition, the community holds an annual fishing derby at Carroll Valley Park, just downstream of SGI's proposed operations. Each year approximately 80-125 families join in for a day of fishing, supported by the Carroll Valley community and at least 250 trout donated by the PA Fish and Boat Cooperative Fish Nursery. Tom's Creek is also used to create two lakes for the residents of Carroll Valley to use for boating and fishing. Toms Creek flows through their golf course, also.

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<sup>5</sup> PA DEP Water Quality Antidegradation Implementation Guidance, 391-0300-002, available at: <http://www.depgreenport.state.pa.us/elibrary/GetFolder?FolderID=4664> (last visited Feb. 6, 2019).

Finally, it is clear for residents that Tom's Creek and surrounding area is significantly important for tourists and the revenue they bring to the community. Local tourism includes the Monterey Battle Field Group which is in the process of developing a park related to a nearby civil war battlefield.

All of these important events and draws for community social and economic benefit would be impacted by degradation of Tom's Creek. Since SGI has failed to demonstrate a sufficient social and economic justification for degradation of Tom's Creek, the Application should be denied.

## **V. Conclusion**

In conclusion, and based on the reasoning articulated above, SGI's Application is severely flawed, and the Department should deny the Application.

Respectfully Submitted,



Ryan E. Hamilton, Esq.  
Fair Shake Environmental Legal Services  
3495 Butler Street, Suite 102  
Pittsburgh, PA 15201  
(412) 742-4615  
rhamilton@fairshake-els.org



**23 July 2018**

*Via Certified First Class U.S. Mail*

Cambria District Mining Office  
District Mining Operations  
Department of Environmental Protection  
Commonwealth of Pennsylvania  
Attn: Daniel Sammarco, P.E., District Mining Manager  
Rock Martin, P.G., Permit Chief  
286 Industrial Park Road  
Ebensburg, Pennsylvania 15931

**RE: Comment on Large Surface Mining Permit No. 01180301 and NPDES No. PA0279617, Specialty Granules, LLC  
Submitted on behalf of Friends of Tom's Creek  
Noticed in 48 Pa. B. 885 (Feb. 10, 2018)**

Dear Messrs. Sammarco and Martin:

On behalf of Friends of Tom's Creek ("FOTC"), I respectfully submit the following comment on Specialty Granules, LLC's ("SGI") application for a Noncoal Surface Mining Permit No. 01180301 and NPDES No. PA0279617 ("Application") for noncoal surface mining on Pine Hill in Hamiltonban Township, Adams County, referred to by the Applicant as the "Northern Tract." Upper Potomac Riverkeeper supports and signs on to this comment.

Pursuant to e-mail correspondence with Mr. Rock Martin, the Department will accept comments pertaining to the application materials until August 6, 2018, or two weeks following the July 23, 2018 public hearing. Accordingly, this comment is timely filed.

As a preliminary matter, and to avoid unnecessary repetition throughout this comment, in addition to the applicable statutory and regulatory requirements for the issuance of a noncoal surface mining permit, the Department must also ensure



compliance with the Pennsylvania Constitution. Article I, Section 27 of the Pennsylvania Constitution ("Environmental Rights Amendment") reads:

The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.

PA. CONST. ART. I, § 27.

The people's fundamental, human right to clean air, pure water, and the preservation of the natural, scenic, historic, and esthetic values of the environment may not be unreasonably degraded by either direct state action or the action of third parties. *See Pa. Env'tl. Defense Found. v. Com.*, 161 A.3d 911, 933 (Pa. 2017); *Center for Coalfield Justice, et al. v. DEP, et al.*, Dkt. No. 2014-072-B, 2017 Pa. Environ. LEXIS 52 (Pa. Env. Hrg. Bd. Aug. 15, 2017). Public natural resources that must be protected include "not only state-owned lands, waterways, and mineral reserves, but also resources that implicate the public interest, such as ambient air, surface and ground water, wild flora, and fauna (including fish) that are outside the scope of purely private property." *Robinson Twp. v. Com.*, 83 A.3d 901, 955-956 (Pa. 2013) ("*Robinson II*").

As an instrumentality of the Commonwealth, the Department serves as a trustee of the public natural resources protected by the Environmental Rights Amendment and is bound by the fiduciary duties of prudence, impartiality, and loyalty. The duty of prudence requires the Department to "exercise such care and skill as a man of ordinary prudence would exercise in dealing with his own property." *Pa. Env'tl. Defense Found.*, 161 A.3d at 931. In order to fulfill the duty of prudence, the Department must engage in pre-action analysis that is capable of informing the agency of (1) whether degradation of the environment, and thus an intrusion into protected rights, is likely to occur as a result of permitted activity and (2) the degree of that intrusion. *See Robinson II*, 83 A.2d at 983, n. 60 (noting that data is needed to assess impact upon public natural resources and describing trust beneficiaries' right to information necessary to enforce rights or trust limitations); *see also* Kenneth T. Kristl, "The Devil is in the Details," 28 Georgetown Env'tl. L. Rev. 589, 592 (2016) ("[A]ssessments of environmental effects before actions are taken are key to providing the information critical to discharging the constitution's requirement.").

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The duty of loyalty is owed to both present and future generations and requires that the Department "manage the corpus of the trust so as to accomplish the trust's purposes for the benefit of the trust's beneficiaries." *Pa. Envtl. Defense Found.*, 161 A.3d at 933. The duty of impartiality requires "the trustee to manage the trust so as to give all the beneficiaries due regard for their respective interests in light of the purposes of the trust." *Id.*

With these constitutional requirements in mind, in addition to applicable statutory and regulatory requirements, the Department should deny the Application and return the Application to SGI because it does not pass constitutional scrutiny or meet the criteria for permit approval. There are numerous legal, technical and procedural deficiencies, which are identified below. In the event that SGI submits a revised application, the significance of the revisions merits a second public comment period.

**I. Public Notice of the Application and Public Hearing Were Inadequate to Ensure Actual Notification of the Proposal Surface Mine to Interested Parties**

Both 25 Pa. Code § 77.121 (public notices of filing of permit applications) and 25 Pa. Code § 77.123 (public hearings – informal conferences) require that notice of a proposed noncoal surface mine and a public hearing regarding the same be published in a "newspaper of general circulation in the locality of the proposed mine." 25 Pa. Code § 77.123(b)(2). Following newspaper publication of the filing of a permit application, the Department is further required to provide notice of the application in the Pennsylvania Bulletin. 25 Pa. Code § 77.121(d).

As the Department is well aware, the general public does not regularly peruse the Pennsylvania Bulletin. For all practical purposes, newspaper publication is the only legally required means of notifying the public of mining projects that will significantly impact quality of life for neighboring property owners and community members. Accordingly, it is crucially important that not only is the selected newspaper one that interested parties read but also that the information provided allows the public to understand the nature of the proposed mining project.

The locality of proposed mine in this matter includes both Adams County and Franklin County. While the proposed mine will be located within Adams County, many business owners, property owners, and residents of Franklin County are located within close proximity to the proposed Northern Tract and will be greatly impacted by its development, should the proposal be approved.

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SGI and the Department published notice of the application and the public hearing for July 23, 2018 in the Gettysburg Times. While residents of Adams County regularly read the Gettysburg Times, residents of Franklin County rely upon the Record Herald. Accordingly, for residents of Franklin County, the Gettysburg Times is not a newspaper of general circulation. When considering whether a newspaper selected for public notification qualifies as one of general circulation in the locality of the proposed mine, the Environmental Hearing Board considers the likelihood of the notice actually reaching residents near the proposed site. See, e.g., *Snyder Twp. Residents for Adequate Water Supplies v. DEP*, Dkt No. 85-022-G, 1988 Pa. Envir. LEXIS 189 (Pa. Env. Hrg. Bd. Dec. 12, 1988). As residents of Franklin County do not rely upon the Gettysburg Times, there is very low likelihood that notice published in that newspaper reached Franklin County residents.

To alleviate this error, Friends of Tom's Creek expended considerable funds and time by sending postcards to individuals in both Franklin and Adams County to ensure that actual notice was provided to the local community. While Friends of Tom's Creek voluntarily undertook this endeavor, the responsibility of public notice is statutorily entrusted to the applicant and the Department.

## **II. Proposed Protection of Identified Endangered Plant *Trillium cernuum* (Nodding Trillium) is Insufficient to Ensure Protection of the Plant Species**

Pursuant to 25 Pa. Code § 77.126(a)(10), a permit application may not be approved for noncoal surface mining activities unless the applicant affirmatively demonstrates that "[t]he proposed activities [will] not affect the continued existence of endangered or threatened species or result in the destruction or adverse modification of their known critical habitats . . .". Additionally, the Department must fulfill its responsibilities pursuant to the Environmental Rights Amendment to ensure that unreasonable degradation to environmental resources, particularly threatened and endangered species, does not occur. In order to assess whether unreasonable degradation will occur, the Department must quantify the anticipated impact.

According to the Skelly & Loy, Inc. August 25, 2016 report provided within the Application, a significant number of *Trillium cernuum*, or nodding trillium, was found along the eastern and northern portions of the Northern Tract parcel. Nodding trillium is an endangered plant species in Pennsylvania that requires patchy sunlight and will not survive in full, direct sun. The plants found at the Northern Tract are particularly important, as the nodding trillium population at that location is "the largest known in the state." Greg Podniesinski, Section Chief of PA Bureau of Forestry, to Andrew Nevin, Skelly and Loy, Inc. (Sept. 22, 2016).

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The nodding trillium found within the permit boundaries exist in both the "operational buffer," where quarry related activities such as access roads and stormwater management will occur, and the "maintained buffer," which will remain forested. Eighteen individual plants will be destroyed, as they fall within the "operational buffer." A significant number of nodding trillium is located on the border between the operational and maintained buffers. These plants are likely to be exposed to direct sunlight and, thus, unable to survive. While the Department of Conservation and Natural Resources has requested a fence be put in place along the border of the operational and maintained buffers to avoid construction crews from directly damaging or destroying nodding trillium, the fence will not provide the needed shade for the plants along the buffer lines. SGI's application materials do not quantify the anticipated number of nodding trillium likely to be adversely impacted as a result of loss of habitat, meaning that the degree of degradation is not known.

In order to comply with the Department's duty of prudence pursuant to the Environmental Rights Amendment and 25 Pa. Code § 77.126(a)(10), the Department must require enough information in the application materials to assess the degree of degradation. SGI's current application fails to affirmatively demonstrate that its proposed mining will not result in the destruction of critical habitat. Considering that the Northern Tract area is critical habitat within Pennsylvania for nodding trillium, the Department should further require additional protections for the nodding trillium found between the maintained and operations buffer, such as increasing the maintained buffer, to ensure adequate habitat for the endangered plant.

### **III. SGI's Application Must be Denied Because SGI's Socio-Economic Justification was Approved without Public Participation and SGI Failed to Properly Assess Impacts to Tom's Creek as a Result of Proposed Discharges**

SGI's NPDES application proposes discharging into Tom's Creek and unnamed tributaries of Tom's Creek. As the Department is aware, Tom's Creek is designated as High Quality, Cold Water Fishes and Migratory Fishes (HQ-CWF-MF). 25 Pa. Code § 93.9z.

Pennsylvania's Anti-Degradation Policy requires that nondischarge alternatives be evaluated prior to any new, additional, or increased discharge to a High Quality stream. In the event that the applicant demonstrates that an environmentally sound and cost-effective nondischarge alternative cannot be utilized, the applicant must demonstrate that the discharge will maintain and protect the existing quality of receiving surface waters. *Id.* at § 93.4c(b)(1)(i)(A)-(B). Water quality of a High Quality

water may only be reduced if, “after full satisfaction of the intergovernmental coordination and *public participation provisions* of the Commonwealth’s continuing planning process, that allowing lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located.” *Id.* at § 93.4c(b)(1)(iii) (emphasis added).

SGI has proposed not only discharging into Tom’s Creek and its unnamed tributaries, but also lowering the water quality of Tom’s Creek, as SGI has submitted a Social or Economic Justification (“SEJ”) form as part of Module 24. The Department’s May 18, 2018 review letter to SGI regarding the Northern Tract application states that, “[i]t should be noted that the operator can discharge from these ponds since Specialty Granules, LLC submitted an Anti-Degradation Supplement for Mining Permits *and their Social or Economic Justification (SEJ) was approved.*” Chad Paronish, DEP Geologic Specialist, to Matthew McClure, Director EHB and Mining Permit (May 18, 2018) at p. 2. Accordingly, it appears that the Department has already approved the SEJ and authorized discharges into Tom’s Creek and its unnamed tributaries. However, there does not appear to have been any public notice or acceptance of public comment on the SEJ prior to its approval, as required by § 93.4c. When the Department is required to accept public comment, it must consider public comments received and make appropriate changes prior to making a decision. *See Pa. Water Industries Ass’n v. DEP*, 2016 EHB 590, 637-38. To do otherwise renders public comments ineffectual. Accordingly, the Department must provide for an additional comment period to allow for full public participation prior to accepting SGI’s SEJ.

Additionally, anticipated impacts to Tom’s Creek have not been adequately evaluated. SGI proposes constructing two ponds capable of holding stormwater equivalent to a 100-year/24 hour storm event, which will then be pumped to ponds at the Charmian Quarry and discharged into Miney Branch. Notably, storms once considered extreme and unusual are occurring on a much more frequent basis. *See Tim Craig & Angela Fritz, Extreme Weather: Massive Rains are Causing More Flash Flooding, and Experts Say It’s Getting Worse*, WASH. POST. (June 24, 2018). The Pennsylvania Department of Conservation and Natural Resources (“DCNR”) has noted, “Pennsylvania has seen measurable changes in temperature, precipitation, and storm intensity.” *PA DCNR Climate Change Adaptation and Mitigation Plan* (June 2018) at 4. Specifically, “[p]recipitation has increased about 10 percent over the past 100 years, and heavy precipitation events also have increased significantly . . . precipitation is expected to increase by 8 percent annually and by an additional 14 percent during the winter.” *Id.* As a result of increased storms due to climate change, DCNR plans to reevaluate 50-year, 100-year, and 500-year flood trends. *Id.* at 9. While SGI dismissed

the likelihood of a 100-year storm event or the chances of smaller storms occurring over the course of several days, such events are becoming increasingly common.

While SGI characterizes discharges into Tom's Creek and its tributaries as "extremely rare," such discharges may occur on a more regular basis, and anticipated impacts have not been fully scrutinized. First, SGI's application materials do not provide baseline data for Tom's Creek and its tributaries. Without baseline data, neither the Department, SGI, nor the public is able to evaluate whether proposed discharges will degrade the quality of Tom's Creek. Second, SGI's proposed monitoring plan is insufficient. While SGI proposes to analyze monitoring samples for some pollutants, important pollutants specific to SGI's operations are not included. To properly monitor the unique impacts that SGI's operations may have on Tom's Creek, water sampling must also include analysis for asbestos and any chemicals or fungicides used on site. Otherwise, impacts as a result of SGI's operations will go undetected.

Additionally, SGI's permit application materials fail to adequately address whether the proposed mining project is likely to result in loss of flow to Tom's Creek or its unnamed tributaries. According to SGI's groundwater assessment (Module 8), there is very little hydrologic communication between surface and groundwater within the permit boundary. By SGI's own evaluation, most wetlands and surface waters are primarily fed by storm events. Module 8.3 (p. 8-9). Currently, Tom's Creek and its unnamed tributaries are surrounded on all sides by mature forest. Should the Northern Tract be developed for mining, Pine Hill will become barren landscape, save for a 300 foot buffer from the center line of Tom's Creek and a 150 foot buffer from the center line of unnamed tributaries to Tom's Creek.<sup>1</sup> Additionally, all runoff from this barren landscape will be directed to SGI's 100-year/24 hour detention basin. While holding basins are necessary to protect surface waters from sedimentation, it also appears that SGI's mining proposal will significantly impact the amount of surface water that Tom's Creek currently receives, possibly resulting in the loss of flow.

As noted in *Crum Creek Neighbors v. DEP*, "[t]he principle that degrading a stream by materially changing its movement, circulation, or flow is prohibited has been repeated in numerous other cases and it is now beyond dispute." Dkt. No. 2007-287-L, 2009 Pa. Envirn. LEXIS 52 at \*30 (Pa. Env. Hrg. Bd. Oct. 22, 2009). "A permittee may not degrade a stream by altering its physical or biological properties any more than it may degrade a stream by the direct discharge of pollutants." *Id.* SGI's failure to quantify the potential for loss of flow to Tom's Creek is a critical oversight. The Department cannot

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<sup>1</sup> Notably, SGI points the Department of Exhibit 9 to depict the 300 and 150-foot buffers around Tom's Creek and its unnamed tributaries. Yet, Exhibit 9 only includes a 100-foot buffer around Tom's Creek and associated tributaries.



evaluate whether Tom's Creek will continue to support existing uses without this information, and, therefore, cannot ensure that Tom's Creek will not be degraded. The Department's duty of prudence requires a more thorough analysis of potential impacts to Tom's Creek, particularly as Tom's Creek is a high quality stream.

Finally, it is significant that SGI proposes transferring all water (less than a 24 hour/100 year storm event) collected in the Northern Tract ponds to the Charmian Quarry to be discharged through NPDES No. PA0009059, which authorizes discharges into Miney Branch. Prior to authorizing the current NPDES permit, the Department must evaluate potential impacts to Miney Branch as a result of the additional water to be redirected from the Northern Tract. Not only will the discharges from the Northern Tract increase the quantity of water ultimately discharged into Miney Branch but may also change the quality of the discharged water. The Department must ensure that Outfall 001, under PA0009059, has the capacity to store and properly treat stormwater, as the SGI ponds have a history of overflowing, resulting in untreated, polluted discharges. Authorizing the transfer of water from the Northern Tract to Miney Branch prior to analyzing the potential environmental degradation to Miney Branch puts the cart before the horse. Only once the Department is satisfied that Miney Branch will not be unreasonably degraded as a result of increased discharges from the Northern Tract may the Northern Tract be permitted to transfer its stormwater discharges. Accordingly, Friends of Tom's Creek strongly urges the Department to evaluate impacts to Miney Branch prior to taking action on NPDES Application No. PA0279617.

#### **IV. SGI's Archeological Review is Insufficient as it Failed to Address Impacts to Significant Civil War Historical Sites**

Article I, Section 27 of the Pennsylvania Constitution protects not only the people's right to clean air and pure water but also the preservation of historic values of the environment. In order to comply with the Department's fiduciary duty of prudence, the Department must fully evaluate whether its permitting decisions will adversely impact historical resources and the extent of that impact. While the Department may ordinarily defer to the findings of a more specialized agency, the sister agency must have evaluated the historical resource that could be impacted. Where, as here, there was no evaluation of a particular historical resource, the Department must assess whether further investigation or consultation with a sister agency is warranted.

SGI's archeological evaluation does not address the impact of mining operations on Pine Hill upon the Confederate Army's retreat path following the Battle of Gettysburg ("Retreat from Gettysburg"). It is well documented that following the Battle of Gettysburg, the Confederate Army retreated to Virginia following two routes: the

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first through Cashtown (northwest of Gettysburg) and the second through Franklin (southwest of Gettysburg). The second route through Franklin brought the Confederate soldiers through Hamiltonban Township, around Pine Hill. In Hamiltonban Township, Confederate soldiers retreated following what are now named Iron Springs Road, Lower Gum Springs Road, and Gum Springs Road – all following Tom's Creek and wrapping around Pine Hill. The Retreat from Gettysburg is a significant historical resource in the area that is eligible for listing on the National Register of Historical Places. See, e.g., Multiple Properties Nomination to the National Register of Historic Places, Adams County, Pennsylvania for Properties Associated with the Battle of Gettysburg, July 1-3, 1863, certified by the Pennsylvania Historical and Museum Commission, April 11, 2000, and the Keeper of the National Register, May 18, 2000 (nomination available at [https://npgallery.nps.gov/NRHP/GetAsset/NRHP/64500520\\_text](https://npgallery.nps.gov/NRHP/GetAsset/NRHP/64500520_text)).

Yet, SGI's archeological evaluation does not even acknowledge that this significant historical resource is within the permit boundary or is likely to be impacted by surface mining. Surface mining of Pine Hill will significantly impact the Retreat from Gettysburg, as it will fundamentally alter the surrounding environment. Whereas the retreat route follows Tom's Creek through a pass between two mountains, SGI's mining operations will essentially remove one mountain, thereby eliminating the pass and permanently degrading the historical and esthetic value of the area.

Further, significant battles occurred during the Retreat from Gettysburg, and battles or encampments are likely to have occurred within SGI's permit boundary. According to the Pennsylvania State Historic Preservation Office's *Guidelines for Archaeological Investigations in Pennsylvania* ("Guidelines"), "research specific to military activities within the project area should be conducted when the project may be the location of a military site. Information on the larger military campaign placing the battle or encampment in its local, regional, or national context should also be undertaken." *Guidelines* at 13. There is no indication within SGI's application materials that specific research into potential military activities was conducted. Furthermore, the Pennsylvania State Historic Preservation Office notes that "[f]or area of military action, such as a battlefield (the core battle area) and/or encampment sites, *metal detector survey should be used in all circumstances as it has been found that standard site identification methods, such as shovel testing, are not adequate for location of these types of sites.*" (emphasis added). *Guidelines* at 19. SGI's archeological assessment does not reference the use of metal detectors.

SGI's archeological survey further did not assess the full permit site to determine whether significant archaeological or historical resources exist. Rather, the

archaeological assessment was limited to exploration of former copper mines, as they are recorded in historical maps, and an assessment of a potential schoolhouse on the property, based on informant interviews. However, an extensive site investigation was not conducted to visually assess whether other significant historical resources, such as cemeteries or structures, exist within the permit boundary. As the *Guidelines* note, "there is no substitute for a detailed field examination . . ." *Guidelines* at 9, as not all historical resources will be previously recorded.

As SGI's application materials fail to properly evaluate the historical value of Pine Hill and immediately surrounding area, the Department should deny the application. In addition, Friends of Tom's Creek strongly urges the Department to require an independent archaeological assessment of the permit site and/or engage in further consultation with the Pennsylvania Historical and Museum Commission to fully assess the impact upon important historical resources.

#### **V. The Application Must be Denied as Anticipated Noise Impacts Have Not Been Properly Evaluated by the Applicant**

Pursuant to 71 P.S. § 510-17(1)-(3), the Department has both the power and the duty to protect the people of the Commonwealth from nuisances. The Environmental Hearing Board has consistently held that the Department commits an abuse of discretion when it does not consider noise generated by a surface mine and fails to determine whether that noise constitutes a public nuisance. See *Chimel, et al. v. DEP, et al.*, Dkt. No. 2011-033-M, 2014 Pa. Environ. LEXIS 65 (Pa. Env. Hrg. Bd. Nov. 25, 2014); see also, *Plumstead Township v. DER*, 1995 EHB 741, 789. Although "there are no applicable statutory or regulatory standards that limit the operational noise from a surface coal mine or quarry . . . the Department nevertheless has the clear duty to consider noise impacts when reviewing an application . . . to ensure that the Department does not permit an operation that constitutes a public nuisance." *Chimel*, 2014 Pa. Environ. LEXIS at \*69. Accordingly, the Department must not simply evaluate anticipated noise impacts but must also deny a permit application when the noise to be generated would constitute a public nuisance. *Id.* at \*70. In *Chimel*, the EHB noted that the Department considers "a continuous reading of over 68 decibels during the day and over 65 decibels at night at the property line to be a public nuisance." *Id.* at \*81.

Further, in order to fulfill the Department's duty of prudence pursuant to the Environmental Rights Amendment, the Department must require enough information from the applicant to assess whether the mining operation will constitute a nuisance for neighboring property owners. The Environmental Rights Amendment mandates the preservation of esthetic values of the environment, which includes the peaceful and



quiet atmosphere that residents are currently accustomed to. An adequate noise assessment should evaluate anticipated day and nighttime decibel levels at the property line, when spikes in noise levels are anticipated, what measures SGI will or could take to reduce noise impacts, and the noise environment that local residents are currently accustomed to.

Noise impacts are particularly salient to SGI's permit application, as it is well known that SGI's current mining operations at the Charmian and Pitts Quarries are extremely loud and bothersome to neighboring property owners. Members of Friends of Tom's Creek living close to SGI's current operations have reported being kept awake throughout the night, and members living over two miles from the current operations report being able to hear the operations throughout the day. Noise levels at the Northern Tract are likely to be similar, and, therefore, have the potential to constitute a public nuisance. More so, the Northern Tract would bring SGI's mining operations closer to residential property where residents and property owners are currently accustomed to a quiet, rural environment – not the noises from industrial operations.

Unfortunately, the information provided in SGI's application materials is inadequate to allow the Department to assess whether SGI's operations will constitute a public nuisance. Notably, SGI did not identify or provide:

- Major noise sources to be utilized at the Northern Tract;
- Noise associated with truck traffic;
- Anticipated hours of operation for major noise sources;
- Anticipated day and nighttime decibel levels at the property line; or
- Current, ambient noise levels<sup>2</sup>

Although SGI asserts that "[v]egetated screenings" will be used to "help mitigate noise levels," *see* Module 17.3, SGI does not even attempt to quantify the noise reduction that can be attributed to the vegetated screenings or identify where these screenings will be located. SGI's Blast Plan, contained in Module 16, notes that buffers of anywhere between 100 to 300 feet of "forestland" will be utilized; however, there is no information on the location of this forested buffer or where the buffer will be 100 feet versus 300 feet. Although SGI points to Exhibit 9 for mapping, the map provided as Exhibit 9 does not depict a forested buffer.

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<sup>2</sup> The foregoing are provided as examples of critical information needed for the Department's assessment of noise impacts resulting from SGI's operations at the Northern Tract. The foregoing is not intended to be a comprehensive list of necessary information for the Department to conduct a proper noise analysis.

SGI further asserts that it will “use best management practices and blasting plans to minimize noise levels (over pressure) associated with blasting,” *see* Module 17.3. Yet, again, SGI does not identify what best management practices will be utilized or what decibel reduction can be expected as a result.

Not only do the application materials fail to quantify anticipated noise levels, but also the application materials do not provide current noise levels. Without this information, it is impossible for the applicant, the Department, or the public to determine whether the noise from the Northern Tract will create a public nuisance. Aside from a conclusory assertion that SGI’s blasting will comply with 25 Pa Code Chapter 211.151(c), the Department has not been provided with any other information regarding anticipated noise levels and the impact to the surrounding community. Based on the information provided in the present Application, the Department is unable to fulfill its obligation under 71 P.S. § 510-17(1)-(3) and Article I, Section 27. Accordingly, the Application should be denied.

#### **VI. The Application Must be Denied because Air Pollution as a Result of Naturally Occurring Asbestos Has Not Been Properly Evaluated**

In addition to anticipated noise impacts, Module 17 of the Application also addresses air pollution concerns as a result of the mining activity. As discussed above, the Department has a constitutional responsibility to ensure that the people’s right to clean air is not unreasonably degraded. Pa. Const. Art. I, § 27. At times, the Department may be required to go above and beyond statutory and regulatory requirements to ensure that unreasonable degradation does not occur. As noted in *Center for Coalfield Justice, et al. v. DEP, et al.*, treating the Article I, Section 27 Constitutional standard as coextensive with compliance with statutes and regulations was “clearly rejected” by the Pennsylvania Supreme Court in *Pennsylvania Environmental Defense Foundation*. 2017 Pa. Envir. LEXIS 52 at \*62. Accordingly, an evaluation of anticipated degradation to air quality may include the consideration of air pollutants that are not specifically regulated, but may have an adverse impact the people’s right to clean air.

The Department’s thorough analysis of anticipated air quality impacts is particularly important in this Application, as SGI indicates in Module 17 that an Air Quality General Permit for Portable Nonmetallic Mineral Processing Plants is “not applicable.” Accordingly, the only evaluation of air pollution concerns occurring at the Northern Tract would appear to be based on the information supplied in Module 17.

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Unfortunately, SGI's Application fails to address the release of and exposure to naturally occurring asbestos ("NOA") as a result of mining for metabasalt. NOA occurs in "[m]etamorphosed mafic extrusive rocks, *especially* metabasalt (greenstone). . . ." and is "linked to a number of serious respiratory diseases and health problems . . . such as asbestosis (scarring of the lungs), lung cancer, and malignant mesothelioma." Bradley S. Van Gosen, *The Geology of Asbestos in the United States and Its Practical Applications*, Environmental & Engineering Geoscience, Vol. XIII, No. 1 (Feb. 2007) at 56, 57 (emphasis added). NOA is an air pollutant with the potential to drastically degrade the people's right to clean air, as it will be carried off site through dust in the ambient air, on trucks, and workers' clothing. As a result of the likely degradation of air quality, NOA must be evaluated by the Department prior to authorizing surface mining activities.

SGI's failure to address NOA hinders the Department from fulfilling its responsibilities pursuant to the Environmental Rights Amendment. As a result, the Department must deny the Application, or, in the alternative, require release and exposure estimates of NOA to allow the Department to evaluate and quantify the anticipated impact upon ambient air quality.

#### **VII. SGI's Reclamation Plan is Incomplete and Does Not Demonstrate Compliance with the Noncoal Surface Mining Conservation and Reclamation Act and its Implementing Regulations**

Pursuant to 52 P.S. § 3307(c), each application for a noncoal surface mining operation must include a "complete and detailed plan for the reclamation of the land affected." The reclamation plan must include a "detailed timetable for the accomplishment of each major step in the reclamation plan" as well as the estimated cost for each step and "total cost to the operator." *Id.* at § 3307(c)(5). The Pennsylvania Code further requires that reclamation procedures, to the greatest extent possible, occur concurrently with the progression of the proposed operation. 25 Pa. Code § 77.595(a).

SGI's application materials do not provide a timetable for each step of reclamation, estimated costs of reclamation, or a demonstration that reclamation will occur concurrently with the progression of the mining operation. In light of the longevity of the proposed operation and the reclamation status of other SGI in the same area, the Department must particularly scrutinize reclamation plans.

First, SGI estimates that the Northern Tract will be in operation for anywhere from 25 to 50 years, "depending on market demand." Module 20.3(b). Unless the Department requires concurrent reclamation, as is required by law, many surrounding

residents will never see reclamation of Pine Hill. Second, SGI-owned quarries adjacent to the proposed Northern Tract remain un-reclaimed years after mining has been completed. SGI proposes stockpiling overburden soils from the Northern Tract in "abandoned portions of the Pitts Quarry" as "an efficient method to incrementally reclaim an area adjacent to the Northern Tract Quarry." *Id.* Yet, SGI does not acknowledge that mining in portions of the Pitts Quarry concluded by 1996 and *remain* un-reclaimed. Without a clear timetable for reclamation of the Northern Tract, the Department and the public have no assurances that reclamation will occur.

Further, even should SGI successfully complete reclamation of Pine Hill, SGI has not proposed a higher or better land use for the mining area. Where an applicant proposes restoring the parcel to something other than the approximate original contour, as is the case here, the applicant must demonstrate that the reclaimed land will be capable of supporting higher or better land uses than current. "A higher or better use is a post-mining land use where the economic value or nonmonetary benefit to the landowner or the community *is greater than for the pre-mining land use.*" Module 20.2. Here, SGI has proposed restoring Pine Hill to its current use: forested habitat for wildlife. This does not qualify as a "higher or better" land use because *the proposed land use is the same* as the current land use. SGI suggests that "an unmanaged water impoundment" could provide "recreational opportunities" such as fishing or boating; yet, SGI does not acknowledge that the water impoundment would be located on its own private property or commit to opening its private property to community use for these recreational activities. Further, the application lacks documentary support that the water impoundment will not contain toxic sediment and residual particulates rendering the water incapable of supporting fishing or boating.

Due to the clear deficiencies in SGI's reclamation plans, the Department must deny the application and return it to SGI.

## VIII. Conclusion

In conclusion, SGI's Application is severely flawed, and the Department should deny the Application and return it to SGI. If the Application is not returned, the Department must issue the necessary deficiency letter to SGI in light of this comment and its own evaluation. Due to the significant revisions that would be necessary, the Department should make available for a second public comment period the next version of the Application.

Respectfully submitted,

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Rose K. Monahan, Esq.  
Fair Shake Environmental Legal Services  
3495 Butler Street, Suite 102  
Pittsburgh, Pennsylvania 15201  
(412) 904-1746 (office)  
(412) 291-1197 (fax)  
rmonahan@fairshake-els.org

29 January 2019

Mr. Ryan E. Hamilton Esq.  
Fair Shake Environmental Legal Services  
3495 Butler Street, Suite 102  
Pittsburgh, PA 15201



**RE:** Client Confidential  
Environmental Review of Proposed SGI Mine/Quarry of Toms Creek  
**By Email:** rhamilton@fairshake-els.org

Dear Mr. Hamilton:

Princeton Hydro, LLC has done a review of the plans and documentation related to the Proposed Mine Expansion for Specialty Granules, Inc. Specialty Granules Incorporated (SGI) operates a surface mine/quarry within the watershed boundaries of Toms Creek with the nearby town of Fairfield to the north in Hamiltonban Township, Adams County, Pennsylvania. SGI has submitted a proposal and is seeking permits to expand the mine. If so permitted, this will result in an environmental threat to the existing water quality and environmental quality of Toms Creek, as well as the headwater tributaries, forested lands, wetlands and riparian areas adjacent to and down gradient of the proposed expansion. Toms Creek is a PADEP listed High Quality stream. The materials that were the subject of Princeton Hydro's review consisted of the following:

1. Large Noncoal Surface Mining Permit Drawings and Site Plans, Northern Tract Quarry, Charmian Site, Specialty Granules, LLC prepared by D'Appolonia Engineers 19 October 2016, Sheets Natural Features Plan, Sheet 1-43.
2. Large Noncoal Surface Mining Permit Application, Northern Tract Quarry, Charmian Site, Specialty Granules, LLC, Modules 1-24, 15 December 2017 revised 17 April 2018.
3. PA DEP Northern Tract Quarry Review Letter to SGI of technical deficiencies, 6 March 2018.
4. PA DEP Letter to Friends of Toms Creek in response to concerns of SGI mining expansion, 13, September 2018.
5. SGI response to public comments received at July 23, 2018 public meeting and related period for submission of written comments; dated Nov 12, 2018.

We have also reviewed various other documents and materials listed in Section 6.0 Works Cited. Princeton Hydro's technical review of all of the materials focused on the acute and long-term environmental impacts of the proposed development stemming from site clearing, grading, changes in stormwater runoff volume and quality, and other related land development activities. Our review also encompassed the proposed development's projected impacts on off-site, downstream ecosystems.

#### 1.0 Existing Site Conditions

Specialty Granules LLC (SGI) extracts non-coal materials through existing Pennsylvania Department of Environmental Protection (PA DEP) Surface Mine Permits at the Charmian Quarry complex located north of the town of Blue Ridge Summit in Hamiltonban Township, Adams County, Pennsylvania. The Charmian Site generally consists of an active quarry (Pitts Quarry - SMP 01930302), an inactive quarry (West Ridge Quarry - SMP 6477SM5, which is in the reclamation phase), stockpile storage areas, rock crushers, manufacturing plants, and related erosion and sediment control/stormwater control



PrincetonHydro.com



1108 Old York Rd. PO Box 720  
Ringoes, NJ 08851



908-237-5660

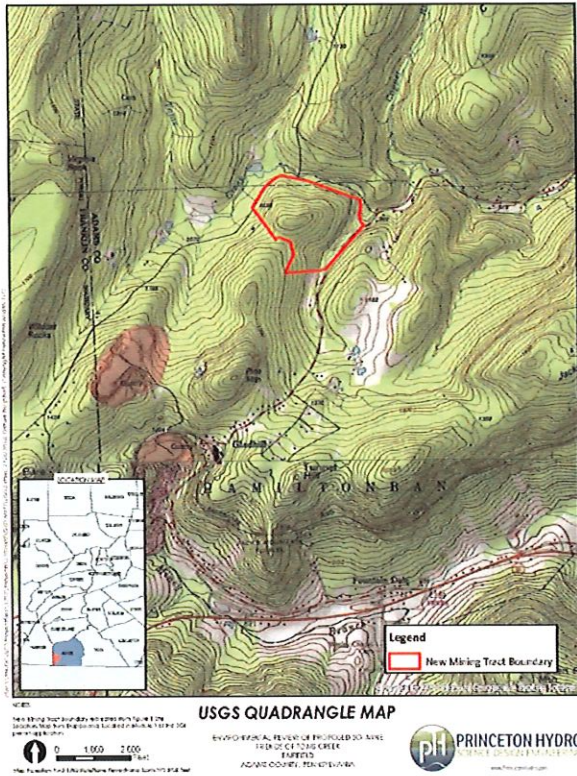


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features (e.g. sediment ponds and traps, collection ditches, and other best management practices features). SGI extracts metabasalt and related lithologies at the Charmian Site to produce multiple rock products for SGI customers. The main product is manufactured roofing granules that are used to coat asphalt roofing shingles. SGI is currently applying for a new surface mine permit to expand its permitted quarry operations to the north onto the "Northern Tract," an approximately 112-acre parcel contiguous to the Pitts Quarry. The 112-acre Northern Tract permit area is intended to serve as an expansion of the active Pitts Quarry.



The permit limits of the Northern Tract Quarry are presented on the Proposed Site Location Map (Figure 1). The proposed mineral extraction area at the Northern Tract permit area will be limited by two surrounding buffers, referred to as a maintained buffer and an operational buffer. No activities other than to add or replace damaged/dead trees are permitted to occur within this area. The Maintained Buffer is a minimum distance of 300 feet from Toms Creek. Within the additional 150-foot wide operational buffer, only non-extractive mine support activities will be permitted, such as stormwater/erosion control systems, access roads, and temporary stockpiles. The location of these buffer areas is supposed to limit the area that will be disturbed for mineral extraction activities.

Figure 1 Proposed site location topographic map

Tom's Creek is a nearly 21-mile long tributary of the Monocacy River that flows from Pennsylvania into Maryland and is part of the Potomac River watershed, ultimately emptying into the Chesapeake Bay. Tom's Creek originates along South Mountain within Michaux State Forest and flows southward through Adams County, PA to join the Monocacy River in Frederick County, Maryland. The main stem of Tom's Creek and the unnamed tributaries run on either side (to the North and Southeast) of the proposed Northern Tract expansion. Tom's Creek is a pristine trout stream that is located in the headwaters of the Potomac River Watershed, and is currently considered to be High Quality (HQ) for cold water fish (CWF), though some consideration has been made toward classifying it as one with Exceptional Value (EV). Much of the land is currently forested upland or minorly developed open space. Disturbance to this land will have a much more noticeable impact than if it were already designated for other land uses.

**2.0 Water quality, ecology, and general environmental status of Toms Creek, surface water located within and immediately down gradient of the SGI operation.**

**2.1 Tom's Creek as a Stream of High Quality-Cold Water Fishes:**

As mentioned previously mentioned, Tom's Creek is considered an HQ water and may be considered further for EV status based on 25 PA Code § 93.4. The following outlines that code:

25 Code § 93.4 (a) *Qualifying as a High Quality Water.* A surface water that meets one or more of the following conditions is a High Quality Water.

(1) *Chemistry.*

(i) The water has long-term water quality, based on at least 1 year of data which exceeds levels necessary to support the propagation of fish, shellfish and wildlife and recreation in and on the water by being better than the water quality criteria in § 93.7, Table 3 (relating to specific water quality criteria) or otherwise authorized by § 93.8a(b) (relating to toxic substances), at least 99% of the time for the following parameters:

|                   |                   |
|-------------------|-------------------|
| dissolved oxygen  | aluminum          |
| iron              | dissolved nickel  |
| dissolved copper  | dissolved cadmium |
| temperature       | pH                |
| dissolved arsenic | ammonia nitrogen  |
| dissolved lead    | dissolved zinc    |

(ii) The Department may consider additional chemical and toxicity information, which characterizes or indicates the quality of a water, in making its determination.

(2) *Biology.* One or more of the following shall exist:

(i) *Biological assessment qualifier.*

(A) The surface water supports a high-quality aquatic community based upon information gathered using peer-reviewed biological assessment procedures that consider physical habitat, benthic macroinvertebrates or fishes based on *Rapid Bioassessment Protocols for Use in Streams and Rivers: Benthic Macroinvertebrates and Fish*, Plafkin, et al., (EPA/444/4-89-001), as updated and amended. The surface water is compared to a reference stream or watershed, and an integrated benthic macroinvertebrate score of at least 83% shall be attained by the referenced stream or watershed.

25 Code § 93.4 (b) *Qualifying as an Exceptional Value Water.* A surface water that meets one or more of the following conditions is an Exceptional Value Water:

(1) The water meets the requirements of subsection (a) and one or more of the following:

(i) The water is located in a National wildlife refuge or a State game propagation and protection area.

(ii) The water is located in a designated State park natural area or State forest natural area, National natural landmark, Federal or State wild river, Federal wilderness area or National recreational area.

As an HQ water, Toms Creek is protected. SGI notes that aluminum, nitrogen, and iron were found in stormwater runoff at their active Pitts Quarry and could likely end up in Tom's Creek if the Northern Tract is disturbed for expansion. It should be noted that SGI did not show any kind of macroinvertebrate or fish surveys to indicate any species presence in Toms Creek, just the 2 monitoring samples that only tested for limited parameters. This lack of data underscores the possible habitat that Tom's Creek provides as an HQ water. Finally, the headwaters of Toms Creek occur in the Michaux State Forest could make it eligible to being classified as being an Exceptional Value stream according to 25 Code § 93.4(b).



## 2.2 Ecological Impact

In addition to affecting the waters of Tom's Creek, much of the surrounding habitat that is supported by the stream would also be negatively impacted. Of particular note are threatened and endangered species like the Indiana Bat, Timber Rattlesnake, and the Nodding Trillium.

### 2.2.1 Indiana Bat

Almost a quarter (23.8%) of the more than 1100 described species of bats are classified as threatened (Mickleburgh et al. 2002) and many threats to bat populations around the world are linked to human activities. A major threat to bats worldwide is the loss of roosting and foraging habitat, including loss or fragmentation of woodlands (Russell, et al. 2009).

The Pennsylvania Game Commission has identified Adams County, PA as summer habitat for nationally endangered and state protected and endangered Indiana Bat (*Myotis sodalist*). The bat survey referenced by SGI reports mist nest surveys done at the abandoned historic copper mine on the property to see if it qualified for potential hibernaculum and if any bats were present. No Indiana bats were found; however, Adams County is summer roosting habitat (PGC, 2018). Indiana bats roost in trees and roosts have been reported within forests above and below the canopy and among isolated trees or single trees in open areas such as wetlands, fields, and pastures with correspondingly wide ranges in solar exposure (Cope 1977). The mist netting was done in early-mid October targeting the copper mine. Since Adams county is documented summer range, and the woodland habitat that SGI will deforest for mining activity would support Indiana bat roosting habitat, we would urge more sampling to be done within the property boundary in the summer months.

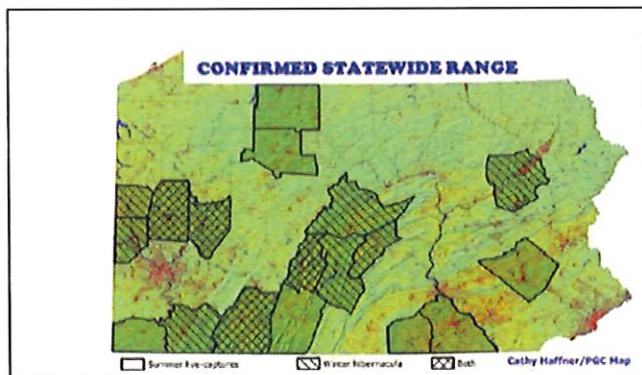


Figure 2. Confirmed Range of Indiana Bat in Pennsylvania

During the mist net survey, 1 tri-colored bat (*Perimyotis subflavus*) was collected. This provides evidence as potential hibernaculum for this species of bat. *P. subflavus* is currently under review for U.S. Endangered status. The PA Game Commission has determined that cave bats have lost upwards of 97% of their historic populations in Pennsylvania and their reproduction rate of one pup per female per year is not sufficient to achieve population recovery (PGC, 2018).

### 2.2.1 Timber Rattlesnake

The Timber Rattlesnake (*Crotalus horridus*) is listed on Pennsylvania's Wildlife Action Plan as a species of immediate concern. It is one of seven reptiles in this highest priority tier. It is therefore protected under specific regulations by the Pennsylvania Fish & Boat Commission (PFBC). New regulations took effect in 2007 to increase the protection for the species.

According to a timber rattlesnake habitat assessment conducted on the Northern Tract, Wildlife Specialists determined that low potential/marginal potential denning and gestating habitat for *C. horridus* does exist within the disturbance area of the proposed Northern Tract Project. No timber rattlesnakes were observed during presence/absence surveys of the identified potential denning habitat. Timber rattlesnakes do not appear to be utilizing the proposed Project disturbance area for over-wintering/hibernacula. However, it was noted in the findings that portions of the Project area may be utilized by timber rattlesnakes for basking and foraging. The test only occurred on 4 different occasions from April-May and not even in the warmest months of the year when foraging and basking activity would be greater.

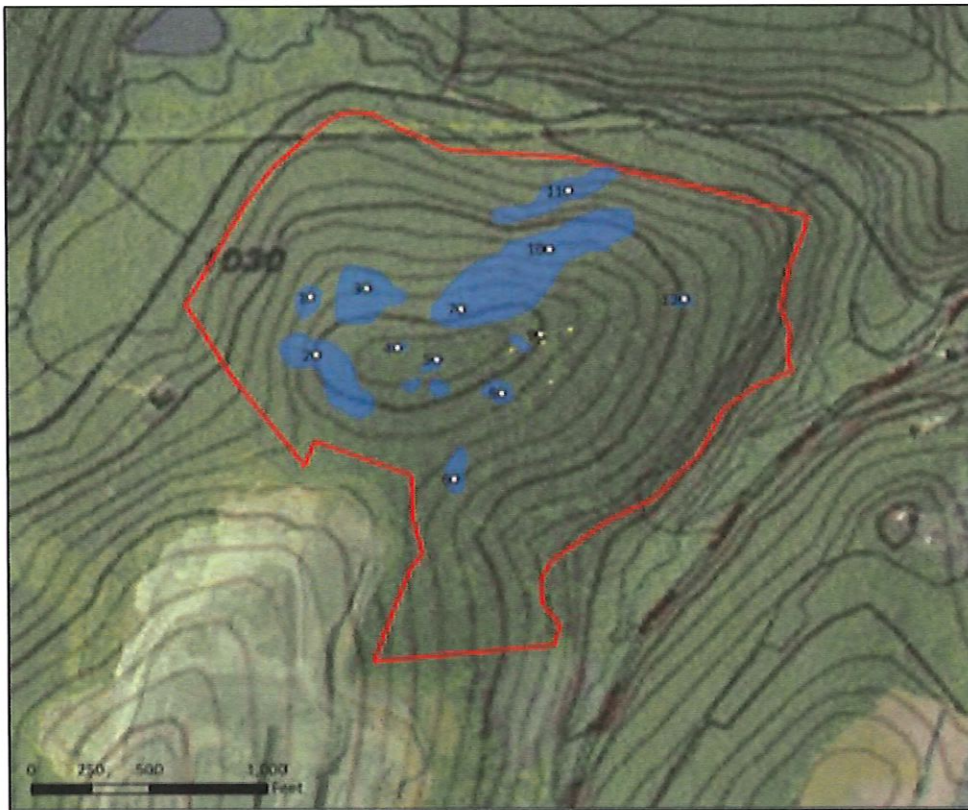


Figure 3. Potential denning habitat as indicated by Wildlife Specialists LLC (Blue polygons).

## 2.2.2 Bog Turtle: Review from Skelly and Loy

The bog turtle (*Glyptemys muhlenbergii*) is a habitat specialist that relies on early successional, groundwater-driven, emergent wetlands. Primary bog turtle habitat typically consists of wetlands with wet, mucky soils, and open, sunny, emergent vegetation. The classic example of bog turtle habitat is a spring-fed meadow with dominant vegetation consisting of low pedestal-forming grasses and sedges, often containing a scrub-shrub wetland component, and with soft mud or "mucky" soils. This turtle is listed federally as threatened and in PA as Endangered.

Based on the landscape position and setting of these habitats, lack of supporting vegetative structure, 80-100% canopy closure from the mature forest setting, and the lack of supporting soil structure/subterranean tunnels, the aquatic resources identified within the Northern Tract were determined not to support typical habitat conditions for the bog turtle. USFWS/PFBC Phase I Bog Turtle Habitat Evaluation Field Forms documenting the characteristics of the identified wetland habitats on the Northern Tract are included in the field survey report; no amphibian or reptile fauna were observed during the field investigation of December 16, 2015. However, most amphibian and reptile activity is minimal that time of year and results would likely be different had a survey been done during warmer months. A cursory review of aquatic habitats within approximately 300 feet of the Northern Tract boundary identified potential supporting habitat conditions for the bog turtle within sections of a large wetland complex associated with the riparian corridor of Toms Creek on the Michaux State Forest property to the north.

A report by Skelly and Loy mentions that the Northern tract was determined not to support typical habitat conditions for the bog turtle, however in their "Rationale of Phase 1 Bog Turtle Habitat Evaluation (p. 95 module 1)" it is indicated that for every Wetland (A,B,C,& D) "*Despite groundwater and marginal mucky substrate conditions, the habitat was not regarded as potential species habitat due to the lack of supporting vegetative structure, 80%-100% canopy closure from mature forest setting, and lack of supporting soil structure/subterranean tunnels*". However, the presence of skunk cabbage (*Symplocarpus foetidus*) or Jewelweed (*Impatiens spp.*) was noted and in Wetland D, both of these species were present along with sedges, which have all been documented to support bog turtle habitat (Barton and Price 1955; Arndt 1977; Taylor et al. 1984; Herman and George 1986; Carter et al. 1999, 2000).

Photographs taken of Wetland D do not show dense canopy cover and evidence indicates the presence of supporting vegetative structure for Bog Turtle habitat. There are also year-round saturated soils based upon the surveyor's field sheets. We believe that a Phase II survey is warranted based on the surveyor's own indication of vegetative and hydrological structure conducive to bog turtle habitat, especially for Wetland D. The federal recovery plan for bog turtles mandates no impact to habitat.

## 2.2.3 Nodding Trillium

A large, previously characterized population of Nodding Trillium (*Trillium cernuum*) was delineated within the confines of the project study area associated with the SGI Northern Tract Development Project. The PA Biological Survey considers Nodding Trillium to be a species of special concern and is protected. The previous Nodding Trillium survey was undertaken to update information collected in 2012 by representatives of AECOM



and to map the current extent of the population. Results of this effort show a strong overlap between surveys with a few minor exceptions.

Nodding Trillium is a "part shade-shade" plant; 18 out of the 152 individuals are in the operational buffer and will be directly impacted (Figure 4). The excavation of the deciduous forest for mining activity will severely jeopardize the habitat of the biggest Nodding Trillium population in the state. However, the number of Nodding Trillium affected may be much greater based on SGI's own indication on Page 14-7 of module 14 that "Approximately 65% of the existing contributory drainage area to two hillside-associated wetland habitats within the Northern Tract Quarry mine permit boundary, Wetland C and Wetland D, may be removed as a result of the ultimate quarry development." If these wetlands' associated drainages areas are removed, then so will more of the Nodding Trillium but also hydrologic contributions to the unnamed tributary of Toms Creek which runs directly through Wetland C and on the eastern border of Wetland D. If the 2 wetlands are altered, then the tributary to Toms Creek and the Nodding Trillium population will experience much more detrimental effects from Quarry development.

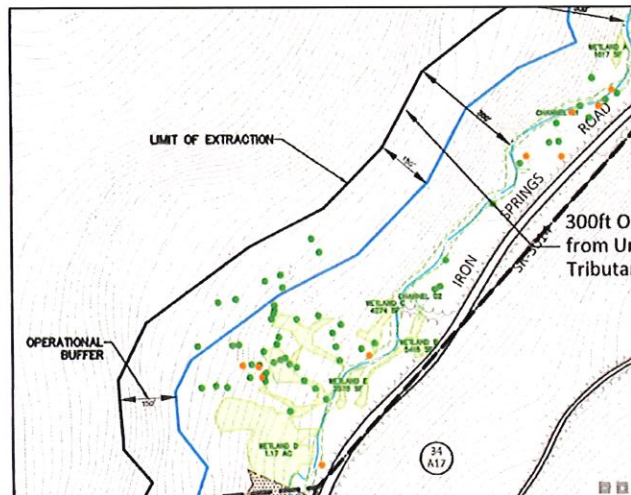


Figure 4. Nodding Trillium locations on site

### 3.0 Capacity and functionality of the storm water runoff management system proposed by SGI to properly treat and control runoff generated from the mine site prior to its discharge to Toms Creek and its headwaters.

#### 3.1 Hydrology

SGI reports in Module 8-14 that possible hydrological consequences will occur as a result of mining activities on the permit area and the adjacent area (includes Tom's Creek):

*There is a potential for water loss as a result of both the reduction in the run-off area (watershed) and the predicted decrease in elevation of the water table (especially in the western edge of Wetland D) adjacent to Wetland D caused by the dewatering of the proposed Northern Tract Quarry*

Such changes in hydrology pose a direct threat to the wetlands and resident biota.



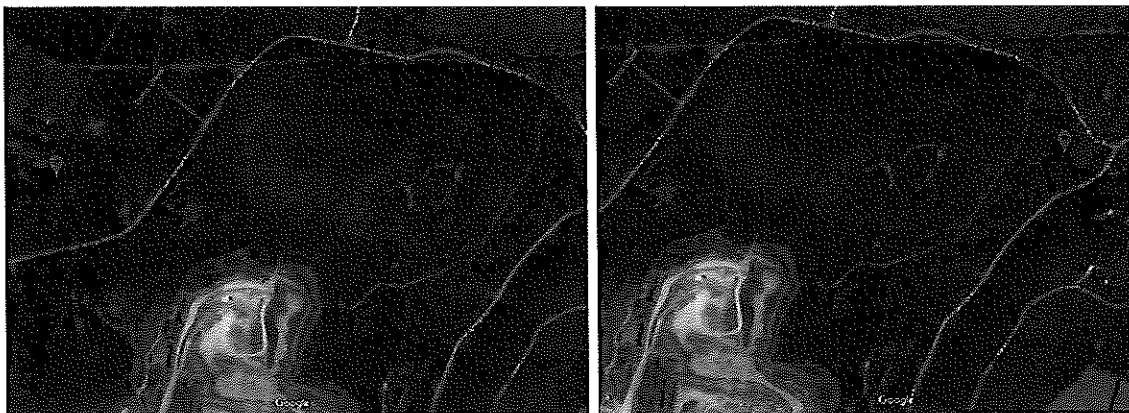
|  |   |   |  |
|--|---|---|--|
| <b>28. Conventional and Nonconventional Pollutants.</b> For each of the following constituents, check the boxes for those that you expect to be present in the discharge. (EPA Table IV)   |   |   |  |
| <input type="checkbox"/> Bromide   | <input checked="" type="checkbox"/> Nitrogen, Total Organic | <input type="checkbox"/> Sulfite                    | <input checked="" type="checkbox"/> Iron, Total      |
| <input type="checkbox"/> Chlorine, Total Residual  | <input type="checkbox"/> Oil and Grease                     | <input type="checkbox"/> Surfactants                | <input checked="" type="checkbox"/> Magnesium, Total |
| <input checked="" type="checkbox"/> Color  | <input type="checkbox"/> Phosphorus, Total                  | <input checked="" type="checkbox"/> Aluminum, Total | <input type="checkbox"/> Molybdenum, Total           |
| <input type="checkbox"/> Fecal Coliform  | <input type="checkbox"/> Radioactivity                      | <input checked="" type="checkbox"/> Barium, Total   | <input checked="" type="checkbox"/> Manganese, Total |
| <input type="checkbox"/> Fluoride  | <input checked="" type="checkbox"/> Sulfate                 | <input type="checkbox"/> Boron, Total               | <input type="checkbox"/> Tin, Total                  |
| <input checked="" type="checkbox"/> Nitrate-Nitrite  | <input type="checkbox"/> Sulfide                            | <input type="checkbox"/> Cobalt, Total              | <input checked="" type="checkbox"/> Titanium, Total  |
| <p>For new outfalls, for each constituent checked above (those that you expect to be present) provide the estimated daily maximum concentration, daily average concentration and the source of the information on an attachment. For existing outfalls, report quantitative data for those checked.</p> <p><b>The above-checked constituents have been detected in at least one sample of stormwater runoff at adjacent Pitts Quarry at low concentrations (in naturally occurring ranges). No agricultural land use exists in the permit area and no municipal wastewater is present which are the sources of many of these pollutants.</b></p> |   |   |  |

Figure 5. Pollutants anticipated on the project site by SGI; Module 2, Pg 4 (8/2014)

SGI indicates that the selected pollutants above (Figure 5) have been detected in "at least one" sample of stormwater runoff. However in the revised modules (8.1(a)), water tests are included but do not show tests for the pollutants that were marked as present in their other quarry such as Titanium, Barium, Nitrogen, Nitrates, or Color. In section 8.4 of revised modules (12/2014), it is reported as no contamination having occurred at the West Ridge and Pitts Quarry. SGI indicates "natural ranges" of these pollutants are occurring with no measured values. SGI also continually asserts that these pollutants are from agricultural usage, but there is no agricultural activity within the area. The source of the pollutants is unclear, since SGI is not located in an area with much agriculture.

A specific pollutant that SGI noted to be present in their adjacent Pitts Quarry is Selenium. They estimate that <0.01mg/L (or <10µg/L) was present. EPA (2002) determined "Mn, Fe, Al, and Se can become further concentrated in stream sediments, and Se bioaccumulates in organisms. A survey of 78 MTM/VF (Mountain-Top Removal/ Valley Fills) streams found that 73 had Se water concentrations greater than the 2.0 µg/L threshold for toxic bioaccumulation." Some of the toxic effects of Se accumulations is reproductive failure, physical deformity, and mortality of aquatic organisms. SGI/ Skelly and Loy did not conduct any biological sampling of fish species or macroinvertebrates of Toms Creek even though it is a high quality CWF/MF. Without any background sampling on biodiversity in Toms Creek or its unnamed tributaries, degradation from harmful pollutants like Se will not be accurately quantified. "Mountaintop mining (MTM) affects chemical, physical, and hydrological properties of receiving streams, but the long-term consequences for fish-assemblage structure and function are poorly understood." (Hitt and Chambers 2014).

Further, copper is large component of SGIs processing and is present in the by products that end up in the nearby waterways, even if first being discharged into a retaining pond. Copper is used to kill algae and prevent it from growing on the shingles produced from granules mined at this facility. Copper is a known highly toxic substance to more than algae, but also fish and other aquatic organisms. Any introduction of copper into the environment would be significantly detrimental to the health of the ecosystem with a stream of high quality.



**Figure 6. A) Upstream sample from Tom's Creek B) Downstream sample from unnamed tributary of Tom's Creek**

The water monitoring reports indicate that Skelly and Loy had tested for flow (GPM), static Water Elevation, Field pH, Laboratory pH, Suspended solids (mg/L), Total dissolved solids (mg/l), specific conductance (uS/m), Field Temp (C°), Alkalinity (mg/l), Acidity (mg/l), Iron (mg/l), Manganese (mg/l), Aluminum (mg/l), and Sulfate (mg/l). These tests were conducted 6 different times from 7/2016-12/2016 and then 6 different tests were conducted from 9/2017-2/2018 that only included "Flow (GPM) or Static Water Elevation" and no other parameters. Water quality testing should be consistent and those parameters need to be collected and evaluated to show proper, accurate comparison.

### 3.2 Sedimentation Pond Capacity

The Northern Tract pond is intended to primarily serve as runoff control during initial phase on site development. SGI states in the Response to Public Comments that it is meant to collect run-off from 43.4 acres of a 90-acre watershed, nearly half of all runoff that normally goes to Toms Creek. This represents a significant change in hydrology, which is not compliant with Chapter 93 HQ water protections. Once the development of the proposed Northern Tract is complete, the collection ditches that are built to convey stormwater to the ponds, and from the Northern Tract Pond to Pitts Quarry, will be eliminated so runoff will drain just into Pitts Quarry instead of into Toms Creek. This creates a long-term impact to Toms Creek and nearby wetlands by eliminating that runoff. Further, the remaining runoff that drains to Pitts Quarry will eventually end up in existing sedimentation pond. Calculations will show that the existing stormwater control is not designed for this new source of input and is undersized, making unintentional discharge inevitable with storm events.

Currently, SGI has to drain the sediment pond by way of pump just before a storm event is predicted; the sediment pond is normally a passive discharge. If further inputs from runoffs is added, as stated by SGI in the Response to Public Comment, then the additional stormwater from the expansion will be require more active pumping discharges. This will not allow for solids to settle out and create more materials to be discharged to Toms Creek more frequently.

### 3.3 Greenstone and metabasalt permeability

SGI emphasizes the lack of permeability of greenstone and metabasalt in the area. This indicates that wells in the area may be affected if fractured, potentially as a result of blasting; there is already poor permeability resulting in poor yields for wells thus making them more sensitive to change. Disturbance by blasting and the existence of fault lines, fissures, and cracks could result in leaching of contaminants that might affect not just Toms Creek, but also water wells.

## 4.0 Modeling of existing condition pollutant (sediment, phosphorus, and nitrogen) load and post-expansion (sediment, phosphorus, and nitrogen) pollutant load to the creek from the mine site.

### 4.1 Methodology

Watershed based nutrient loading is often times the largest contributor of nutrients and sediments to the receiving stream. The watershed area and land use, in conjunction with the soils and slopes which comprise the watershed, are all prime determinants of the magnitude of nutrient loading to a stream system. For the purpose of calculating the watershed based nutrient load Princeton Hydro utilized the Unit Areal Loading (UAL) approach. The UAL approach is the recommended pollutant modeling technique as per 40 CFR Part 35, Appendix A, the USEPA's "Guidance for Diagnostic-Feasibility Studies." This modeling approach is widely used by both USEPA and PADEP, and Princeton Hydro has applied it to compute the nutrient and sediment loads for well over 200 waterbodies located throughout the mid-Atlantic and New England states. The unit

areal loading modeling approach is based on the premise that land use activities throughout a watershed have a direct impact on nutrient release and transport to a receiving waterbody. Essentially, those land uses which are disturbed (i.e. urban, commercial, and agricultural lands) serve to transport more pollutants to a receiving waterbody than those which are undisturbed (i.e. forest and wetlands). For the application of this model Princeton Hydro first utilized permit data (Figure 1, Site Location Map, Module 1 of SGI permit application) to recreate the project site boundary.

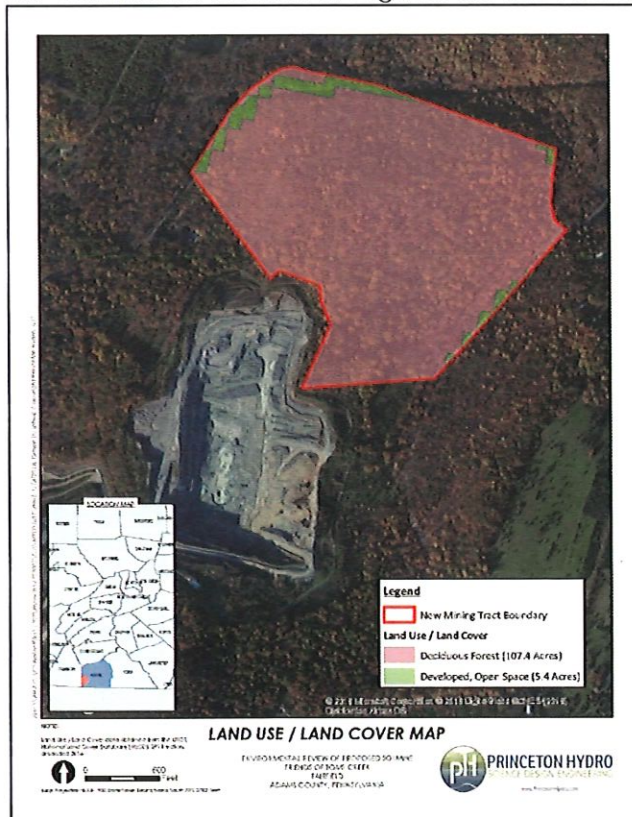


Figure 7. Project area Land Use/Land Cover Map topography



Following this delineation land use / land cover data was clipped to this boundary. The land use data utilized for site characterization was the 2011 National Land Cover Database (Amended in 2014) provided via the United States Geologic Survey (USGS). This information was then utilized as the basis for the selection of pollutant export coefficients, in the units of (Kilogram of pollutant / Hectare / Year), which were most suitable for the project area given prevailing soils, slopes, geology, and climatic conditions. Sources of export coefficients chosen for the project area were derived primarily from the scientific literature which included but was not limited to those published by Reckhow, 1980 and Uttomark et al, 1974.

#### 4.2 Modeling Results

The results of the UAL analysis are hereby presented in tables 1 through 3:

**Table 1: Existing Conditions Analysis**

| Existing Conditions Analysis |        |       | Coefficient   |               |                | Load       |            |             |
|------------------------------|--------|-------|---------------|---------------|----------------|------------|------------|-------------|
|                              | Acres  | Ha    | TN (kg/ha/yr) | TP (kg/ha/yr) | TSS (kg/ha/yr) | TN (kg/yr) | TP (kg/yr) | TSS (kg/yr) |
| Developed, Open Space        | 5.53   | 2.24  | 7             | 0.3           | 750            | 15.68      | 0.67       | 1,679.63    |
| Deciduous Forest             | 107.39 | 43.46 | 2.5           | 0.2           | 250            | 108.65     | 8.69       | 10,865.30   |
| Sum to Toms Creek            | 112.93 | 45.70 |               |               |                | 124.33     | 9.36       | 12,544.94   |

Existing conditions analysis shows a load of 124.33 kg/yr of total nitrogen, 9.36 kg/yr of total phosphorus and 12,544.94 kg/yr of sediment to Tom's Creek. After conducting the existing conditions analysis, Princeton Hydro computed the nutrient load under a 'transitional' phase where all vegetation was removed over 34.4 ha (85 acres). Stormwater derived under the disturbed area (34.4 ha) will be shunted to the Pitts Quarry and subsequently treated via retention basins. The loading to Tom's Creek and Miney Branch, under the transitional phase, is described in table 2.

**Table 2: Transitional Conditions Analysis**

| Transitional Conditions Analysis     |                |       | Coefficient   |               |                | Load                    |            |             |
|--------------------------------------|----------------|-------|---------------|---------------|----------------|-------------------------|------------|-------------|
|                                      | Acres          | Ha    | TN (kg/ha/yr) | TP (kg/ha/yr) | TSS (kg/ha/yr) | TN (kg/yr)              | TP (kg/yr) | TSS (kg/yr) |
| LULC                                 |                |       |               |               |                |                         |            |             |
| Developed, Open Space                | 5.53           | 2.24  | 7             | 0.3           | 750            | 15.68                   | 0.67       | 1,679.63    |
| Deciduous Forest                     | 22.39          | 9.06  | 2.5           | 0.2           | 250            | 22.66                   | 1.81       | 2,265.73    |
| Barren Land                          | 85.00          | 34.40 | 10            | 0.6           | 4000           | 343.98                  | 20.64      | 137,593.24  |
| Sum                                  | 112.93         | 45.70 |               |               |                | 382.32                  | 23.12      | 141,538.60  |
| Sum to Tom's Creek:                  | 27.93          | 11.30 |               |               |                | 38.33                   | 2.48       | 3,945.36    |
| Sum to Retention Basin:              | 85.00          | 34.40 |               |               |                | 343.98                  | 20.64      | 137,593.24  |
| BMP Retention Basin:                 | Reductions (%) |       |               |               |                | -30% (NO <sub>3</sub> ) | -60%       | -70%        |
| Net Loading to Miney Branch (kg/yr): |                |       |               |               |                | 240.79                  | 8.26       | 41,277.97   |

Under the transitional analysis, loading to Tom's Creek is shown to be reduced as a result of redirection of surface water stormflow to Pitts Quarry which will subsequently be discharged to Miney Branch. An additional load of 240.79 kg/yr of nitrogen, 8.26 kg/yr of phosphorus and 41,277.97 kg/yr of sediment may be discharged to Miney Branch as a result of the transitional operation. Please note, Princeton Hydro utilized reduction coefficients for nitrogen, phosphorus and sediments ascribed to we retention basins via the Pennsylvania Stormwater Best Management Practices Manual (PADEP, 2006). Finally, Princeton Hydro computed nutrient load under the final phase of active mining (Table 3).



**Table 3: Operational Mine Analysis**

| Operational Mine Analysis<br>LULC    |        |       | Coefficient   |               |                | Load                    |            |             |
|--------------------------------------|--------|-------|---------------|---------------|----------------|-------------------------|------------|-------------|
|                                      | Acres  | Ha    | TN (kg/ha/yr) | TP (kg/ha/yr) | TSS (kg/ha/yr) | TN (kg/yr)              | TP (kg/yr) | TSS (kg/yr) |
| Developed, Open Space                | 5.53   | 2.24  | 7             | 0.3           | 750            | 15.68                   | 0.67       | 1,679.63    |
| Deciduous Forest                     | 22.39  | 9.06  | 2.5           | 0.2           | 250            | 22.66                   | 1.81       | 2,265.73    |
| Extractive Mining                    | 66.30  | 26.83 | 10            | 0.6           | 4000           | 268.31                  | 16.10      | 107,322.73  |
| Altered lands                        | 18.70  | 7.57  | 7.6           | 0.99          | 1255           | 57.51                   | 7.49       | 9,497.37    |
| Sum                                  | 112.93 | 45.70 |               |               |                | 364.15                  | 26.07      | 120,765.46  |
| Sum to Tom's Creek:                  | 27.93  | 11.30 |               |               |                | 38.33                   | 2.48       | 3,945.36    |
| Sum to Retention Basin:              | 85.00  | 34.40 |               |               |                | 325.82                  | 23.59      | 116,820.10  |
| BMP Retention Basin:                 |        |       |               |               |                | -30% (NO <sub>3</sub> ) | -60%       | -70%        |
| Net Loading to Miney Branch (kg/yr): |        |       |               |               |                | 228.07                  | 9.44       | 35,046.03   |

Under the operational mine analysis, loading to Tom's Creek was again seen as reduced, primarily as the result of re-directing inflow outside of the watershed to Miney Branch. Loading to Miney Branch, under the active mining scenario, is estimated to increase nitrogen by 228.07 kg/yr, phosphorus by 9.44 kg/yr and sediment by 35,046.03 kg/yr.

Though it appears that the pollutant load decreases as the landscape changes due to mine expansion, the underlying cause of load reduction is the issue for concern. There is less nutrient loading not because the amount of pollutant decreases, but because the water that conveys the pollutants is being diverted along the landscape differently. Tom's Creek itself is receiving less water from runoff, which is an indication of a drastic over overall hydrology change to the watershed. If the flow of Toms Creek is jeopardized by diverting the water the creek would normally receive to retention ponds, then the habitat that supports migratory fish and other undocumented aquatic life will suffer due to lack of habitat. Further, any receiving waters for the retention ponds will experience increased pollutant loads.

SGI should identify where the water would go and how much water will be diverted to the retention pond and Miney Branch that would result in this change in nutrient loading to Tom's Creek.

## 5.0 Summary

Princeton Hydro, LLC finds the SGI proposed mine expansion will create significant disturbance to the project area and have significant adverse effects on the local watershed. The proposed stormwater management measures are not enough to mitigate negative impacts on the hydrologic, water quality, and ecological properties of the affected waterways and wetlands. This in turn will impact and compromise Tom's Creek, a C1 stream of high quality for cold water fish and migratory fish.

This project will add to the watershed stresses that have already resulted in documented water quality impairments. There will be an increase in runoff, soil erosion, and pollutant transport as a result of this development. As noted, the site's native soils are particularly sensitive to alteration and effects of development. Given the magnitude of this development, the projected reductions in stormwater recharge and infiltration will have drastic adverse impacts on the downstream wetlands and streams, further compromising their ecological services and functions.

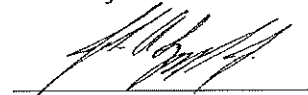
SGIs own indication to possibly remove wetlands C and D and to breach Northern Tract Pond 2 due to diminishment of tributary watershed assert that discharges will likely occur, not just in the event of >100-year storm. Runoff being drained to various sediment ponds at different points on the property alters the hydrology of the area for more than just the

short-term and will maintain the negative impact to the Toms Creek watershed well beyond the initial phases of proposed development.

Based on these indications and lack of biological sampling to Toms Creek and its tributaries, any degradation will not be accurately quantified. Repercussions of this mine will not only degrade Toms Creek but also the endangered flora and fauna on the property directly by either destroying the individuals or their habitat.

As such, we conclude that if this project should proceed, it will be detrimental to the water resources and surrounding habitat of Tom's Creek.

Sincerely,



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Jack Szczepanski, Ph.D.  
Senior Aquatic Ecologist  
Princeton Hydro, LLC

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Biological Conditions in Tom's Creek  
Adams County, Pennsylvania

*Prepared on:*  
April 27, 2016

*Prepared for:*  
Friends of Tom's Creek  
[www.friendsoftomscreek.org](http://www.friendsoftomscreek.org)  
P.O. Box 611  
Fairfield, PA 17320-0611

*Prepared by:*  
Dr. Ben M. Stout III, Ph.D.  
Professor of Biology  
Wheeling Jesuit University  
Wheeling, WV 26003  
(304) 243-2316  
bens@wju.edu



### **Executive summary**

I measured the biological condition of Tom's Creek to determine if it merits consideration for classification as an Exceptional Value stream. I sampled benthic macroinvertebrates and compared the fauna in Tom's Creek to 1) Carbaugh Run, a nearby PA DEP Exceptional Value reference stream, and 2) an Exceptional Value stream in Greene County within Ryerson Station State Park. Based on biological condition scores Tom's Creek achieved Exceptional Value scores (100% attainment) compared to both of the Exceptional Value streams.

### **Introduction**

I was retained by to assess the Friends of Tom's Creek ([www.friendsoftomscreek.org](http://www.friendsoftomscreek.org)) to assess the biological conditions of Tom's Creek, Adams County, Pennsylvania. Tom's Creek currently is listed as a High Quality Coldwater Fishery. The purpose of this study was to determine if Tom's Creek might qualify as an Exceptional Value stream according to Pennsylvania Department of Environmental Protection (PADEP) methodology.

### **Methods**

#### *Experimental design*

Tom's Creek and two PA DEP Exceptional Value "reference stream" were sampled using standard Pennsylvania Department of Environmental Protection metrics and biological sampling methods. Results of the biological sampling were used to compare Tom's Creek to the two EV streams. The comparisons were standardized to determine Biological Condition Scores which were then used to calculate Percent Attainment of the EV reference conditions (PA DEP, 2003; PA DEP, 2009).

### *Physical and chemical conditions*

A YSI 556 MPS water quality meter was used to measure pH, conductance, temperature, and dissolved oxygen in streams (Table 1). Water quality was measured once at each site at the downstream end of a 100 meter stream reach coinciding with the location of biological sampling. The meter had been checked against laboratory standards for pH and conductivity prior to sampling. Dissolved oxygen was recalibrated at each site to adjust for changes in temperature and pressure.

Stream locations are depicted in Maps 1-3. These streams appeared to be in good physical condition with full canopy, cobble substrate, moss, and salamanders and fish as top vertebrate predators.

### *Biological conditions*

Standard Pennsylvania Department of Environmental Protection field and laboratory methods were used for assessing water quality status of streams at each site (PA DEP, 2003). The method consisted of collecting 6, 1 meter-square benthic macroinvertebrate (500 micron mesh net) kick samples in cobble riffles at random intervals along a 100 meter transect. The 6 samples were then composited into a single container, numbered with inner and outer labels, preserved with 95% ethanol, and returned to the laboratory for processing.

In the laboratory each sample was handled independently beginning with rinsing the sample contents into a #30 sieve to remove the preservative. The contents of the sieve were then placed into a 20x35cm white enamel pan gridded into 28, 5x5cm cells. A goldfish bowl with 28 pieces of paper numbered 1 through 28 was used to randomly select each grid for picking macroinvertebrates from the sample. For all of the streams 4 grids were picked (see appended laboratory data sheets) as needed to accomplish the 200+/- 20% number of the individuals required to complete the method. A 5x5cm grid cutter was used to segregate the material in the randomly selected grid from the surrounding sample.

Aquatic macroinvertebrate taxa were identified using Merritt & Cummins (1996) as the primary taxonomic reference. Functional feeding group assignments and pollution tolerance values were assigned based on Appendix D: Pollution tolerance values and functional feeding group designations (PA DEP, 2009). Stewart & Stark (1988) and Wiggins (1996), with my notes, were used as supplemental taxonomic references.

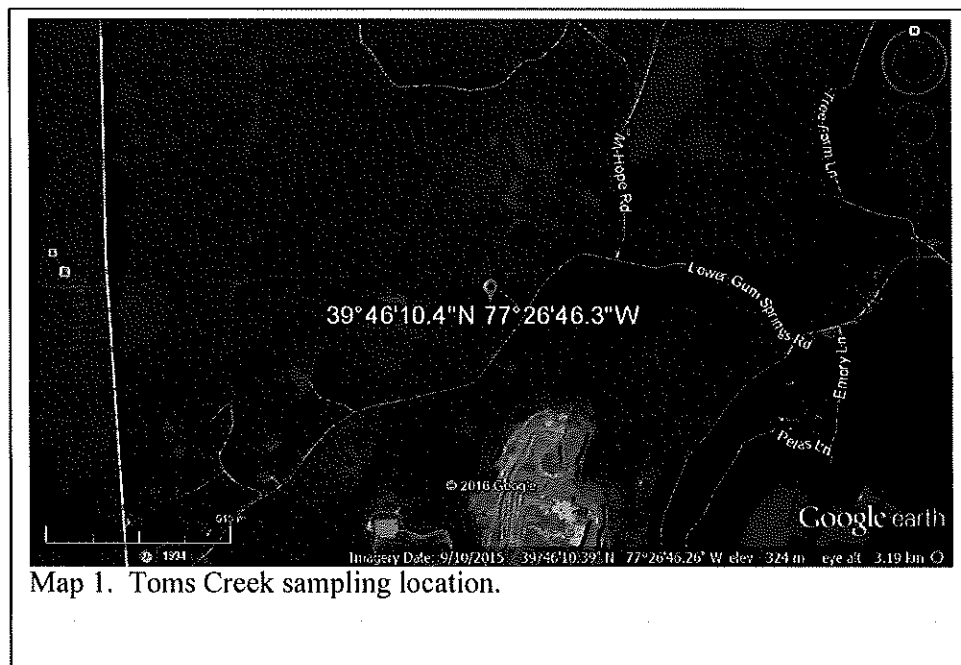
The metrics 1) Taxa richness, 2) Modified EPT, 3) Modified Hilsenhoff Index, 4) Percent dominant, and 5) Percent modified mayflies were calculated for each Site (Table \_\_\_\_). Metrics from Tom's Creek were compared to Carbauch Run and the Exceptional Value Reference Stream in Ryerson Station State Park.

### *Study sites*

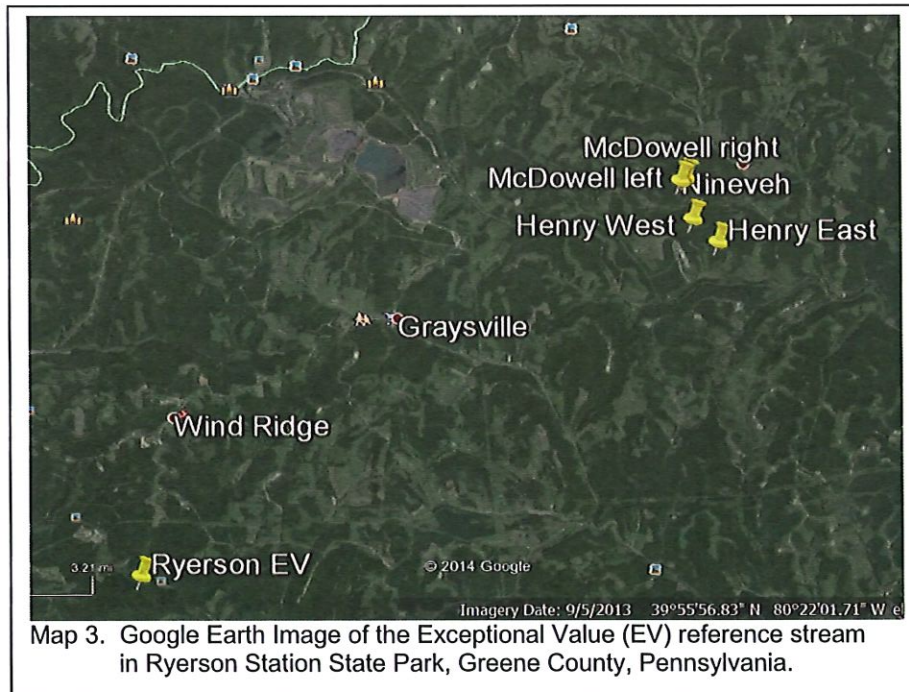
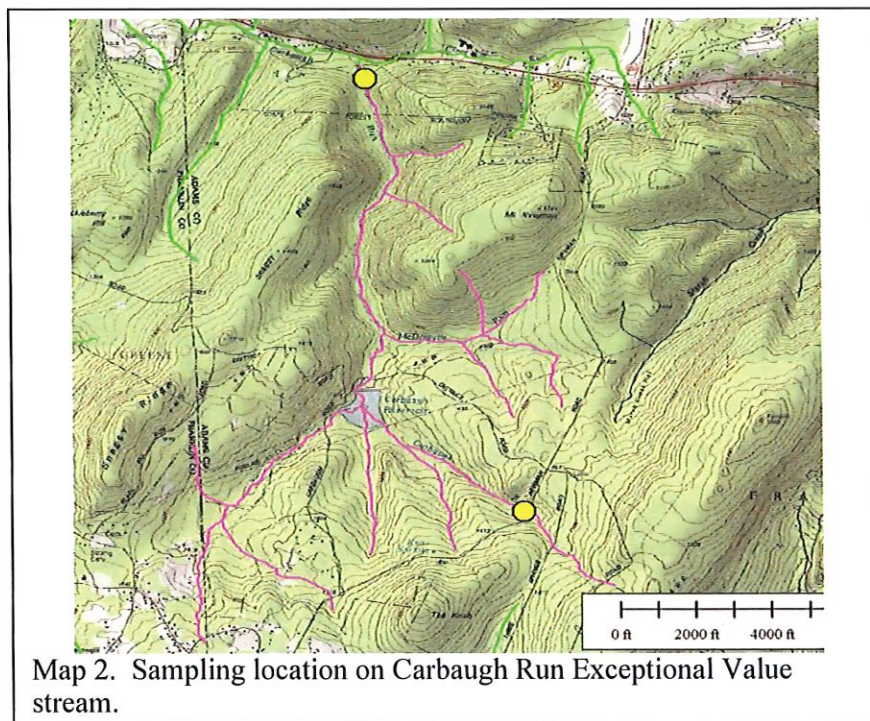
Tom's Creek was sampled at Friends of Toms Creek site #1 (N 39° 46.173, W 77° 26.771, Map 1). The stream substrate in this reach is dominated by un-imbedded head-size cobble, gravel, and sand. The forest canopy is closed deciduous.

Carbaugh Run was sampled upstream of Newman Road (39° 51' 43.2012" N, 77° 26' 7.6493" W), a gravel road in Michaux State Forest (Map 2). At this location Carbaugh Run is relatively small and well-forested. Native brook trout and an eastern copperhead were observed, both iconic species of an undisturbed reference condition. This EV stream has a bolder/cobble dominated substrate with un-imbedded gravel and sand riffles. The forest canopy is primarily deciduous and closed. An attempt to sample Carbaugh Run in a reach further downstream was defeated by relatively high water conditions. It was decided to add an additional EV stream that more closely approximates the watershed size of Toms Run.

An additional EV comparison stream was sampled \_\_\_\_ days later as part of another project. This unnamed tributary to North Fork of Dunkard Fork of Wheeling Creek drains an undisturbed, forested watershed in Ryerson Station State Forest in Greene County, Pennsylvania (Map 3). This stream is the finest remaining EV stream in southwestern Pennsylvania, and one that I have sampled each year for the past five years. The substrate is dominated by un-imbedded bolder and cobble riffles. The forest canopy is mature deciduous and is closed over the stream.







## Results

### *Physical and chemical conditions of study streams*

Table 1. Physical (latitude, longitude, water temperature) and chemical (specific conductance, conductivity, total dissolved solids, dissolved oxygen, pH, oxidation-reduction potential, Orp) conditions during field sampling.

| <b>Stream</b>   | <b>Date</b>  | <b>Time</b> | <b>Lat (39°)</b>     | <b>Long (60°)</b>    |
|-----------------|--------------|-------------|----------------------|----------------------|
| <u>Location</u> | <u>M/D/Y</u> | <u>hour</u> | <u>(Deg/Min/Sec)</u> | <u>(Deg/Min/Sec)</u> |
| Toms Creek      |              |             |                      |                      |
| Carbaugh Run EV |              |             |                      |                      |
| Ryerson EV      |              |             |                      |                      |

| <b>Location</b> | <b>Temp</b> | <b>SpCond</b> | <b>Cond</b> | <b>TDS</b> | <b>Sal</b> | <b>DOsat</b> | <b>DO</b>   | <b>pH</b> | <b>Orp</b> |
|-----------------|-------------|---------------|-------------|------------|------------|--------------|-------------|-----------|------------|
| <u>Location</u> | <u>C</u>    | <u>uS</u>     | <u>mS</u>   | <u>g/L</u> | <u>ppt</u> | <u>%</u>     | <u>mg/L</u> |           | <u>mV</u>  |
|                 |             |               |             |            |            |              |             |           |            |
|                 |             |               |             |            |            |              |             |           |            |
|                 |             |               |             |            |            |              |             |           |            |

### *Biological condition of study streams*

A total of 532 macroinvertebrates including 42 taxa were identified and enumerated in study streams (Table \_). Each stream require four grids to pick between 172 and 186 individuals per sample. Taxa common to all streams included midges (Diptera: Chironomidae), the crane fly (Diptera: Tipulida) *Hexatoma*, the stoneflies (Plecoptera) *Allocapnia*, *Amphinemura delosa*, and *Sweltsa*, and the caddisfly (Trichoptera) *Neophylax*.

Only 3 individuals in all of the study streams had pollution tolerance values greater than 6 (Figure 1). Both Toms Creek and the Ryerson EV stream had multiple taxa with zero pollution tolerance, dominated by the mayflies *Epeorus* and *Ameletus*. Both of these streams also had a preponderance of taxa with pollution tolerance values of 6, primarily midges (Diptera: Chironomidae) and the relatively tolerant mayfly *Baetis* (Ephemeroptera: Baetidae).

In contrast to the other streams, Carbaugh Run had the bulk of its taxa with pollution tolerance values of 1-3, and had the fewest of any of the streams with pollution tolerance values of 6. Carbaugh Run had a lot of midges and also larvae of the pollution tolerant blackfly *Stegopterna*. *Stegopterna* is also notable as being a headwater specialist, attesting to the smaller watershed drainage area compared to the other streams.

Table 2. Total number of individuals collected in each taxonomic category, and in each study stream.

| <u>Order or Class</u> | <u>Taxa</u>             | <u>Toms<br/>Run</u> | <u>Carbaugh<br/>Run EV</u> | <u>Ryerson<br/>EV</u> | <u>Total #</u> |
|-----------------------|-------------------------|---------------------|----------------------------|-----------------------|----------------|
| Coleoptera            | Dubraphria              | 0                   | 12                         | 0                     | 12             |
| Coleoptera            | Stenelmis               | 0                   | 1                          | 0                     | 1              |
| Coleoptera            | Optioservus             | 9                   | 0                          | 0                     | 9              |
| Coleoptera            | Ectopria                | 0                   | 0                          | 1                     | 1              |
| Diptera               | Chironomidae            | 10                  | 21                         | 32                    | 63             |
| Diptera               | Ceratopogonidae         | 0                   | 0                          | 2                     | 2              |
| Diptera               | Hexatoma                | 6                   | 2                          | 1                     | 9              |
| Diptera               | Limnophila              | 0                   | 1                          | 0                     | 1              |
| Diptera               | Prosimulium             | 36                  | 59                         | 0                     | 95             |
| Diptera               | Antocha                 | 1                   | 0                          | 0                     | 1              |
| Diptera               | Simulium                | 0                   | 0                          | 4                     | 4              |
| Diptera               | Stegopterna             | 0                   | 12                         | 0                     | 12             |
| Diptera               | Tipula abdonomialis     | 1                   | 0                          | 0                     | 1              |
| Diptera               | Dicranota               | 0                   | 2                          | 0                     | 2              |
| Amphipoda             | Amphipoda               | 0                   | 2                          | 0                     | 2              |
| Decapoda              | Cambarus                | 2                   | 1                          | 0                     | 3              |
| Ephemeroptera         | Ameletus                | 2                   | 0                          | 2                     | 4              |
| Ephemeroptera         | Baetis                  | 2                   | 0                          | 24                    | 26             |
| Ephemeroptera         | Epeorus                 | 26                  | 0                          | 28                    | 54             |
| Ephemeroptera         | Ephemerella             | 42                  | 0                          | 12                    | 54             |
| Ephemeroptera         | Paraleptophlebia        | 10                  | 0                          | 1                     | 11             |
| Ephemeroptera         | McCaffertium            | 21                  | 8                          | 0                     | 29             |
| Plecoptera            | Acroneuria carolinensis | 2                   | 0                          | 4                     | 6              |
| Plecoptera            | Remenus bilobatus       | 1                   | 0                          | 0                     | 1              |
| Plecoptera            | Shipsa rotunda          | 1                   | 0                          | 0                     | 1              |
| Plecoptera            | Allocapnia              | 1                   | 6                          | 12                    | 19             |
| Plecoptera            | Amphinemura delosa      | 5                   | 17                         | 22                    | 44             |
| Plecoptera            | Nemora                  | 0                   | 15                         | 0                     | 15             |
| Plecoptera            | Isoperla                | 0                   | 0                          | 3                     | 3              |
| Plecoptera            | Ostrocerca              | 0                   | 0                          | 1                     | 1              |
| Plecoptera            | Peltoperla              | 0                   | 0                          | 1                     | 1              |
| Plecoptera            | Sweltsa                 | 0                   | 5                          | 5                     | 10             |
| Plecoptera            | Leuctra                 | 0                   | 0                          | 2                     | 2              |
| Trichoptera           | Diplectrona             | 0                   | 0                          | 13                    | 13             |
| Trichoptera           | Hydropsyche             | 1                   | 0                          | 0                     | 1              |
| Trichoptera           | Cheumatopsyche          | 4                   | 0                          | 0                     | 4              |
| Trichoptera           | Psychomyia              | 0                   | 1                          | 0                     | 1              |
| Trichoptera           | Lepidostoma             | 0                   | 2                          | 0                     | 2              |
| Trichoptera           | Neophylax               | 1                   | 3                          | 1                     | 5              |

Table 2 (cont.). Total number of individuals collected in each taxonomic category, and in each study stream.

| <u>Order or Class</u> | <u>Taxa</u>          | <u>Toms<br/>Run</u> | <u>Carbaugh<br/>Run EV</u> | <u>Ryerson<br/>EV</u> | <u>Total #</u> |
|-----------------------|----------------------|---------------------|----------------------------|-----------------------|----------------|
| Trichoptera           | Rhyacophila          | 0                   | 0                          | 3                     | 3              |
| Trichoptera           | Cyrnellus            | 1                   | 2                          | 0                     | 3              |
| Megaloptera           | Nigronia serricornis | 1                   | 0                          | 0                     | 1              |
| <b>Total number</b>   |                      | <b>174</b>          | <b>186</b>                 | <b>172</b>            | <b>532</b>     |
| <b>Taxa Richness</b>  |                      | <b>21</b>           | <b>23</b>                  | <b>19</b>             |                |

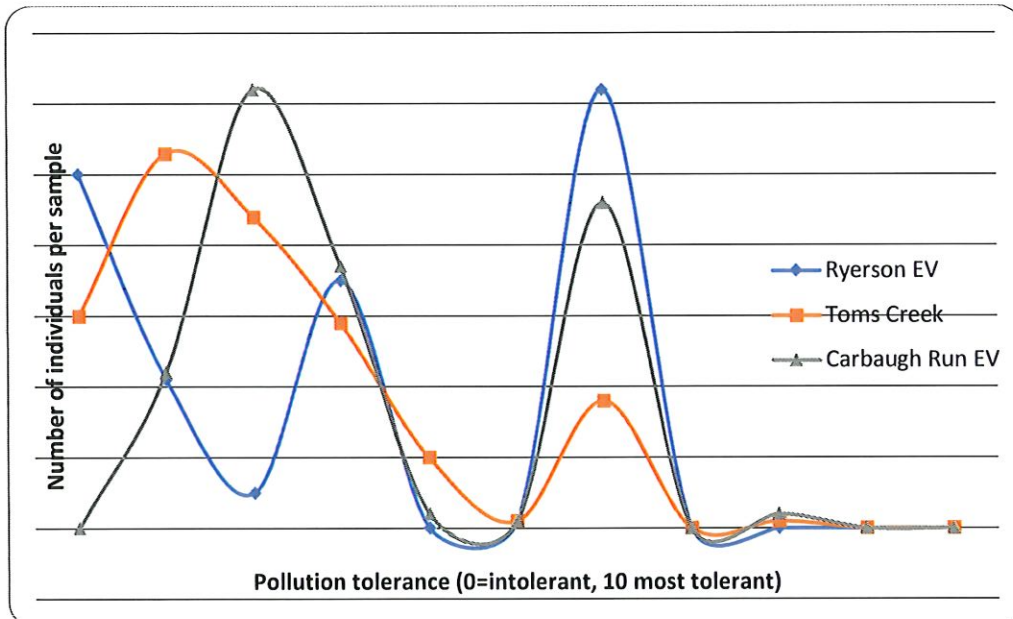


Figure 1. A comparison of pollution tolerant individuals in study streams by plotting the number of individuals collected at each pollution tolerance level.



*Do streams within the Study Area meet Exceptional Value standards?*

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Table 3. Comparative metrics and Biological Condition Scores of the "candidate stream" Toms Creek compared with two PA DEP Exceptional Value reference streams.

|   | <u>Carbaugh Run</u>              |                                 |                   |
|---|----------------------------------|---------------------------------|-------------------|
| <u>Biotic index:</u>                    | <u>Toms Creek</u>                | <u>EV</u>                       | <u>Ryerson EV</u> |
| Richness                                | 23                               | 19                              | 21                |
| modified EPT                            | 14                               | 9                               | 15                |
| Hilsenhoff index                        | 2.09                             | 3.27                            | 2.95              |
| Percent dominant                        | 22.58                            | 34.30                           | 18.39             |
| percent modified mayflies               | 54.30                            | 4.65                            | 24.71             |
|   |                                  |                                 |                   |
| <u>Compare Tom Creek to EV streams:</u> | <u>Toms Creek vs Carbaugh EV</u> | <u>Toms Creek vs Ryerson EV</u> |                   |
| Richness                                | 1.21                             | 1.10                            |                   |
| modified EPT                            | 1.56                             | 0.93                            |                   |
| Hilsenhoff index                        | -1.18                            | -0.86                           |                   |
| Percent dominant                        | -11.72                           | 4.19                            |                   |
| percent modified mayflies               | -49.65                           | -29.59                          |                   |
|   |                                  |                                 |                   |
| <u>Biotic Conditions scores:</u>        | <u>Toms Creek vs Carbaugh EV</u> | <u>Toms Creek vs Ryerson EV</u> |                   |
| Richness                                | 8                                | 8                               |                   |
| modified EPT                            | 8                                | 8                               |                   |
| Hilsenhoff index                        | 8                                | 8                               |                   |
| Percent dominant                        | 8                                | 8                               |                   |
| percent modified mayflies               | <u>8</u>                         | <u>8</u>                        |                   |
| Sum Biotic Condition scores             | 40                               | 40                              |                   |
|   |                                  |                                 |                   |
| <u>Percent attainment:</u>              | <u>Toms Creek vs Carbaugh EV</u> | <u>Toms Creek vs Ryerson EV</u> |                   |
|   | 100%                             | 100%                            |                   |
|   |                                  |                                 |                   |
| <u>indicated Stream Classification:</u> | Exceptional Value (EV)           | Exceptional Value (EV)          |                   |

## Conclusion

At the ecosystem scale these streams provide a link between the surrounding forest and the downstream river ecosystem. The leaf shredder based communities in these headwater streams provide energy and nutrient flow to the downstream ecosystem by converting coarse leaves and sticks into fine particles that wash downstream. Shredders also convert carbohydrates to fats and proteins that are exported back to the

forest during emergence of the adult insect forms. These biomolecules are rare in the forest ecosystem and highly utilized owing to their consumable size and high food value. In addition to reptiles and amphibians, aquatic insect emergence from these streams coincides with the return of migratory birds during nesting and rearing season.

## Credentials

Dr. Benjamin M. Stout III is a Professor of Biology at Wheeling Jesuit University where he has taught and conducted stream ecosystem research since 1990. His contributions to peer-reviewed literature address impacts from road building, forest management, and mining on the structure and function of Appalachian headwater stream ecosystems. Dr. Stout's early studies contributed to the elimination of off road vehicle impacts on wetlands and the creation of the Nation's 500<sup>th</sup> National Wildlife Refuge in Canaan Valley, West Virginia. He has described the distribution of aquatic insect species and their interactions with other species in wetland and stream ecosystems. His 1990 testimony in the case of Bragg *et al* in United States Federal Court Southern District in Charleston, West Virginia regarding valley fill impacts on streams catalyzed an on-going national debate about the specific tenets of the Clean Water Act. His recent testimonies before Legislative Subcommittee's in West Virginia have contributed to water line extensions for whole communities and a legislatively mandated study of environmental and health impacts of coal slurry underground injection. Citing his work on water quality issues critical to national policy, Dr. Stout was named an Environmental Steward by the North American Benthological Society in 2007 and received the 2013 Don Gasper award from The West Virginia Environmental Council. Dr. Stout has recently attracted significant funding to work with communities to address pressing environmental and health needs in Appalachia.

## Bibliography

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**SCHMID & COMPANY INC., CONSULTING ECOLOGISTS**  
1201 Cedar Grove Road, Media, Pennsylvania 19063-1044  
610-356-1416 fax: 610-356-3629  
[www.schmidco.com](http://www.schmidco.com) [spkunz@aol.com](mailto:spkunz@aol.com)

EXHIBIT

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18 May 2016

Gary Gipe, President  
Friends of Tom's Creek  
P.O. Box 611  
Fairfield, PA 17320-0611

**In re: Exceptional Value Use of Tom's Creek**

Dear Mr. Gipe

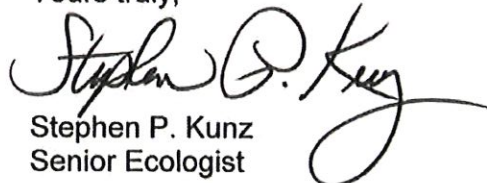
As you know, I have been working full-time as a private sector ecological consultant for more than 35 years now. My primary focus has been on water quality and wetland issues. I am certified as a *Senior Ecologist* by the Ecological Society of America, and as a *Professional Wetland Scientist* by the Society of Wetland Scientists. I routinely deal with state and federal water quality laws and regulations on projects throughout Pennsylvania as well as other states.

I have reviewed the report prepared for you by Dr. Ben Stout entitled "Exceptional Value Conditions in Tom's Creek, Adams County, Pennsylvania", dated April 27, 2016. I have collaborated with Dr. Stout on a number of projects over the years, and I have always found his aquatic biology expertise and stream assessment work to be of the highest technical caliber. I believe that Dr. Stout's findings and conclusions regarding Tom's Creek are credible.

I know that it is PADEP policy to *not* accept the findings of anyone (even someone such as Dr. Stout whose assessment work they know and trust), but to always do their own stream assessment before formally assigning an EV existing use designation to any stream. Furthermore, I understand that PADEP had investigated Tom's Creek during November 2014, and did not find it to be meeting "exceptional value" existing use at that time.

The excellent physical, chemical, and biological conditions that Dr. Stout found in Tom's Creek this spring, however, suggest that it is achieving EV existing use. I am confident that if PADEP were to examine Tom's Creek again it would concur with Dr. Stout's conclusion. In the meanwhile, I believe that it is extremely important, and I would strongly recommend, that every possible effort be made to protect Tom's Creek from any and all activities that might threaten or degrade its EV existing use.

Yours truly,

  
Stephen P. Kunz  
Senior Ecologist

DEP CAMBRIA OFFICE

FEB 13 2019

John "Kip" Laramie  
30 Lakeside Trail  
Fairfield, Pennsylvania, 17320

Cambria District Mining Office  
District Mining Operations  
Department of Environmental Protection  
Commonwealth of Pennsylvania  
Mr. Daniel Sammarco, P.E.  
286 Industrial Road  
Ebensburg, Pennsylvania 15931

Dear Mr. Sammarco

Summary of our comments: As homeowners in an affected area, we oppose the issuance of a permit for mining, Application PA0279617 by SGI. We oppose this permit due to the potential severe negative environmental, recreational and economic impact that could result from its issuance.

Thank you for reading this. My name is John Laramie, and with my wife Peg, we recently purchased our dream retirement home on Lake Carroll, a picturesque, recreational lake fed by Tom's Creek in Carroll Valley. I've been coming to Carroll Valley since my family purchased a weekend home near Lake Kay in 1974. We took family walks around the Tom's Creek fed lakes and played golf along its path. In 1980 I became the general manager of Carroll Valley Country Club. Our patrons loved the natural setting and crystal water of the area. A favorite was the family of otters that lived in the creek along the 14<sup>th</sup> hole.

I moved back to the Washington D.C. area and opened a restaurant in Arlington, Virginia. One of the occupants of a nearby office building was Trout Unlimited, a group who knows where good, clean waters exist across the country. When I mentioned that I had lived near a lovely creek by Ski Liberty in Carroll Valley there was immediate recognition of Tom's Creek and what a wonderful creek it was. Now things have come around full circle and 35 years later I've moved back to Carroll Valley and am fortunate to have lake frontage. The community has grown as evidenced by the size of the school, the newer homes, the commuter traffic. But in important ways it hasn't changed. What originally drew my family and me to the area is what has drawn more families and retirees to the Adams County, Carroll Valley area than ever before. It is the parks, the farms, the markets, the trails, but also the natural God given beauty of Tom's Creeks and its amenities based on its purity, an entire planned community, Carroll Valley, very successful businesses, a golf resort, a ski resort and all the local restaurants, contractors and merchants supported by these large employers that need a continuous, unthreatened, natural source of sustainable water for the lakes, the creeks, the wells and the natural beauty. Tom's Creek has been a natural beauty since far longer than any of us were even a thought in our

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parent's minds and it should be for all of the future generations of yet unthought of residents and visitors to our community.

Please do not allow our most precious natural asset to be threatened for a very large, non-local corporation's profits. They have many profit centers and options around the country, we only have one pristine creek in our midst that supports our community, Tom's Creek.

Sincerely,

A handwritten signature in black ink that reads "Kip Laramie". The signature is written in a cursive, flowing style.

John (Kip) Laramie

DEP CAMBRIA OFFICE

FEB 14 2019

Date: February 11, 2019

Cambria District Mining Office  
District Mining Operations  
Department of Environmental Protection, Commonwealth of Pennsylvania  
Attn: Daniel Sammarco, P.E., District Mining Manager  
Rock Martin, P.G., Permit Chief  
286 Industrial Park Road  
Ebensburg, PA 15931

Re: Comments on Large Surface Mining Permit No. 01180301 and NPDES No.  
PA0279617, Specialty Granules LLC

Dear Messrs. Sammarco and Martin:

I write in support of the efforts by Friends of Toms Creek and concerned citizens of Adams and Franklin counties to preserve:

1. The exceptional values of Toms Creek and pure surface and subsurface waters, and the restoration of degraded Miney Branch Creek;
2. The historic 1863 Civil War Retreat through our mountain passes – including the natural contours of Pine Hill – through which thousands of soldiers, teamsters, and wagons traversed on July 4-5, 1863;
3. The wetlands of Pine Hill which support fragile flora and fauna, including owls, bats, bears and foxes known to inhabit the dense forests of Pine Hill, and an endangered colony of Nodding Trillium, a plant now extinct in Ohio, and
4. Our quiet mountain heritage and pure mountain air, which we have enjoyed and cherished for many years before the intrusion of vast surface (mountain top removal) mining.

Please deny the above referenced permit applications for these listed reasons.

Sincerely yours, Trace Lund

717-729-4239 613 Gum Springs Rd - Fairfield PA 17320  
Phone Address Email

tlflund11@gmail.com  
(TLFLUND11@gmail.com)



Date: 2/11, 2019

Cambria District Mining Office  
District Mining Operations  
Department of Environmental Protection, Commonwealth of Pennsylvania  
Attn: Daniel Sammarco, P.E., District Mining Manager  
Rock Martin, P.G., Permit Chief  
286 Industrial Park Road  
Ebensburg, PA 15931

Re: Comments on Large Surface Mining Permit No. 01180301 and NPDES No. PA0279617, Specialty Granules LLC

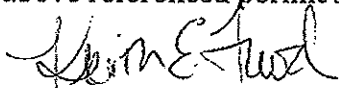
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4. Our quiet mountain heritage and pure mountain air, which we have enjoyed and cherished for many years before the intrusion of vast surface (mountain top removal) mining.

Please deny the above referenced permit applications for these listed reasons.

Sincerely yours,



(717) 357-8317 513 Gum Springs Fairfield PA 17320

Phone

Address

Email

ke.flood@gmul.com

Hazel C. Keahey  
PO Box 328  
Blue Ridge Summit, PA  
717-794-0088  
hckeahey@verizon.net

February 12, 2019

Cambria District Mining Office  
District Mining Operations  
Department of Environmental Protection, Commonwealth of Pennsylvania  
Attn: Daniel Sammarco, P.E., District Mining Manager Rock Martin, P.G., Permit  
Chief  
286 Industrial Park Road Ebensburg, Pennsylvania 15931

**RE: Comments on Large Scale Surface Mining Permit No. 01180301  
and NPDES No. PA0279617, Specialty Granules, LLC**

Dear Messrs. Sammarco and Martin:

I write, again, in strong opposition to the granting of the above-referenced permit applications submitted by Specialty Granules, LLC. This letter supplements my verbal comments on July 23, 2018, and January 30, 2019, and written comments sent July 31, 2019.

The application under consideration must be denied by law:

Pa. Const. Art. I, § 27

25 Pa. Code § 77.126(a)(3)

25 Pa. Code § 77.126(a)(6)

25 Pa. Code § 77.464

25 Pa. Code § 77.595

- I. **Large scale surface mining by Specialty Granules, LLC (SGI) has degraded and in some instances totally destroyed the natural, scenic, historic, and esthetic values of our environment. Pa.**

**Const. Art. I, § 27.** As trustee of these environmental constitutional rights, PA DEP has the duty to protect our community from further degrading of these critical rights. While all citizens have the right to enjoy economic benefits from ownership of land, there is no right to destroy the fundamental, indeed life-giving rights to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of Commonwealth citizens. As PA DEP ponders the complexities of SGI's mountaintop removal and the destruction of natural resources, we ask that our constitutional rights be given meaning. If these permits are approved, the destruction of our rural mountain environment and the air borne and downstream impacts will be disastrous for years to come. These disastrous impacts will be borne by the Toms Creek, Miney Branch, Monocacy, Potomac, and Chesapeake Bay watersheds and millions of people. It simply makes no sense that PA DEP would approve permits for destruction of 66 acres in view of the negative economic, environmental, and health impacts. **SGI should not be permitted to trample on our constitutional rights.**

- II. **SGI has failed to “affirmatively demonstrate \* \* \* that there is no presumptive evidence of potential pollution of the waters of this Commonwealth.” 25 Pa. Code § 77.126(a)(3)** These words have clear meaning. There is an abundance of “presumptive evidence” of not just “potential pollution”, but actual pollution. Properties along Miney Branch Creek — the discharge point of waters from current SGI operations and the proposed discharge point of waters pumped from Pine Hill — are clogged with green grit. It is confirmed that at one location along Miney Branch Creek the green grit is 3 feet deep! Multiple citizens have produced photographs of thick green grit in their yards. It doesn't take a scientist to prove that the source of this grit is from SGI operations. The green goop is a pollutant that has destroyed the health of Miney Branch Creek and is threatening the health of residents, their children, their pets, and wildlife. Who will be held accountable for this immense damage to residents? Who will remediate the health of the creek? It would be sheer folly to grant the permits under your purview in light

of actual, documented pollution by SGI. **SGI has failed to meet the explicit criteria of this statute, and in accord with the criteria for permit approval, the permit must be denied. Any other action distorts the clear meaning and purpose of the statute.**

III. **SGI has failed to “affirmatively demonstrate \* \* \* [t]he applicant or related party, as indicated by past or continuing violations, has not shown a lack of ability or intention to comply with the act or the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19). 25 Pa. Code § 77.126(a)(6).** Again, these words have clear meaning. SGI and predecessor companies have been cited by PA DEP for multiple violations of the act. Please cross reference the citizen testimony by Jeff Dull in connection with the January 30, 2019 public hearing for an abbreviated list of violations. The paltry fines imposed by PA DEP are not a deterrent to SGI’s violative actions. I was personally informed by a PA DEP employee that once the fine is paid, “the violation no longer exists”. That interpretation of the law undermines the clear intent of the statute and ignores the literal terms “as indicated by past or continuing violations \* \* \*.” How else could PA DEP determine “a lack of ability or intention to comply with the act \* \* \*” without reference to records of past violations? These violations do not disappear. Indeed, the downstream effects of green grit are horrifying, and we do not know the long term repercussions of these discharges. With respect to SGI, and predecessor companies, repeated violations are clear evidence of “lack of ability or intention” to comply with the law. And, it is not just the violations documented by PA DEP that must be considered under the clear terms of the law. Citizens have documented numerous violations related to pollution of air and water. **SGI has failed to meet the explicit criteria of this statute, and in accord with the criteria for permit approval, the permit must be denied. Any other action distorts the clear meaning and purpose of the statute.**

IV. **In its application SGI failed to identify “historic places that may be adversely affected by the proposed operations.” Nor did SGI “**



**describe the measures to be used to minimize or prevent these impacts and meet the requirements of this title. 25 Pa. Code §**

**77.464.** What is stunning is SGI's flouting of the laws of the Commonwealth that protect historic resources and the National Historic Preservation Act. Issuance of any federal license — whether the permit is issued directly by the U.S. government, or by authority delegated by a federal agency to the states — triggers a "Section 106 review". There are only a few statutory exceptions to specified agencies, and the U.S. Environmental Protection Agency, is not statutorily excepted. While the Commonwealth of Pennsylvania has been delegated authority to issue NPDES permits, that delegated trust carries with it the responsibility to adhere to National Historic Preservation laws. See overlay of other applicable federal laws. <https://www.epa.gov/npdes/other-federal-laws-apply-npdes-permit-program>. It is clear that SGI has failed in its application to identify historic places and that SGI and predecessor companies have flouted the application of Federal historic preservation laws for decades. The National Historic Preservation Act was first passed in 1966. Had predecessor companies operating under PA DEP permits followed the law, it is likely that the archaeological resources from a major Civil War skirmish that occurred at the current location of SGI gates might have been identified and preserved. Alas, the law was ignored and that historical place is lost forever. We can not let the same flouting of the law continue. The appropriate remedy for violations of law is to deny the pending application. It is submitted that it would be appropriate to suspend issuance of all future permit applications and revoke current permits until SGI recognizes the important historic places impacted by its operations, including the Historic Monterey District (listed on the National Register of Historic Places), the Thaddeus Stevens copper mines, the Great Wagon Road, and the Civil War July 4-5 Retreat Path (documented as having traversed across Pine Hill along Iron Springs and Gum Springs roads). SGI has flouted the application of the National Historic Preservation Act, and that flouting should be treated as a "continuing violation" under the above-referenced statute, 25 Pa. Code § 77.126(a)(6), as well as a failure to comply with 25 Pa. Code § 77.464 pertaining to protection of historic places. In the event PA DEP takes the position that the overlay of federal historic preservation laws does not apply herein, the remedy for ordinary citizens, like myself, is to petition directly to the U.S. Department of Environmental Protection to revoke the Commonwealth's delegated NPDES authority.

V. **SGI has failed to concurrently reclaim land “disturbed” by its vast surface mining operations as required by 25 Pa. Code § 77.595.**

Google Earth is a valuable resource that reveals the horrendous pits wrought by SGI operations. According to SGI, the Western Ridge pit ceased to be quarried in 1996. That is over two decades ago! While SGI is fully able to scrape and destroy in order to fulfill customers’ orders, it provides no explanation whatsoever regarding its failure to reclaim the Western Ridge pit. Two decades have lapsed: that hardly can be considered “concurrent” reclaiming. **Again, this is an example of SGI flouting the existence of applicable law, and this flouting of law is a “violation” under the above-referenced statute, 25 Pa. Code § 77.126(a)(6).**

I have repeatedly stated in my oral and written comments that applicable laws must be given effect. The words used by our legislators are wise, were carefully chosen, and have meaning. It is clear that these laws were intended to protect citizens from the tremendous nuisance, economic burdens, and environmental and health hazards caused by SGI and other companies that grow beyond a community’s human tolerance. We are at that tipping point: give meaning to the laws!

SGI urges approval of its permit application by arguing it is not degrading high quality waters: yet, Miney Branch Creek is proven degradation. SGI urges that even if there is degradation of high quality waters there are social and economic justifications for degrading these resources: yet, consider the overwhelming burdens citizens are bearing. Please address plummeting real estate values, destroyed view sheds, toxic dust, dangerous traffic, lost flora and fauna, threatened wildlife, nuisance noise, lost history, lost sustainable economic opportunities, and the potential of lost lives caused by disturbance of naturally occurring asbestos.

Our mountains, rich in greenstone, are among the oldest in the world. As part of your review of SGI’s social and economic justification to destroy Pine Hill, what price tag will you assign to the loss of our prehistoric Green Giants?

Please consider that Parcel No. 18A16-0022-00 (Pine Hill) has an assessed land value of \$9,700 according to Adams County Assessor online records. The taxes on that assessment are less than \$2,000. Please compare that valuation with all citizens' parcels surrounding Pine Hill. Without doubt the public trust of the community in government wheeling and dealing with SGI has been severely compromised. So, exactly what benefits flow "to our area" that outweigh the tremendous burdens?

Please consider citizen flight — the litmus test of a sustainable economy — away from the nuisances wrought by SGI. While rural flight might be a delightful benefit to SGI, nails would be driven in the coffin of Hamiltonban Township.

In conclusion, I implore that the laws outlined above be given meaning.

Respectfully submitted,

Hazel C. Keahey



**George G. B. Griffin**  
**14621 Charmian Road**  
**Post Office Box 425**  
**Blue Ridge Summit**  
**Pennsylvania 17214**  
February 12, 2019

Mr. Daniel Sammarco, P.E., District Mining Manager  
Mr. Rock Martin, P.G. Permit Chief  
Cambria District Mining Office  
District Mining Operations  
PA Department of Environmental Protection  
286 Industrial Park Road  
Ebensburg, PA 15931

Sirs:

Subject: Comments on Large Surface Mining Permit No. 01180301 and  
NPDES No. PA0279617, Specialty Granules LLC

While I was unable to attend the public hearing on this issue on January 30, I support the efforts of Friends of Toms Creek and concerned citizens of Adams and Franklin counties to preserve the environmental values of the waters of Toms Creek, and to restore degraded Miney Branch Creek;

Please deny the referenced permit applications.

Sincerely yours,



George G. B. Griffin



February 10, 2019

Cambria District Mining Office  
District Mining Operations  
Department of Environmental Protection  
Commonwealth of Pennsylvania  
Attn: Daniel Sammarco, P.E., District Mining Manager  
Rock Martin, P.G., Permit Chief  
286 Industrial Road  
Ebensburg, Pennsylvania 15931

Re: Comment on Large Surface Mining Permit No. 011180301 and NPDES No. PA0279617, Specialty Granules LLC

Dear Messrs. Sammarco and Martin,

We are writing to oppose the issuance of the above-referenced permits that would allow Specialty Granules LLC (SGI) to mine an environmentally protected area. There are many reasons to deny this permit application. The ones that rise to the top of the list for us are:

1. This land (Pine Hill) – called the “Northern Tract” by SGI – was never supposed to be mined. It was purchased with Adams County taxpayer money to be conserved to protect water resources and the headwaters of Tom’s Creek and Middle Creek in perpetuity. Pine Hill fell into SGI’s hands as a result of a land swap that was carried out entirely in secrecy. Once the swap was disclosed to the public, it was vehemently opposed by the vast majority of residents in the community. Community residents have continued to express their opposition at every juncture.

At the end of January 2019, at a hearing with DEP, 18 out of 26 speakers opposed the issuance of permits. With one possible exception, those in favor of the permits had a financial relationship with SGI – as employees, former employees, customers, etc. And very few of those in favor actually live in close proximity to the mine. The people who are directly affected in Adams County and Franklin County have spoken clearly and repeatedly in opposition to the mine expansion.

2. We do not need to imagine what it will be like for residents if SGI expands to Pine Hill. The impacts are already being felt by neighbors who have endured well-documented hardships and hazards to health and safety as a result of SGI’s existing operations: reduced levels of water in drinking water wells, contaminants in drinking water wells, cracks in house foundations and other structural damage from blasting, green dust covering houses and cars and outdoor spaces, noise at all hours of the night and day, light pollution, destruction of mountains and forest cover that once attracted residents to the area, reduced flow to Tom’s Creek and its tributaries – all from blasting and hydrologic changes to what was once Pine Mountain (now pits in the earth) and vicinity. In addition, we need only look at Miney Branch to see

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what the discharge of storm water from SGI has done to the aquatic life in that once beautiful creek. The damage is irreversible.

Prospective buyers of houses have decided not to buy in our area when they learn of the quarry and its 24/7 operations and possible expansion. Property values are plummeting. The negative impacts due to lost tax revenue from homeowners and lost opportunities from other businesses related to recreation and tourism (for example) on the local economy are real and growing.

3. It is clear from the comments made in writing and in hearings with DEP that there has not been adequate testing for naturally occurring asbestos (which is present in greenstone) in the air, water and soil around the current quarry. Naturally occurring asbestos is a human carcinogen. These tests must be carried out properly and by an independent party – perhaps DEP or the EPA.

Other tests by SGI have also not followed protocols and should be carried out by independent parties: surveying for bog turtles, timber rattlesnakes, Indiana bats and other threatened/endangered species of flora and fauna on Pine Hill which need to be done at the proper times of year in the proper ways to yield accurate data.

Testing of macro invertebrates and other aquatic life in Tom's Creek must be done to insure that this pristine trout stream is protected by the most stringent standards – also by an independent entity.

Testing of SGI's storm water discharge must include tests for metals and other harmful pollutants such as copper, asbestos, selenium, titanium, barium, nitrogen, nitrates, color, etc.

Viewshed analysis and review of historic and cultural resources also need to be done at the proper time of year in the proper way by an independent entity. There is ample documentation that the Confederates retreated from the Battle of Gettysburg along Iron Springs and Gum Springs Roads, around the base of Pine Hill.

We are concerned that the state is privileging corporate profit over the will of the voters and the health, welfare, and safety of the residents of the community and the Tom's Creek watershed. It is clear that the taxpayers of Adams County would not have turned Pine Hill over to the state to become part of Michaux State Forest if they had thought that the state would turn around and put Pine Hill in the hands of SGI to expand its mining operations.

We have had a residence just about four miles from Pine Hill since 1964. Our land is precious to us and we have worked hard to be good stewards there. Our land is in the Forest Stewardship program and is Clean and Green. We feel we have done our part. Now we expect that our rights to clean air and clean water under the Pennsylvania Constitution will be protected by the Department of Environmental Protection.

Sincerely,



Frank and Lottie Shivers; Peter and Maggie Heyward

(mail can be received at 3220 Morrison St. NW, Washington DC 20015)

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February 11, 2019

Cambria District Mining Office  
District Mining Operations  
Department of Environmental Protection  
Commonwealth of Pennsylvania  
Attn: Daniel Sammarco, P.E., District Mining Manager  
Rock Martin, P.G., Permit Chief  
286 Industrial Road  
Ebensburg, Pennsylvania 15931

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Sincerely,



Philip Shivers

42 Warrenton Road  
Baltimore, MD 21210

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FEB 13 2019



February 10, 2019

Cambria District Mining Office  
District Mining Operations  
Department of Environmental Protection  
Commonwealth of Pennsylvania  
Attn: Daniel Sammarco, P.E., District Mining Manager  
Rock Martin, P.G., Permit Chief  
286 Industrial Road  
Ebensburg, Pennsylvania 15931

Re: Comment on Large Surface Mining Permit No. 011180301 and NPDES No. PA0279617,  
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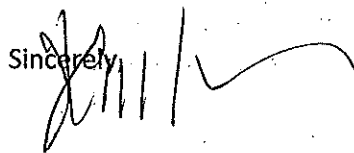
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Our family had a residence approximately four miles from Pine Hill since 1964. Our land is precious to us and we have worked hard to be good stewards there. Our land is in the Forest Stewardship program and is Clean and Green. We feel we have done our part. Now we expect that our rights to clean air and clean water under the Pennsylvania Constitution will be protected by the Department of Environmental Protection.

Sincerely,



Frederick Jacobs

23 E. Delaware Ave.  
Pennington, NJ 08534  
frederickjacobsjd@gmail.com

Duane E. Williams  
1091 Fairfield Station Road  
Fairfield, PA 17320  
717-762-6321  
dwilliams@pa.net

February 12, 2019

Cambria District Mining Office  
District Mining Operations  
Department of Environmental Protection, Commonwealth of Pennsylvania  
Attn: Daniel Sammarco, P.E., District Mining Manager  
Rock Martin, P.G., Permit Chief  
286 Industrial Park Road  
Ebensburg, PA 15931

Re: Comments on Large Surface Mining Permit No. 01180301 and NPDES No. PA0279617, Specialty Granules LLC

Dear Messrs. Sammarco and Martin:

I write in support of the efforts by Friends of Toms Creek and concerned citizens of Adams and Franklin counties to preserve:

1. The exceptional values of Toms Creek and pure surface and subsurface waters, and the restoration of degraded Miney Branch Creek;
2. The historic 1863 Civil War Retreat through our mountain passes – including the natural contours of Pine Hill – through which thousands of soldiers, teamsters, and wagons traversed on July 4-5, 1863;
3. The wetlands of Pine Hill which support fragile flora and fauna, including owls, bats, bears and foxes known to inhabit the dense forests of Pine Hill, and an endangered colony of Nodding Trillium, a plant now extinct in Ohio, and
4. Our quiet mountain heritage and pure mountain air, which we have enjoyed and cherished for many years before the intrusion of vast surface (mountain top removal) mining.

Please deny the above referenced permit applications for these listed reasons.

Sincerely yours,

  
Duane E. Williams

February 12, 2019

Cambria District Mining Office  
District Mining Operations  
Department of Environmental Protection, Commonwealth of Pennsylvania  
Attn: Daniel Sammarco, P.E., District Mining Manager  
Rock Martin, P.G., Permit Chief  
286 Industrial Park Road  
Ebensburg, PA 15931

Re: Comments on Large Surface Mining Permit No. 01180301 and NPDES No. PA0279617, Specialty Granules LLC

Dear Messrs. Sammarco and Martin:

Written Comment submitted in follow up of oral comments at Public Hearing at Fairfield (PA) Fire and EMS building on January 30, 2019.

I write in support of the efforts by Friends of Toms Creek and concerned citizens of Adams and Franklin counties to offer the following information:

As a child, I grew up in Norfolk, VA and we lived close to a small freshwater stream which was part of a larger backwater branch flowing into the Lafayette River. We used to play frequently in swamp there, catching snapper, painter, and wood turtles, as well as box turtles once in a while in some adjoining wooded areas. We kept some turtles (other than snappers) for extended periods as pets. Some of our neighbors trapped for muskrats, which we saw a lot of there, as well as other various reptiles. So I have some familiarity with turtle and other reptile species, and often seeing any kind of turtle or snake piques my attention and interest, especially in my present community, or out hiking or canoeing—both which I have done (and still do) very frequently throughout Pennsylvania and Maryland.

In August 2015, while heading out on my morning drive to work in Frederick, MD, where I work as a vocational rehabilitation counselor with the state of Maryland, saw what I thought was a small “immature painter” turtle walking from the left road shoulder into the road near the bottom of Valley Trail, where it intersects with Pa. Route 16.

I stopped, walked over and picked it up, noticed large orange-yellowish splotches on both sides of its neck behind the head. I hadn't seen any coloration like that on any turtle I've previously seen or handled, no red-yellow lines, its shell was dark brownish-black and not as smooth as any painter turtles observed in past, so these characteristics kind of stuck with me. This one was about 3-4” long. I didn't think much else about it at the time except possibly that it was an immature individual because of its small size.

About 2 weeks later, I was coming home from work on PA Rt. 116/Fairfield Rd., just south of its intersection with Stine Trail where I turn, and saw what looked like a small painter turtle in the roadway, so I stopped and walked back to look at it. It was dead, but intact; I picked it up to look at it as I noticed it had a large orange spot around its neck behind the head, the shell slightly rough—no red or yellow lines on its face or head whatsoever. It was roughly 3-4” long. After closely looking at it, I lobbed it into some nearby roadside vegetation.



I just thought these turtles were immature due to their size, with some color variation throughout different life stages. It didn't pique my interest to check them out any further at the time.

The following June (2016), I saw a wood turtle crossing the road at the bottom of a long steep, wooded hill on the road I live on in Carroll Valley (Meadowlark Trail). I stopped and moved it off the road and onto the right side, off the road. I had seen another wood turtle years earlier while hiking up to Flat Rock on Flat Rock trail near Newville, PA, where it intersects with the Tuscarora trail.

In October 2018, I was hiking with my partner, Emily, around the Strawberry Hill nature center off Mt. Hope Rd., when we came across an informational exhibit and signs on bog turtles in the abandoned quarry there. I realized then these were the turtles I had seen earlier in 2015 in Carroll Valley, but still didn't comprehend just how endangered these turtles are, until more recently.

When I spoke at the public meeting on January 30, 2019, I wasn't aware that a Phase I bog turtle survey (hereinafter referred to as "BT survey 1/8/15")) had been previously conducted on December 8, 2015, which it says under the applicable regulatory processes, information therein is valid for 2 years. (Appendix 1)

In the Application Technical Review Letter providing The Geologic Specialist Response to Pre-Application Technical Review Letter Northern Tract Quarry Specialty Granules LLC Hamiltonban Township, Adams County, Pennsylvania (dated January 4, 2018 Project No. 152596A), cites how the BT survey 1/8/15 listed wetlands and indicated that the Northern Tract site does not contain typical habitat which would support the bog turtle. Phase I Bog Turtle Habitat Assessment and submitted the associated report, which was approved by the USFWS on May 11, 2016.

However, a USFWS supplemental information

"Wetland communities including fens, wet meadows, marshes, drainage swales, and shrub swamps can all contain suitable bog turtle habitat; and, in many instances, swamps or forested wetlands (i.e., >50% canopy) are utilized by bog turtles if underlying hydrology and soil criteria are present." (Phase I Bog Turtle Habitat Survey Data Form for the Northern Population Range, October 26, 2018, ATTACHMENT 3)

### The Bog Turtle Survey

I am submitting three (3) objections to the information used in Module 1, USFWS/PFBC BOG TURTLE HABITAT EVALUATION FIELD FORMS, Appendix D;

1. The information used in this bog turtle survey was from a field visit made on December 8, 2015, approved May 11, 2016 and is now over two (2) years. The BT survey 12/8/15 cites any information therein is only valid for two (2) years and fails to address parcels containing streams/ drainage ditches from adjoining properties, as well as any direct and/or indirect impacts on any wetlands, forested wetlands, etc. therein.
2. A separate data form is required for each wetland within the project action area. (Phase I Bog Turtle Habitat Survey Data Form for the Northern Population Range October 26, 2018 Supplemental Information):

- ⑩ There are 3 forms total submitted for the five (5) wetland sections A, B, C, D, and E;
  - ⑩ Wetlands A and C are both combined on a single form at page 155, and Wetlands B and E are both combined on a single form at page 157;
3. I observed the wetlands in the SGI tract, walking along both sides of Iron Springs Road on January 26, 2019 and observed the following:

There are two (2) culverts running under Iron Springs Road with small surface streams, with a smaller road drainage ditch flowing into the stream on the immediate east side of the largest culvert.

This seems to be the stream referred to as Channel 1 downstream in the Northern Tract parcel—it is not shown in any BT survey 12/8/15 documents; this surface stream flows through the culvert and into SGI property approximately 300 feet south of the southeast corner of the SGI Northern Tract along Iron Springs Road; it continues to flow into wetlands E, D, C, B, and A downstream through the Northern tract property. (ATTACHMENT 1)

This stream had a standing pool approximately 4-6" deep and 10 feet long on the west of the culvert flowing into SGI property and with mucky soil bottoms on January 26, 2019, with adjoining mixed swale fields and steep forested hillsides across from the SGI Northern tract property.

(ATTACHMENT 2)

There should be additional consideration involving wetlands information submitted for Large Surface Mining Permit No. 01180301 and NPDES No. PA0279617, as any direct or indirect impacts adjacent to the SGI Northern tract are not addressed nor provided for this application.

Respectfully submitted,



Stephen Roy

67 Meadowlark Trail, Fairfield, PA 17320

daytime phone: 301-629-7581

yorevetssec@protonmail.com

Attachment 1

photograph of west side of culvert under Iron Springs Road 1/26/19



Attachment 2

culvert facing east from Iron Springs Road 1/26/19





**Phase 1 Bog Turtle Habitat Survey Data Form**  
**For the Northern Population Range**  
October 26, 2018

**Supplemental Information**

**Rationale:** This data form, to be used by consultants and agencies staff with training and expertise in conducting Phase 1 bog turtle habitat surveys, is recommended to ensure consistency when collecting information on suitable hydrology, soils, and vegetation to help determine the presence of suitable bog turtle habitat. ***A separate data form is required for each wetland within the project action area.*** Attach additional pages if more space is needed.

***Please note that this section does not need to be submitted to your local FWS Field Office or state wildlife agency – for surveyor use only.***

\*\*\*Information collected on the data form should be translated into a narrative form, included in Phase 1 habitat assessment report, and submitted to your local FWS Field Office and state wildlife agency for review. **Be sure to include any additional information/observations not captured on the data form that may be pertinent for agency review.**

\*\*\*This supplemental information was taken from the Guidelines for Bog Turtle Surveys for the Northern Population Range, Phase 1 and 2 Surveys document (October 26, 2018). Please refer to that document should you need additional details about conducting a Phase 1 habitat assessment.

---

**Bog Turtle Habitat Criteria**

**Compare your Phase 1 bog turtle habitat survey observations to the habitat criteria below:**

**Suitable hydrology.** Bog turtle wetlands are groundwater/spring-fed with shallow surface water or saturated soils present year-round, although in summer the wet area(s) may be restricted to near spring head(s). Typically these wetlands are interspersed with dry and wet pockets, and there is often subsurface flow<sup>1</sup>, overland flow<sup>2</sup>, or surface runoff<sup>3</sup> present at varying times of the year. In addition, small, shallow streams or rivulets (less than 4 inches deep) and/or flooded animal trails may be present that bog turtles will use to maneuver through a wetland. Bog turtles have also been observed inhabiting drainage ditches; therefore, ditches should not be overlooked during surveys.

**Suitable soils.** Usually a bottom substrate of permanently saturated organic<sup>4</sup> or mineral soils<sup>5</sup>. These are often soft, mucky-like soils (this does not refer to a technical soil type as defined by Corps (1987)); you will usually sink to your ankles (3-5 inches) or deeper in muck. Although, in degraded wetlands or summers of dry years this may be limited to areas near spring heads or drainage ditches. In some portions of the species' range, the soft substrate consists of scattered pockets of peat instead of muck.

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<sup>1</sup> Subsurface flow is described as precipitated water that flows through the soil just below the ground surface (Mays 2010).

<sup>2</sup> Overland flow is described as precipitated water that flows over the ground surface (Mays 2010).

<sup>3</sup> Surface runoff is described as precipitated water that becomes subsurface flow and then discharges aboveground or it can flow on the ground surface (Mays 2010).

<sup>4</sup> Organic soils are defined as "(1) saturated for prolonged periods (unless artificially drained) and has more than 30 percent organic matter if the mineral fraction is more than 50 percent clay, or more than 20 percent organic matter if the mineral fraction has no clay; or (2) never saturated with water for more than a few days and having more than 34 percent organic matter" (Corps 1987)

<sup>5</sup> Mineral soils are defined as "consisting predominantly of, and having its properties determined predominantly by, mineral matter usually containing less than 20 percent organic matter" (Corps 1987).

February 13, 2019

Cambria District Mining Office  
District Mining Operations  
Department of Environmental Protection  
Commonwealth of Pennsylvania  
Attn: Daniel Sammarco, P.E., District Mining Manager  
Rock Martin, P.G., Permit Chief  
286 Industrial Road  
Ebensburg, Pennsylvania 15931

Re: Comment on Large Surface Mining Permit No. 011180301 and NPDES No. PA0279617, Specialty Granules LLC

Dear Messrs. Sammarco and Martin,

I am writing to make some specific requests to your department to accompany the verbal comments (attached below) I made at the January 30, 2019, hearing. And thank you for listening! My husband and I, and so many others, love this place, this watershed, and want to protect it!

- 1.) First is the water – Pine Hill (SGI's Northern Tract) encompasses the headwaters of Toms Creek and its tributaries, all Chapter 93 Designated Streams, in a specially protected watershed. This was Toms Creek's existing use, and Pine Hill's existing use, to shed its water into Toms Creek. The hydrology cannot be permitted to be so permanently damaged. These are HQ trout waters! The hydrology alteration will adversely affect the existing wetlands, ENDANGERED Nodding Trillium habitat will be lost at the very least, and probably Bog Turtle habitat as well. Alterations in the hydrology will also affect the human neighbors who have a right to the existing use of their wells. Water Water Water. Enough for the trout too??? Enough to support the exceptional macro-invertebrates counted twice each year by volunteers from the Friends of Toms Creek?
- 2.) Bog Turtles – Was PROPER PROTOCOL observed during the search for these elusive ENDANGERED turtles? If not, it should be re-investigated! The turtles had the "existing use" of these wetlands.
- 3.) Bats – My mind also keeps coming back to the bats. The PA Game Commission has just reclassified three species of bats from THREATENED to ENDANGERED: Northern Long-Nosed Bat, Tri-Colored Bat and Little Brown Bat, all decimated by white-nose syndrome in PA. I request an updated consultation with the PA GAME COMMISSION, required for projects within 300 meters of a hibernaculum or summer roost (here you can read "forest") locations. New hibernacula and summer maternity sites have been added to PNDI or PNHP. I understand that PNDI certificates expire after 2 years. Therefore it is time for a new look at the bats. I request that these investigations be carried out at the proper seasons with PROPER PROTOCOLS by independent observers. The bats had the "existing use" of Thaddeus Stevens' old copper mine.

Respectfully submitted, Susan C deVeer and Willard P. Morrison  
700 Iron Springs Rd., Fairfield, PA 17320

**Sue's comments for PA DEP 1-30-2019 (Attached for your convenience... I read these at the hearing.)**

My name is Sue deVeer, and I live at 700 Iron Springs Rd, in Fairfield, PA. I told you before that I am relatively new here, and that I live in a house which contains a stone and log cabin which was here during the retreat of Robert E. Lee's troops after the battle of Gettysburg. 900 feet of Toms Creek flow through the front our property. I love Toms Creek and the huge trees and all the wildlife here which the wetlands and woodlands support. We have deer, fox, squirrels and fox squirrels, turkeys, kingfishers, great horned and barred and screech owls. In the spring we have a wild rumpus of green frogs, wood frogs, grey tree frogs, toads and salamanders making music and tadpoles in the frog pond in front of our house.

As I prepared my comments for tonight, I sometimes felt buried by wordy documents and data and rebuttals. But to me the values of clean water and healthy environment make it important to persist. A healthy community-wide participation in community issues is important to me.

In these days of rampant polarization, I would like to propose that we here, NONE of us are or need to be seen as enemies. Because all of our families need clean water, clean air, a healthy economy and healthy environment to thrive, we can work together to make that happen beyond our differences of opinion.

There are environmentalists here who work for the state, environmentalists here who work for the mine, some who organize to speak up for the water and citizens' rights in the PA Constitution to have a clean environment. There are concerned citizens here who have to scoop out green dust grit when they clean their roof gutters, they live so close to the operations. There are environmentalists here who live further out, yet have stress and sleepless nights from 24-hour mine operations and truck traffic... And some whose enjoyment of their meadow downstream from the mine has been imperiled and inundated by green grit. There are discouraged people here. We need to keep talking and importantly, listening, so please make your comments and please listen to your neighbors.

My main concerns are

1. COMMUNITY – That we keep working together to insist on the highest quality permitting and safest/best mining practices.
2. AIR – I ask for independent testing for Actinolite fibers Naturally Occurring Asbestos) The testing needs to be done using the appropriate tests, up to federal standards.
3. WATER – I want the hydrology to be reviewed and verified to prevent degradation of Toms Creek because Toms Creek is a specially protected watershed. I want to know that the wetlands supporting the endangered species will still be watered, as well as Toms Creek still be flowing HQ of EV. And I want to know what the levels of copper and selenium in the runoff from the existing and the proposed new mine to prevent the poisoning of the watershed.

Thank you.



P.O. Box 611, Fairfield, PA 17320

[www.friendsoftomscreek.org](http://www.friendsoftomscreek.org)

Date: February 11, 2019

Cambria District Mining Office  
District Mining Operations  
Department of Environmental Protection, Commonwealth of Pennsylvania  
Attn: Daniel Sammarco, P.E., District Mining Manager, Rock Martin, P.G., Permit Chief  
286 Industrial Park Road Ebensburg, Pennsylvania 15931

RE: Comments on Large Surface Mining Permit No. 01180301 and NPDES No. PA0279617, Specialty Granules, LLC

Dear Messrs. Sammarco and Martin:

On behalf of Friends of Toms Creek, I write to ensure specified letters, attached hereto, and additional documents, are made a part of the official record and addressed by you as part of the necessary social and economic justification review that Pennsylvania Department of Environmental Protection must undertake in connection with the above-referenced permits. The letters are as follows:

- 1- Letter to Honorable Tom Wolf, Governor, Commonwealth of Pennsylvania, dated August 30, 2018, by Friends of Toms Creek, Upper Potomac River Keeper Network, and Historic Gettysburg-Adams County.
- 2- Letter to Honorable Tom Wolf, Governor, Commonwealth of Pennsylvania, dated January 20, 2019, by Friends of Toms Creek.
- 3- Letter to Pennsylvania Department of Conservation and Natural Resources, dated February 21, 2011, on behalf of the Board of Supervisors, Hamiltonban Township, dated Feb 21, 2011.

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The aforementioned letters to Governor Wolf were written in opposition to the granting of permits to Specialty Granules, Inc (SGI) to expand large scale surface mining that inevitably will intrude upon or entirely destroy the wetlands of Pine Hill and high quality streams, including Toms Creek and at least two unnamed tributaries. These water resources are all within a "specially protected watershed" and classified as High Quality waters by the Southwestern Adams County Planners. See Map 2-3, Southwestern Adams County Comprehensive Plan, attached.

The third letter was written by the Hamiltonban Township Solicitor on behalf of the Hamiltonban Township Board of Supervisors in clear opposition to the now infamous land swap that ultimately resulted in a breach of public trust. While the Supervisors later rezoned the controversial parcel and granted a conditional use permit to SGI, that conditional use is explicitly dependent upon the issuance of necessary permits by you as the protector of our environment. We request that you consider each of the points made in the February 21, 2011 letter as part of your necessary review of social and economic justification. The reasons to oppose the large surface mining of this controversial parcel are as relevant today as in 2011.

Finally, I write to provide advance notice that Friends of Toms Creek and supporting organizations will provide at the end of February an online petition to Governor Wolf opposing SGI expansion. At this writing over 600 citizens have signed the petition and many have written personal notes to the Governor expressing strong opposition to the granting of permits to SGI. I request that these signatories be considered as timely voices opposed to the permit, and their comments, attached hereto, be made a part of the official record. Our community is not divided: an overwhelming majority of the community opposes issuance of these permits.

Kindly consider this letter, and all attachments, as a timely supplement to earlier communications from Friends of Toms Creek during your public comment period. We respectfully request an opportunity to respond to any response by SGI to public comments following the close of the comment period.

Sincerely yours,



Sue deVeer,  
Secretary/Treasurer

Attachments: 5

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attachment  
1



PO Box 611  
Fairfield, PA. 17320  
717.794.0088

Info@friendsoftomscreek.org

August 30, 2018

The Honorable Tom Wolf  
Governor of Pennsylvania  
Pennsylvania State Capital  
Harrisburg, PA 17105

Cc: Patrick McDonnell, Secretary, Department of Environmental Protection  
Cindy Adams Dunn, Secretary, Department of Conservation and Natural Resources

Dear Governor Wolf:

The undersigned organizations write to request your assistance in a matter now draining critical resources of the Pennsylvania Department of Environmental Protection (PA DEP) and organizations like ours, representing citizens who seek to preserve and protect Pennsylvania's natural resources and scenic and historic values.

The matter concerns large noncoal surface mining. We write with specific reference to a large noncoal surface mining permit (Permit No. 01180301) by Specialty Granules, LLC, that seeks expansion into a "specially protected watershed" area (Attachment 1) and puts Toms Creek, a High Quality stream, with exceptional values, at risk of degradation. *Pa. Code, Title 25 Chapter 93.4b(a)*.

The above-referenced permit is currently under review by PA DEP and is strongly opposed by the surrounding communities. During this time of extremely constrained budgets, it makes no sense that we, and these communities, are compelled to fight against permitting large surface mining in a protected watershed and that we are compelled to write to you for assistance to stop it. It is indeed audacious that this permit — involving a watershed with High Quality and Exceptional Value streams that flow directly to the Chesapeake Bay — is even under consideration, much less being greedily pursued for the grinding of greenstone (metabasalt), a rock known to contain naturally occurring asbestos.

The land we seek to protect is locally called "Pine Hill". It consists of 112 acres of pristine, verdant woodlands, wetlands that support fragile and rare flora and fauna, including the beautiful Nodding Trillium, an endangered plant species now extinct in Ohio, and incredible wildlife. Pine Hill stands tall at 1300 feet and stood as an obstacle to over 15 miles of troops, teamsters, and wagon train on July 4-5, 1863, as Confederate Civil War troops sought to escape Federal Cavalry following the Battle of Gettysburg. At the base of Pine Hill, a pristine High Quality stream (Toms Creek), with exceptional values, quietly meanders and two historic roads, Iron Springs and Gum Springs roads, merge. These roads are part of the Great Wagon Road. And, adding to its

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historic significance, Pine Hill was previously owned by Thaddeus Stevens, Pennsylvania's most famous abolitionist.

Pine Hill was itself in the news in 2011 when a "back door" deal resulted in the "swap" by PA Department of Conservation and Natural Resources (PA DCNR) of Pine Hill —then part of Michaux State Forest and previously part of the Glatfelter Tree Farm — for 3 small inholdings. This PA DCNR swap, approved by the previous administration, continues to inflame the taxpayers who fought to preserve the land from development. It is unfathomable that these same taxpayers — who overwhelmingly approved a local bond to conserve the land — now face large scale surface mining and total mountain removal.

A mountain is a precious resource with scenic, and in this case, important historical values. These values are supposedly constitutionally protected under the Environmental Rights Amendment. *Pa. Const. Art. I § 27*. If protected, why must concerned citizens search the PA Bulletin to ensure another back door deal is not in the works? Why must nonprofit organizations be forced to independently monitor the surrounding creeks and streams for contaminants? Why must historic preservationists battle Goliaths whose insatiable appetite for minerals puts history at risk of being lost?

We simply should not be forced into the position of expending time, energy, money (all of which are in abundant supply to large surface mining companies) when the asset at issue is located squarely within a protected watershed. That fact alone should slam the door!

We urge you to weigh in on this extremely important matter and provide a bright line rule to PA DEP and PA DCNR: protected watershed = no mining! If that's not enough, align with history, a lasting and sustainable resource, and direct that large surface mining of Pine Hill is off limits.

Our organizations stand ready to work collaboratively with your offices and private industry. Our goal — to preserve and protect natural resources and historic and scenic values — is one that all industries should endorse.

Please contact Hazel Keahey (717)794-0088, [hckeahey@verizon.net](mailto:hckeahey@verizon.net) or [info@friendsoftomscreek.org](mailto:info@friendsoftomscreek.org) for more information on this request. We would be pleased to meet with you or a member of your staff to discuss this matter.

Sincerely yours,

/s/ 

Sue DeVeer, Friends of Tom's Creek

/s/

Brent Walls, Upper Potomac Riverkeeper, Potomac Riverkeeper Network

/s/

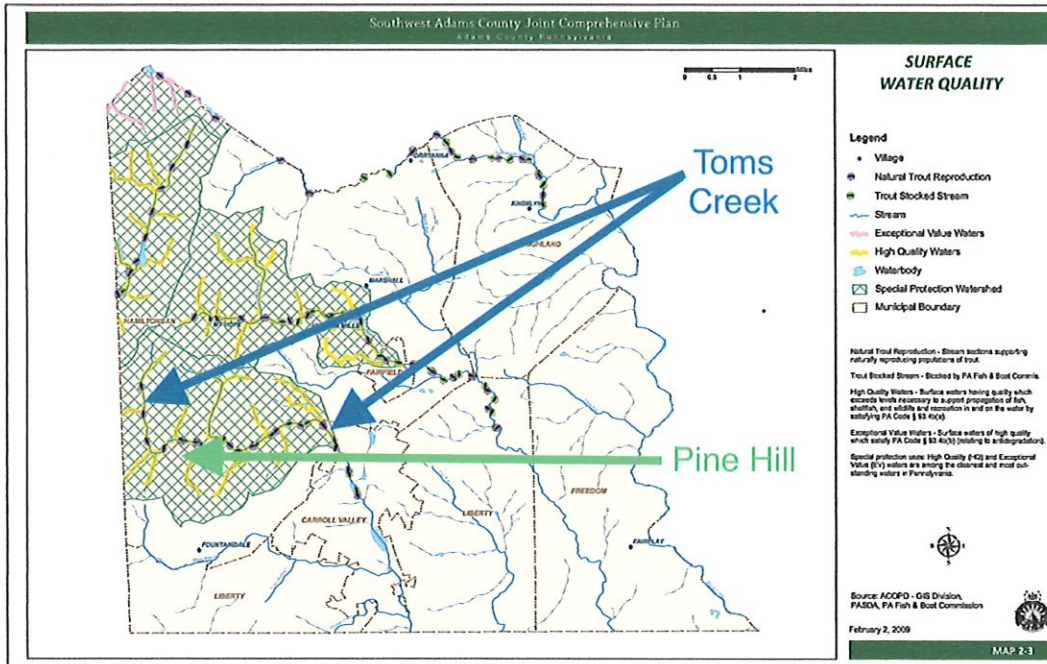
Anne Zabawa, President, Historic Gettysburg Adams County (HGAC)

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attachment  
4

Attachment: Map 2-3, Surface Water Quality, Southwest Adams County Comprehensive Plan,  
Adopted April 7, 2015



<http://www.adamscounty.us/Munic/HamiltonbanTownship/Documents/Plans/SWJCP-2016.pdf>

<http://www.friendsoftomscreek.org>

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attachment  
2



Friends of Toms Creek  
PO Box 611  
Fairfield, PA 17320

January 14, 2019

The Honorable Tom Wolf  
Governor of Pennsylvania  
Pennsylvania State Capitol  
Harrisburg, PA 17105

Cc: Patrick McDonnell, Secretary, Department of Environmental Protection,  
Cindy Adams Dunn, Secretary, Department of Conservation and Natural Resources,  
PA Congressional Delegation

Dear Governor Wolf:

Again, we write to request your urgent attention to Permit No. 01180301, and related permits, by Specialty Granules, LLC, hereafter SGI, that seeks to expand large surface mining of greenstone — an ultra-mafic rock that contains concentrations of copper and other potential contaminants, including asbestos—into a "specially protected watershed" area. In addition to pristine waters and unique wetlands, the Toms Creek watershed supplies water to the Borough of Fairfield, feeds the Chesapeake Bay, and is rich in cultural and historic assets, including the location of the July 4-5, 1863 Civil War retreat following the Battle of Gettysburg.

Friends of Toms Creek is a small grass roots, nonprofit organization representing the rural community. Our community at every opportunity expressed its strong opposition to SGI's destruction of Pine Hill - a property bordering Toms Creek and squarely within a "specially protected water shed" as identified in the Adams County Comprehensive Plan. Over 300 citizens have signed our petition to stop large surface mining in this unique and fragile territory.

In our earlier letter we pleaded with you to direct your administration to enforce the law that protects Toms Creek from degradation. A hearing is scheduled on January 30 at which time the Pennsylvania Department of Environmental Protection (PADEP) will hear again from this community. We are certain that citizens will overwhelmingly support our concerns. Our plea to you is to require your administration to simply enforce the laws that protect high quality water resources, historic assets, and our health.

Under our laws, intrusion into a specially protected water shed is not permitted in the absence of social and economic benefits that justify potential degradation. Yet, PADEP appears poised to accept an outdated justification proffered by SGI.

We request an INDEPENDENT social and economic study. We request that PADEP reject SGI's flawed justification for the following reasons:

- 1) **NO NEW JOBS!** Mountaintop removal operations do not produce new jobs and have the practical effect of crowding out other employment related to tourism, the service industries, health care, and support of growing retirement communities. Employment by SGI (less than 150 employees) is not growing. We believe this is due to workers being displaced by large scale mechanical excavation and off-site technology. We ask that you consider how many of the current SGI employees are Pennsylvania

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residents. We ask that you also factor in the suppression of competitive employment opportunities that surely will serve only the purposes of SGI, not Pennsylvania. Further, the final product – asphalt shingles – depends directly on asphalt, 100% fossil fuel production. The market share for asphalt shingles is waning as more and more people weigh the high environmental costs associated with asphalt as compared to environmentally friendly metal roofing.

- 2) **HEALTH!** Mining greenstone, which SGI suggests is “inert” and harmless, presents an unacceptable level of health and environmental risks due to toxins and contaminants, including copper, silicates, and naturally occurring asbestos. Nearby Miney Branch, an unhealthy stream, is proof of SGI’s degradation of water resources and downstream pollution. Green grit and sludge have buried the natural cobble that is necessary to support macro invertebrates, fish, and other aquatic life. The green grit and sludge are not life sustaining for any form of life. SGI states, “[t]here has been no claim from a Charmian employee claiming to have acquired mesothelioma from working at the mine.” Please ask SGI: “Have SGI employees, including employees of predecessor companies, or families of these employees, been paid undisclosed amounts for illnesses or death caused by asbestos, silicates, or other toxins?” Members of our community have lost loved ones to asbestosis, and SGI’s parsing of words suppresses the truth. We ask that you factor the value of lost life as you consider the social and economic burdens of large-scale surface mining of greenstone.
- 3) **POVERTY!** Neighboring property owners are unable to leverage equity because equity is disappearing! This is directly related to SGI operations that depress property values due to nuisances — air, light, and noise pollution — and a limited, fragile aquifer. Homesteading in this area dates back to the 1700’s. Families were able to thrive on fresh air, abundant wildlife, and pure water from mountain springs and reliable water wells. Today, many water wells are compromised and residents believe this is directly attributable to blasting and/or water impoundment by SGI. Citizens are being robbed of opportunities to use home equity for higher education or unexpected medical costs, making the cycle of poverty difficult if not impossible to overcome.
- 4) **WHO BENEFITS: MEGA CEOS!** SGI, or predecessor limited liability companies, point to over nine decades of operations, and yet NO WEALTH has been created in our community. Wealth flows up the executive chain and out of Pennsylvania. Please analyze the SGI payroll and consider whether nonresident, executive pay has any positive impact on our community.
- 5) **IMPACT ON HISTORIC, CULTURAL, AND NATURAL RESOURCES!** Unique assets encircle Pine Hill, the location which SGI will destroy. The historic assets include the Great Wagon Road, the July 4-5, 1863 Civil War Retreat Path, and an abandoned copper mine which supports a variety of wildlife, including tri-colored bats. Thaddeus Stevens, Pennsylvania’s most famous abolitionist, sought to extend the nearby tapeworm railroad to Pine Hill and onward to Monterey. The archaeological remnants of this fascinating history can still be seen at the junction of Charmian and Furnace Roads. Sadly, and in contravention of existing historic preservation law, SGI predecessor companies failed to identify and protect important historic assets, including a Civil War skirmish site that occurred at the location of its processing plant. Over many decades SGI has flouted historic preservation laws, trampled on history, and is about to do the same at Pine Hill. Stunningly, SGI denies that “Section 106 Review” applies to it. This explains why SGI tramples on historic resources. Please tell SGI loud and clear: If a NPDES permit (a federal license authorized to be issued by the State of Pennsylvania) or other federal license is required, Section 106 Review is triggered! Existing NPDES permits held by SGI should be stripped because of blatant violation of federal and state historic preservation laws.
- 6) **IMPACT ON NEW TOURISM!** Our community has three new and exciting tourism venues: Monterey Battlefield Park, Liberty Mountain Resort (recently under new management), and a new Orvis upland shooting plantation. We must support these opportunities for employment and tourist growth. There is nothing compatible between healthful, sustainable tourism and unhealthful, unsustainable surface mining. Hikers, bikers, equestrians, and sporting enthusiasts all seek out healthful, scenic venues, and fresh air. Please view this video to independently assess whether

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SGL operations are compatible with these activities. <https://youtu.be/8iDCaAkFWus>

**7) IMPACT ON VIEW SHEDS AND DEGRADATION OF NATIONAL REGISTER**

**HISTORIC PROPERTIES!** A social and economic study must factor in the desecration of the scenic view sheds that attracted thousands of tourists to our territory at the turn of the last century. A view shed study of the historic Civil War Retreat Path and the Monterey Historic District, which is adjacent to SGI, focused on views during July, when trees are fully in leaf. SGI relies on that study as proof that view sheds are not altered. Yet, a professional study is not necessary to conclude that during at least three quarters of the year, SGI operations are in plain sight. And, please consider view sheds in the late evening and at deep night when SGI operations eerily glow and appear to be a scene from a Stephen King movie! Sadly, this nighttime horror is real. Furthermore, SGI has degraded the Historic District by failing to control the constant flow of truck traffic on the historic roads. Property values are plummeting and there is little incentive to invest in the Monterey Historic District as it is overrun by industrial, heavy tonnage trucks and overlaid with green dust. Indeed, many additional residential communities — Fountaindale, Greenstone, Zora, and Emmitsburg — bear the brunt of heavy tonnage trucks transporting grit.

- 8) ENVIRONMENTAL CLEAN UP!** By law SGI is required to reclaim at the same rate it destroys. At this writing there are three vast visible pits. One pit, known as the Western Ridge, has not been quarried since 1996. Its been over two decades since active mining operations ended and yet the Western Ridge remains an eyesore. SGI has no problem meeting customers demands for greenstone but fails to meet the demands of the law. This is a pattern by SGI, all driven by corporate profits and greed. Please consider the costs associated with a massive clean up using taxpayer dollars as part of the PADEP social and economic study. Google Earth reveals all and this site is well on its way to superfund status. <https://earth.app.goo.gl/ypCxpP#googleearth>

- 9) CLAMMING UP THE NEIGHBORS!** In its response to community comments SGI states, "SGI understands that the Department intends to hold a second public hearing \*\*\*. SGI supports this decision, and welcomes full public participation with respect to the proposed Northern Tract Quarry." They further state, "As the commenters' advocate for the public's right to preservation of historic values, at the same time recognition must be given to the rights of property owners, such as SGI, to develop and utilize their property for economically-beneficial purposes in a manner consistent with applicable zoning. Here, under the applicable Hamiltonban Township Zoning Ordinance, SGI holds a duly-authorized conditional use zoning approval allowing for the Northern Tract quarry operation." We invite you, Governor Wolf, and the public at large to review the so-called conditional use hearing. SGI put a lid on citizens' rights by objecting to citizen and organizational standing to participate. [http://www.gettysburgtimes.com/opinion/letters\\_to\\_editor/article\\_b2f02bc1-8770-5da4-bb38-92b34a9c3890.html](http://www.gettysburgtimes.com/opinion/letters_to_editor/article_b2f02bc1-8770-5da4-bb38-92b34a9c3890.html) This speaks volumes about SGI's regard for its neighbors! We can all agree that property owners are entitled to use their property for economically-beneficial purposes. But, we cannot agree that property owners, irrespective of zoning, are entitled to use their property in a manner that destroys or diminishes the rights of other property owners. SGI successfully quashed the voices of citizens at the Conditional Use hearing. Further, during recent zoning hearings the township supervisors shamefully directed citizens with complaints about SGI — to SGI! The voices of citizens were CLAMMED, and oversight and accountability at the local level must be questioned.

- 10) RESIDENT FLIGHT AND IMPACT ON TAX BASE!** As residents try to escape SGI nuisances, property values plummet. New, lower assessments will be demanded by the residents who cannot afford to escape. SGI stated it pays \$255,000 in taxes, but it is entirely unclear what portion of these taxes flow to support the community. The social and economic study must calculate the inevitable loss of residential property taxes. There are over 1,500 households surrounding SGI operations. SGI pays a pittance in taxes when compared to the taxes paid by residents. The loss of residential tax resources would drive nails into the coffin of our territory.

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Our mission is to preserve and protect the natural, scenic, historic, and esthetic resources of the Toms Creek watershed. We are supported by the American Battlefield

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Trust, Historic Gettysburg - Adams County, Upper Potomac River Keepers Network, Sierra Club, Trout Unlimited - Adams County, and Journey Through Hallowed Grounds. Here's what the President of the Journey Through Hallowed Grounds recently wrote:

"The Journey Through Hallowed Ground spans the region between Gettysburg, Pennsylvania and Charlottesville, Virginia, and was founded to promote the preservation of historic, cultural and scenic resources. In 2015, an independent study found that the Journey annually generates \$703 million in economic impact, supports 8,401 jobs, and generates \$51.1 million through tourism. Therefore, in addition to the intrinsic value of preserving our country's history for future generations, resources such as those in the area of Lee's Retreat are valuable economic engines, bringing tourism and visitor dollars to the region. This sustainable resource that will support local businesses for many years, perhaps in perpetuity, should not be obliterated for the short-term profit of a large international corporation."

Contrast sustainable and exciting opportunities with mountaintop removal:

"Mountaintop removal is as near total destruction as you can imagine, because it does away with the forest, it does away with the topsoil that sustained the forest, it does away with the very topography—even people's family graveyards go. And it's done in complete disregard not only of the land but of the people who live downhill, whose lives are threatened, whose water supplies are destroyed, whose homes are damaged. The people downhill, downstream, and ahead of us in time are totally disregarded." - Wendell Erdman Berry, American novelist, poet, environmental activist, cultural critic, and farmer."

In summary, the social and economic costs associated with SGI mountaintop removal are devastatingly immense. Our rural community is deserving of protection under the law. Again, we ask only that the laws be given meaning. There simply is no social and economic justification to permit SGI to further degrade our rural community.

We continue to advocate for a bright line test: **NO LARGE-SCALE SURFACE MINING IN ANY SPECIALLY PROTECTED WATERSHED.**

Very truly yours,



Sue DeVeer, Secretary-Treasurer  
Friends of Toms Creek

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attachment 3

HAMILTONBAN TOWNSHIP BOARD OF SUPERVISORS

23 CARROLLS TRACT ROAD. P.O. BOX 526

FAIRFIELD, PA 17320

(717) 642-8509

Fax (717) 642-9511

February 21, 2011

Commonwealth of Pennsylvania

Department of Conservation and Natural Resources

Bureau of Forestry

P.O. Box 8552

Harrisburg, PA 17105-8552

Attn: Mr. Dan Devlin

Dear Mr. Devlin:

The Board of Supervisors of Hamiltonban Township, Adams County (the Board) submits the following comments regarding the proposed land exchange between the Pennsylvania Department of Conservation and Natural Resource (DCNR) and ISP Minerals, Inc. (ISP).

This Board spearheaded the efforts to save the former Glatfelter Tree Farm #1 from development when the property was put on the market for \$12.5 million. Much effort and many man hours and dollars by numerous local, state, federal, and international organizations, as well as private individuals were devoted to this cause for over two years. When we finally realized our goal and this property was deeded to DCNR to become part of the Michaux State Forest, the Board and many of the involved citizens and organizations thought the property would be properly managed and conserved to protect the water resources and headwaters of Toms Creek and Middle Creek, forever

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That is why we were both surprised and shocked to learn of this proposed exchange, leaving us with a feeling of betrayal and broken trust. Hamiltonban Township residents and the Board that represents them were not brought into the process. Only through legal notices and news articles did this proposed land exchange come to our attention.

We understand and support DCNR's goal of acquiring infill properties. We also understand the desire of ISP to continue to operate profitably for many years into the future, but we feel this transaction is being more influenced by the corporate financial goals of ISP rather than the benefit of the citizens of the Commonwealth.

We are very sensitive to the employment and economic impact that ISP has on our citizens and our area. However, we also have a responsibility to protect the health and safety and the environmental quality of the Township for our residents ..

As you know, we held a public meeting on the proposed land exchange on February 15, and the overwhelming majority of the speakers opposed the exchange. Two Hamiltonban residents, one of whom works for ISP, made statements supporting the exchange, and about a dozen residents made opposing statements. ISP has circulated a petition supporting the exchange among its employees and a number of them signed the petition. This Board fully understands the reasons ISP and its employees have for seeking this exchange, but as we stated above, we believe that DCNR would be making a grave mistake in going ahead with the exchange. The Hamiltonban Board of Supervisors opposes the land exchange for the following reasons:

#### DCNR is Misusing Taxpayer Funds for a Non-Intended Purpose

It wasn't DCNR money alone that paid for the purchase of the Glatfelter Tree Farm. Adams County residents contributed \$3.7 million to preserve it from development, plus donations were received from many individuals and conservation-oriented organizations. If DCNR wants to obtain infill lots, it should have first contacted Adams County residents to see if they could raise

additional money to purchase the infill properties, rather than surreptitiously entertaining a potentially environmentally damaging exchange of property.

The 3 infill lots that DCNR will receive in the proposed exchange are worth a total of only a few hundred thousand dollars at most, and it would not have been difficult for the residents to raise the money to purchase them for donation to DCNR. The citizens of Hamiltonban Township and Adams County could have undertaken this had they known that the alternative was removing part of the land from Michaux State Forest that they have worked so hard to protect.

In 2008, the voters of Adams County approved, by a 75% majority, the passage of a \$10 million bond issue to be used for the preservation of water and land in the County. The bond issue will be paid for by taxes on the citizens of Adams County for many years. A sizeable amount of that money, \$3.7 Million, went toward the purchase of the 2572-acre Glatfelter Tree Farm. We believe that it is quite likely that a bit more of that money, or other contributions from private and charitable organization, could have been obtained to purchase the infill lots that DCNR will receive in the exchange. To their discredit, DCNR did not explore this possibility. At the very least the taxpayers of Adams County and Hamiltonban Township should have been made aware of DCNR's desires and been given the opportunity to try to raise the money.

The Glatfelter tract could have been donated to a non-profit preservation group not associated with DCNR, and could have been transferred with the stipulation that the Glatfelter plot would be preserved in its entirety, and in perpetuity. We mistakenly thought that donating the land to DCNR would accomplish this, especially since DCNR, in all the press accounts leading up to the transfer of the Glatfelter Tree Farm, acknowledged the importance of the water resources of this tract of land.

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If DCNR goes through with this proposed land exchange, and trades away land that the citizens have paid to be protected, then Harniltonban Township, Adams County and all the people and organizations that contributed to the Glatfelter purchase may think twice in the future about donating money or property to DCNR. By completing this land exchange, DCNR will have proven itself to be an unreliable steward of lands purchased with money from Adams County and Harniltonban Township Taxpayers, and all the other organizations that contributed to the purchase.

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#### DCNR is Giving Up Far More Value than it Receives

The land that DCNR is giving up has a much greater market value than the land DCNR is receiving. The 110 acres of <u>mineable land is worth millions for its mineral deposits.</u>

Looking at comparable parcels, for example, in 2003, ISP purchased 7.3 acres of land for \$225,000. ISP is currently mining about half of that land, for which it paid \$30,800 per acre 8 years ago. Also, ISP in 2008 purchased 15.54 acres on Gum Springs Road for \$390,000, a price of \$25,000 per acre, and that land is currently being used as a buffer.

At \$25,000-\$30,000 per acre, the 110 acre parcel that DCNR is giving up is worth \$2,700,000 to \$3,300,000 for its mineral value alone. On the other hand, the steep and virtually inaccessible infill lots that DCNR would receive in the exchange are worth nowhere near that in total. In fact, one or two of them may not be buildable due to being too steep for a successful percolation test, or without a deeded right of way. Just getting power to them would be extremely costly. Land of that type is worth \$1,000-\$2,000 per acre in today's environment, if a buyer can be found. The entire Glatfelter tract was purchased last year for under \$5,000 per acre, and it has a paved road running through the center of it. This means that DCNR is exchanging land worth about \$3 million for land that is likely to be worth only a few hundred thousand at most, hardly a fair exchange.

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Not even considering mineral rights, but just looking at the development potential value of the lots being exchanged, the land that DCNR is giving up, with access to paved roads on 3 sides, is worth considerably more to a developer than the landlocked, remote, infill lots that DCNR will receive. Two of these lots may not be legally buildable for even a single residence, and are certainly not buildable without considerable expense.

Also, the timber value of the mature forest on the land to be removed from Michaux State Forest has considerable value, and can be easily accessed for logging. The timber on the 3 parcels that DCNR would receive appears to be considerably less mature, and 2 of the 3 lots are much more difficult to access, which also reduces their timber value.

In doing this exchange, DCNR is not acting in the best interest of the Commonwealth as its charter requires, because it will be giving up land whose fair market value far exceeds the fair market value of the land it will receive.

This is a clear violation of 17 Pa. Code Â§ 25.1. Background, which states in part:

"In an exchange

of State Forest land, the following basic criteria under 32 P. S. Â§ 131 shall be met:

(1) The value of the land acquired by the Department shall be equal to or greater than the value of the land conveyed.

(2) The land acquired shall be at least equally adapted for State Forest purposes.

Mr. Devlin, you said at the February 15 meeting that DCNR has done an appraisal of the lands involved in the exchange. That appraisal should be made available for public examination and comment before DCNR goes forward with this land exchange.

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We cannot understand how such

an appraisal could possibly have concluded that the exchange was for lands of equal fair market

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value. Therefore, we formally request a copy of all appraisals that have been conducted to show that this exchange meets the law.

The DCNR Environmental Review is Inadequate

The DCNR Environmental Review for the ISP Exchange is totally inadequate and unsatisfactory, in that it focuses mainly on the land DCNR will obtain, but very little on the land DCNR will give up.

In many areas, the environmental defects of the exchange are glossed over, misrepresented, or ignored. It appears that DCNR cares very little about land that is outside State Forests.

The 110 acres that DCNR proposes to transfer to ISP is termed by DCNR "disposed" land, and DCNR appears to consider it environmentally expendable and only the concern of other State and Federal Agencies. Here are some of the more obvious deficiencies of the Environmental Review that this Board has observed:

1. Promotion of Goals. The environmental consequences to the "disposed" land ISP will receive appears to be of no importance to DCNR. Neither is the conservation of "disposed" land as a natural resource. This does not meet the Pennsylvania Public Trust Doctrine or DCNR goals.

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## 2. Erosion and Sedimentation.

Not addressed for the "disposed" parcel, >DCNR will let the Pennsylvania Department of Environmental Protection (DEP) cover it later.</span> This is not acceptable in an environmental report that should cover ALL the environmental impacts of the proposed action.

3. Water Quality. >Not addressed for the "disposed" parcel, DCNR will let DEP cover it

later.</span> This is not acceptable in an environmental report. In fact the quality of the High-Quality Cold Water Fishery, Toms Creek, may be adversely affected. DEP requirements are not always met at present, especially when it rains. Current ISP settlement ponds frequently overflow, and Toms Creek runs green. There are no longer any fish in it except when it is stocked. There is no assurance that this will not continue or get worse when ISP mines the "disposed" parcel.

4. Air Quality. DCNR expects no impact. This demonstrates an inadequate review. ISP operations at present generate enough dust to color the snow green, which does indeed impact air quality.

5. Water Quantity - The proposed exchange may jeopardize the water available for local wells, but this has not been addressed.

6. Groundwater. >Not addressed for the "disposed" parcel, DCNR will let DEP cover it later.</span>This lack of examination is unacceptable in an environmental review.

7. Soils - no mention of the effect of mining on the soils of the "disposed" parcel. A gravel pit is not equivalent to the existing topsoil on this parcel, nor is the fill that may eventually be used to fill the pit.

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8. Unique and Unusual Geologic Features - no comment.

9. Aesthetic Values. The "disposed" parcel is next to a former mountain that is now a hole in the ground, and the same will happen on this parcel, but that's aesthetically acceptable? Not to the adjacent residents.

10. Noise. The study indicates that no effort has been made to address this issue for the "disposed" parcel. In fact the existing ISP plant generates considerable noise that can be heard for miles, and expanding the quarry will expand the noise.

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11. Archeological or Historical Sites. The Confederate Retreat from the Battle of Gettysburg went up Iron Springs Road and then up Gum Springs Road, right past the "disposed" parcel. Surface mining will remove the mountain on the "disposed" parcel, and will irrevocably destroy the historical appearance of this historical retreat route.

12. Recreational Sites and Opportunities. >No mention of the adverse effect >on hunting,  
fishing</span> and hiking on the "disposed" parcel, but these recreational activities will no longer be allowed, as is now the case for other ISP property.</span>

13. Public Health and Safety - no comment.

14. Transportation - no comment.

15. Energy Needs - no comment.

16. Existing Potential Land Use - no mention of the detrimental conservation effects that will

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accrue to the "disposed" parcel.

17. Protected Animals and Plants - no investigation of protected animals and plants on the

"disposed" tract, or how they will be affected by the mining that will occur.

18. Habitat Diversity Interspersion - no mention of this on the "disposed" tract.

19. Biological Productivity - no mention of timber management on the disposed tract. In fact,

the "disposed" tract has a considerable stand of mature timber, unlike the tracts that DCNR will acquire.

20. Vegetation - at least the report acknowledges the adverse impact of mining on the "disposed" parcel. However, no evaluation has been done of the repair that ISP may eventually do when the ore veins are exhausted. Typically, locust trees are planted on fill, which is in no way comparable to the mature hardwood forest that is currently there, and will take hundreds of years to regenerate after ISP is gone.

21. Non-Native Invasive Species - no mention of the fact that many invasive species are well adapted to invading reclaimed mining areas.

22. Minerals - the minerals on the "disposed" parcel make it worth considerably more than the fair market value of the parcels DCNR is receiving in exchange.

23. Others - no comment.

24. Permits - no comment.

Further, in several areas that evaluate potential impact, the DCNR evaluation finds that

"FURTHER REVIEW IS REQUIRED." Until this "further review" is completed, the evaluation is clearly deficient.

## Summary

The Hamiltonban Board of Supervisors acknowledges that ISP Minerals, Inc. has been a positive community partner and is an important part of the employment and economic landscape of the Township. That has never been in question by the Board and we wish to continue our positive relationship with ISP. We want to make it clear that the Board is not opposed to the continued operation of ISP. Furthermore, we do not fault ISP for initiating and pursuing this exchange, because they are in business to make a profit, and the exchange would be quite profitable for them.

Our comments are directed solely at the actions of DCNR.

Over 200 people attended the public meeting held at the Fairfield High School on February 15, and the ratio of speakers who opposed

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the exchange was about 6 to 1. Telephone calls to the Township office by residents are overwhelmingly against the exchange. As a Board, we must represent the majority voice of the Township. We question whether this land exchange is fair and equitable for the taxpayers of the Township and our surrounding communities, and for the people living near the ISP property or near Toms Creek.

The citizens had a purpose in mind when DCNR was asked to accept the lands

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from the sale of the Glatfelter Tree Farm as an addition to Michaux State Forest. That purpose was to preserve the quality and quantity of our water resources, and in particular the headwaters of Toms Creek and Middle Creek. The proposed land exchange is contrary to the objective and purpose of the \$10 million County Land and Water Bond and should not be approved by DCNR.

In addition to violating 17 Pa. Code Â§ 25.1 as mentioned above, the Board believes that the proposed DCNR land exchange would constitute a violation of the Pennsylvania Public Trust Doctrine, which is found in Article 1 Â§ 27 of the Pennsylvania Constitution (Section 27), which reads:

"The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people."

The Courts (payne v Kassab) have ruled that Section 27 requires that DNCR, before executing the proposed exchange, must answer the following in the affirmative:

1. Will the exchange be in compliance with all applicable statutes and regulations relevant to the protection of the Commonwealth's public natural resources?
2. Does the record demonstrate a reasonable effort to reduce the environmental incursion to a minimum?
3. Does the environmental harm which will result from the exchange so clearly outweigh the benefits to be derived there from that to proceed with the exchange further would be an abuse of discretion?

The Board maintains that DCNR has not adequately shown that it meets each of the above criteria, and it should not complete the land exchange without doing so. This would, of course, include analyzing the effects of the planned mining operations that ISP will be conducting on the 110 acre "disposed" parcel. Although its Environmental Analysis cursorily mentions each of the 23 social, economic, and environmental factors as required by Section 13(b) of Article XX of the Administrative Code of 1929, we believe that DCNR has not yet adequately addressed each factor, as we have detailed above. In fact, the published DCNR Environmental Review barely mentions the environmental effects of future mining operations on the "disposed" parcel, and thus DCNR has not met its responsibilities under Section 27 and applicable Pennsylvania law.

Mr. Devlin, the majority of the citizens of Hamiltonban Township are strongly opposed to the proposed land exchange, and for good reasons. The Hamiltonban Board of Supervisors strongly recommends that DCNR not approve the land exchange.

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If DCNR goes forward with this exchange on the basis of the information publicly available at this time, we would have to seriously consider a legal challenge to this action.

As requested by State Representative Dan Moul, and by the Adams County Conservation District, a decision should not be made by DCNR until County-wide public hearings on this issue are held, and a subsequent 30-day comment period is allowed. This will give the citizens of Adams County who are being taxed to preserve natural resources the opportunity to have their say on what is done with their tax money.

Sincerely,

cc: Matthew R. Battersby, Esq.,

Township Solicitor

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*attachment 5  
Comments by signatories to the petition.*

A branch of Tom's Creek runs through my community on its way to the Maryland border and the Chesapeake Bay. Also, close to my community is a community called Greenstone, within which a greenstone mill is located, known colloquially as "the grit mill". One can see the large clouds of smoke belching from the mill from quite a distance. Most assuredly, the lovely streams around here are polluted from mill runoff. Please don't allow an expansion of mining of this dangerous carcinogen! Also noticeable in my community lately is an increase in the number of metal roofs. The Pa DEP should conduct a public service campaign encouraging the use of metal roofs and avoidance of asphalt shingles due to the asbestos content instead of contemplating approval of a permit to mine and process greenstone.

Virginia Ciliotta  
PA 17320

As a resident of Blue Ridge Summit, PA, which is adjacent to the SGI mine, I am concerned about the run-off water quality and also the amount of dust produced by the mining operation. The greenstone being mined may contain actinolite, a sharp needle-like form of asbestos. Grinding the greenstone releases the dust into the atmosphere and water. When the run-off dries, the dust is re-released at the drying point. Another major concern is the noise pollution and potential dust inhalation created by tractor trailers from the mine running a regular trucking route through residential areas.

Catherine Dull  
Blue Ridge Summit, PA 17214

Asphalt shingles are another petroleum based product that needs to be abandoned for other less damaging solutions to our roofing needs.

R. Woodward  
PA 19382

**For the future of our children.**

Maureen Muri  
Fairfield, PA 17320

I have lived in Fairfield and Waynesboro since 2001. That does nothing but hurt the local houses with the vibrations from blasting cracking concrete and destroys the roads not to mention 90% of the truckers take up the whole road and drive like idiots. And with Battlefields right up here civil war history and tours come up here and have to dodge out of the way of these trucks and they also create a ton of traffic. The place should be shut down if they are out of work not expand and destroy more of the area that's making it nasty. Take it somewhere else. And stop destroying the land.

Brandon Sours

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Waynesboro, PA 17268

**I hike in the Tom' Creek drainage and want to keep the area natural and unpolluted.**

Tom Schwartzer  
PA 17070

**I live in this area; I have seen the damage. Please do not allow the degradation of the area to continue.**

Melissa Frey  
PA 17320

**I worked at the Penn State Mont Alto campus for years and drove through this historic area many times. Expanding greenstone mining here is completely unacceptable and contrary to everything Dr. Maurice Goddard, former Secretary of Forests and Waters through five different gubernatorial administrations and the father of today's DEP, believed. ?Doc,? whom I knew well, worked tirelessly to clean up mine pollution in Pennsylvania streams and would be mortified to see mining in his area. Do not approve SGI's permit.**

Eileen Graham  
PA 17324

**I'm in this area multiple times a week? either biking or hiking. Please keep this place special and pristine. It's a form of therapy for me and my friends.**

Kaitlin Wingard  
PA 17013

**I'd like to see our Pennsylvania government take a firmer stand against environmental degradation. It's time we learned to work symbiotically with the environment instead of seeking to exploit it.**

Michael Rhodes  
PA 17070

**I've lived on a neighboring ridge to this mine for over 40 years. My windows rattle when they are blowing up the mtn and I have seen the effects of runoff in Tom's Creek. The mtn top has been reduced a third since I have lived here. I can't believe they are still mining yet expanding. When I first moved here the little village beside the mine all the windows and homes were covered in green dust. Please do not let this happen!**

Jack Handshaw

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PA 17320

**If you cannot appreciate Pennsylvania's natural beauty enough to look past money, power and greed then you're unfit to make any choice on this matter. This state needs to be preserved for future generations rather than logged, mined, and developed to death.**

Matthew Savino  
PA 16601

**It is time that Pennsylvania recognizes that it owes the citizens of this State the full protection of its environmental laws and its constitution. Corrupt relationships between the Pennsylvania environmental agencies and the corporations they are supposed to restrain have to be a practice of the past. The only reason this permit is even an issue is that the previous administration, specifically the Secretary of DCNR, worked a swap of what was intended to be State Park land such that Specialty Granules illegally acquired it. Acquired it to destroy it!**

Sherry Rogers-Frost  
Fairfield, PA 17320

**It seems to me that Pennsylvania has turned a blind eye to the suspicious land swap dealings between Michaux State Forest and Speciality Granuales Inc for the Pine Hill area that they are attempting to mine. People donated money to the state to protect this land and somehow it was traded anyway through dealings in a session closed to the public. In addition, it seems that there is very little oversight by PA DEP on pollution generated by SGI's mining operations even as they currently stand. This has caused many safety and noise problems for those living in areas adjoining the quarry not to mention the danger and destruction of roads caused by the truck traffic it generates. Please take a hard look at what is happening here.**

Jeffry Dull  
Blue Ridge Summit, PA 17214

**Jonathan Ingram supports the initiative of the Friends of Toms Creek. Think Globally, Act Locally.**

Jonathan Ingram  
Cashtown-McKnightstown, PA 17310

**Let's not forget our state constitution's guarantee of clean water for all state residents.**

Frank Evelhoch  
PA 17050

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**Loss of ruins of Piney Hill school house that my family attended , loss of the Thaddeus Stevens mine . My family has been in this area for nearly 300 years , and owned some of this property it would be ashamed to loose this part of this history .**

Keith Bigham  
Fairfield, PA 17320

**Mountain top removal is almost always awful, but it's particularly bad in this case. It is proposed in an area that is positioned between residential housing and the Michaux State Forest. It would damage both these environments as well as damage the historic confederate retreat route from Gettysburg. In addition it threatens endangered species, both flora and fauna.**

Clifford Frost  
Fairfield, PA 17320

**Mountains don't grow back. When will we assign nature a higher value.**

Jared Ferraro  
Fairfield, PA 17320

**Nobody voted for more pollution.**

Natalie Kubiak  
PA 16505

**One of my favorite places to hike. Don't ruin it for many for the sake of a few.**

Ronald Baker  
PA 17055

**Our earth and ecosystems are incredible fragile. The runoff from this project jeopardizes the hard won gains of the Chesapeake Bay watershed. Please do not let this go forward.**

Patricia Warehime  
PA 17331

**Please help protect the water quality of Tom's Creek!**

Stacey Solesha  
Fairfield, PA 17320

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**Please protect our waters and air by properly and fairly assessing the impact this mining will do to our ecosystem. When in doubt ALWAYS err on the side of nature. Profits should never more important than our health.**

Aileen Cunningham  
Youngstown, PA 15696

**Please stop turning Pennsylvania into an over fracked , toxic air and water quality state by putting industrial interests ahead of people James M. Ebaugh**

James Ebaugh  
PA 17327

**PLEASE, Governor Wolf, it is horrifying to see what Specialty Granules Inc. (SGI) is doing to the air quality, health and beauty of our community.**

**Thank you.**

Kathleen (KATE) Carr  
Blue Ridge Summit, PA 17214

**Protect our water, our creeks, our bay!**

Apryl Huster  
Fairfield, PA 17320

**Seriously, don't let this happen.**

Thomas & Bonnie Osif  
PA 17320

**So many government agencies and citizens are working to clean up and restore the Chesapeake Bay to its natural splendor. Why allow Specialty Granules, Inc. to engage in opposing activities that will only destroy the Chesapeake Bay clean up efforts??!! Where is the common sense in this?!**

Shay Jones  
PA 17368

**Some things are more important than the almighty dollar.**

Heather Jenkins  
Fairfield, PA 17320

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**The assault on the environmental has got to stop. Our world can not take it any longer. Please consider our request and be an environmental champion.**

Karen Beall  
PA 17042

**The least Pennsylvania's government can do for the citizens who live near Tom's Creek and Pine Hill is allow an impartial, science-based assessment to take place to determine the impact a greenstone mine might have on the community and the ecosystem. Pennsylvanians are tired of our irreplaceable natural landscapes, ecosystems, and endangered species being damaged and destroyed by corporations who extract natural resources for profit and leave us to clean up their mess. If the assessment shows that irreparable harm would come to the Tom's Creek area from the mountaintop removal greenstone mine, then no mining should take place there!**

Linda McNair  
Pittsburgh, PA 15235

**The Michaux area has long been a hiking and biking area for my family. My parents, children and now grandchildren have enjoyed this outdoor treasure. Please help us protect this area. Thank you.**

Brenda Webber  
PA 17055

**The mine is polluting our waters and killing our ecosystem. We see the overflow of the grit into our streams and the disappearance of wildlife. The overall health of our entire area including the humans that live there is jeopardized.**

Michelle Scurfield  
Blue Ridge Summit, PA 17214

**the PFBC cooperative nursery in partnership with the McSherrystown F&G and the Fairfield FFA has been rearing trout and stocking Tom's Creek annually since 1975. The protection of this exceptional watershed is crucial to this program which is listed one of the approved trout streams in Adam's County especially more important affects in the upper reaches.**

david swope  
new oxford, PA 17350

**There is a better way! Find it! How would you like to have someone blasting near your home? Really! Is there no mercy these days. No mining in human neighborhoods and animal preserves. Thank you for listening and acting for goodness.**

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Vonny Eckman  
PA 17015

**This is a beautiful creek and adds tremendous value to the surrounding area. One of the reasons I keep my house near there.**

Keith Carr  
Blue ridge summit, PA 17214

**This is a terrible blight and an expansion will be devastating to the environment. We live facing the site and have black dust everywhere which already means we must be breathing it.**

Susan Lloyd  
Blue Ridge Summit, PA 17214

**This is a very serious concern. I live within walking distance of Tom's Creek though up Jack's Mountain and my property borders the McCleaf farm and Tom's Creek runs through the property they've farmed since the 1790s. My drinking water is the one part of Carroll Valley that is not well water, but is now supplied by York Water. Please! No mineral run-off in our water that we drink and bathe in.**

Paul Spehr  
PA 17320

**Tom's Creek, Michaux State Forest & its surrounding areas are of incredible value to myself & all Pennsylvanians. That creek helps me to de stress while I'm in the forest. Its bubbling sounds like mantra while I hike. It is a sacred place and should be treated as such, especially when it is a contributor to the Chesapeake Bay.**

**The environmental impact of mining that site is beyond conceivable. Please do not allow such an important area to be permanently tarnished.**

Jillian Fulford  
PA 17070

**Tom's Creek is a wonderful wild trout stream. Please don't let this mining company ruin this special resource. Also, Pine Hill is known to Civil War historians as the site of the retreat from the battle of Gettysburg. That is another reason not to allow this site to be developed.**

Pamela Greenwood  
PA 17241

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**Tom's Creek is home to native brook trout, our state fish. Habitats like this are very delicate and disappearing quickly. Please help preserve our native trout and this beautiful creek in Adams County!**

Ryan Orndorff  
Fairfield, PA 17320

**Tom's creek is one of the most pristine water areas in all of the state. Our children learn about the environment by studying the aquatic and plant life here. This is a valuable resource that cannot be replaced. Please preserve this beautiful place for future generations.**

Betty Paddock  
Fairfield, PA 17320

**Tom's Creek needs to be protected from this mining activity. Keep this area in it's natural state.**

Richard Casaday  
PA 16617

**Toms creek runs through my back yard, its where I teach my children about how healthy our creek is because of the diversity of life in it and around it. The salamanders, trout, blue herron, and many larva, bugs and small fish are all things they have learned about just observing this exceptionally clean creek. I cannot imagine what contamination will do to it's biodiversity but I do know aqiatric life can be very easily damaged. It's not worth the money, some things cannot be undone.**

Daphne DeGennaro  
Fairfield, PA 17320

**We have lived within a few miles of this site for the past ten years. There is absolutely no benefit to our local community in expanding the reach of SGI. On the contrary, the continued destruction of our beautiful mountains, forests and streams by SGI is creating irreversible damage to the landscape and harming nature. Please do not allow Tom?s Creek to be ruined ?for profit.?**

Christine Miller  
Fairfield, PA 17320

**We love the peace and quiet in our rural community and the abundant pure water. Please protect our precious natural resources. There should be NO surface mining -- coal or non-coal -- in a "specially protected watershed"! The Shivers Family (3 generations)**

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Maggie Heyward  
PA 17320

**We need to keep our environment healthy for the next generations to come.**

Heidi Zwyghuizen  
PA 16823

**We need to protect the pristine waters of Tom's Creek. And stop the destruction of the historic landscape that Gen. Robert E. Lee and his Confederate troops used to escape back to the South after their loss at Gettysburg.**

David Platt  
Halifax, PA 17032

**We need you to Protect our Environment! Clean Water and Air is Everyones right! We are sick and tired of SGI damaging our Environment and Water! We are having problems with our well for a few years because of them!!! Yes, From all the blasting they do! We are frustrated with their deceptions!!! We have tried to work with them and they have fix somethings. Any damage they to our Home and Well they will fix. They are responsible to fix what they damage from them blasting! Our drinking water has E-Coli now with copper and many others things. Our Master bathroom looks like a Plumbing Factory, so that I can drink my Water! The water in Toms Creek is all but gone from them. I haved lived here for 21 years, right across from Toms Creek. We would go fishing, hiking and playing there with our sons. My younger son Shane was born here in PA this is the only home he knows. He was fishing at the age of 2 years old down at Toms Creek. Our Wildlife needs your help too! PLEASE HELP US!!!!!!**

**Wetlands are precious and need protection. The mining will also pose dangers to human health and property values. Please reject Specialty Granules, Inc.'s permit.**

Michelle Harn Richardson  
Philadelphia, PA 19151

**While I like to support jobs, it is more important to protect sensitive wildlife and forested areas and streams that are critical for streams etc that flow into the Bay. There is a ripple effect to their overall condition.**

John Henty  
PA 17403

**While I understand the importance of having jobs available in this fairly poverty-stricken region, it is short-sighted to allow further dedgradation of the surrounding forest. Where will this stop? Additionally, the black dust that settles over the entire region as a result of the**

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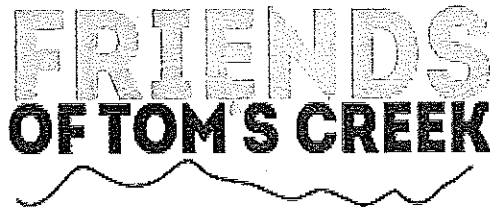


operation is very concerning. It seems like it has gotten worse over the last two years. I wonder if it is carcinogenic?

Andrew Sargent  
Blue Ridge Summit, PA 17214

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February 13th, 2019

Cambria District Mining Office  
District Mining Operations  
Department of Environmental Protection  
Commonwealth of Pennsylvania  
Attn: Daniel Sammarco, P.E., District Mining Manager  
Rock Martin, P.G., Permit Chief  
286 Industrial Park Road  
Ebensburg, Pennsylvania 15931

**Re: Comment on Large Surface Mining Permit No. 01180301 and NPDES No. PA0279617,  
Specialty Granules, LLC Submitted on behalf of Friends of Tom's Creek and Sierra Club**

Dear Mr. Sammarco and Mr. Martin:

Friends of Tom's Creek and the Sierra Club have collected public comments submitted by our members and supporters responding to the proposed Specialty Granules, LLC's application for a Noncoal Surface Mining Permit No. 01180301 and NPDES No. PA0279617 for noncoal surface mining on Pine Hill in Hamiltonban Township, Adams County, referred to by the Applicant as the "Northern Tract."

373 of our supporters have signed on in support of our comments:

*As a concerned resident of the state of Pennsylvania, I oppose Specialty Granules, Inc., LLC's permit to mine and process greenstone in Pine Hill. Greenstone is known to contain naturally occurring asbestos, and the crushing process introduces contaminants into the air and water. If*

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*permitted, the project will blast and excavate right next door to residential properties, within 100 feet of scenic, historic roads, and within 300 feet of Tom's Creek and four ecologically-diverse wetlands containing unique and endangered species.*

*Pine Hill, the proposed mining site, is 112 acres of land with important scenic and historical attributes, and is part of the "specially protected watershed" flowing into the Chesapeake Bay. Blasting will also impact septic tanks and any toxins discharged into Tom's Creek will leach through ground fissures into the aquifer, which residents of the area rely on for drinking water. Not only is the scenic and ecological value of Tom's Creek at stake, but also the health, property, and cultural heritage of its human neighbors.*

*For these reasons, we oppose SGI's permit to mine Pine Hill.*

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Below you will find the name, zip code, and emails of the 373 supporters. The first 62 supporters listed below also wrote personal comments in addition to the message they signed on in support of, with those messages are visible on the righthand side.

Thank you for accepting our supporters' comments!

Sincerely,

Susan C deVeer  
Secretary-Treasurer  
Friends of Tom's Creek  
[suedeveeer@juno.com](mailto:suedeveeer@juno.com)

Joanne Kilgour  
Chapter Director  
Sierra Club PA  
[joanne.kilgour@sierraclub.org](mailto:joanne.kilgour@sierraclub.org)

Stephanie  
Holbrook

PA 17320 We need you to Protect our Environment! Clean Water and Air is everyone's right! We are sick and tired of SGI damaging our Environment and Water! We are having problems with our well for a few years because of them!!! Yes, From all the blasting they do! We are frustrated with their deceptions!!! We have tried to work with them and they have fix somethings. Any damage they to our Home and Well they will fix. They are responsible to fix what they damage from them blasting! Our drinking water has E-Coli now with copper and many others things. Our Master bathroom looks like a Plumbing Factory, so that I can drink my Water! The water in Toms Creek is all but gone from them. I haved lived here for 21 years, right across from Toms Creek. We would go fishing, hiking and playing there with our sons. My younger son Shane was born here in PA this is the only home he knows. He was fishing at the age of 2 years old down at Tom's Creek. Our Wildlife needs your help too! PLEASE HELP US!!!!!!

Hazel  
Keahey

Blue  
Ridge  
Summit

PA 17214 Our rural community and scenic territory are being destroyed by SGI surface mining. At the turn of the last century tourists and other visitors flocked to our mountains to partake of fresh air, pure water, and incredible mountain vistas. It is indeed ironic that dust, green water, and vast pits now reverse that tourist boom! Sadly, permits were issued and expanded over the past nine decades which have degraded or, in some instances, completely destroyed these resources. How did that happen in view of our so-called Environmental Rights Amendment? How do these permits provide for a cleaner environment in accord with PA DEP's mission statement? Please give meaning to the laws that were enacted to protect citizens from these horrendous burdens. The economic burdens placed squarely on your citizens far exceed the benefits that flow primarily to nonresident owners of a privately held LLC and nonresident executives.

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Virginia  
Ciliotta

PA 17320 A branch of Tom's Creek runs through my community on its way to the Maryland border and the Chesapeake Bay. Also, close to my community is a community called Greenstone, within which a greenstone mill is located, known colloquially as "the grit mill". One can see the large clouds of smoke belching from the mill from quite a distance. Most assuredly, the lovely streams around here are polluted from mill runoff. Please don't allow an expansion of mining of this dangerous carcinogen! Also noticeable in my community lately is an increase in the number of metal roofs. The PA DEP should conduct a public service campaign encouraging the use of metal roofs and avoidance of asphalt shingles due to the asbestos content instead of contemplating approval of a permit to mine and process greenstone.

Jeffry Dull  
Blue  
Ridge  
Summit

PA 17214 It seems to me that Pennsylvania has turned a blind eye to the suspicious land swap dealings between Michaux State Forest and Speciality Granules Inc for the Pine Hill area that they are attempting to mine. People donated money to the state to protect this land and somehow it was traded anyway through dealings in a session closed to the public. In addition, it seems that there is very little oversight by PA DEP on pollution generated by SGI's mining operations even as they currently stand. This has caused many safety and noise problems for those living in areas adjoining the quarry not to mention the danger and destruction of roads caused by the truck traffic it generates. Please take a hard look at what is happening here.



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|----------------|-------------------|----|-------|---|
| Linda McNair   | Pittsburgh        | PA | 15235 | <p>The least Pennsylvania's government can do for the citizens who live near Tom's Creek and Pine Hill is allow an impartial, science-based assessment to take place to determine the impact a greenstone mine might have on the community and the ecosystem. Pennsylvanians are tired of our irreplaceable natural landscapes, ecosystems, and endangered species being damaged and destroyed by corporations who extract natural resources for profit and leave us to clean up their mess. If the assessment shows that irreparable harm would come to the Tom's Creek area from the mountaintop removal greenstone mine, then no mining should take place there!</p> |
| Catherine Dull | Blue Ridge Summit | PA | 17214 | <p>As a resident of Blue Ridge Summit, PA, which is adjacent to the SGI mine, I am concerned about the run-off water quality and also the amount of dust produced by the mining operation. The greenstone being mined may contain actinolite, a sharp needle-like form of asbestos. Grinding the greenstone releases the dust into the atmosphere and water. When the run-off dries, the dust is re-released at the drying point.</p> <p>Another major concern is the noise pollution and potential dust inhalation created by tractor trailers from the mine running a regular trucking route through residential areas.</p>   |
| Brandon Sours  | Waynesboro        | PA | 17268 | <p>I have lived in Fairfield and Waynesboro since 2001. That does nothing but hurt the local houses with the vibrations from blasting cracking concrete and destroys the roads not to mention 90% of the truckers take up the whole road and drive like idiots. And with battlefields right up here, Civil War tours come up here and have to dodge out of the way of these trucks and they also create a ton of traffic. The place should be shut down if they are out of work not expand and destroy more of the area that's making it nasty. Take it somewhere else. And stop destroying the land.</p>   |

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| Sherry<br>Rogers-Frost | Fairfield | PA 17320 | It is time that Pennsylvania recognizes that it owes the citizens of this State the full protection of its environmental laws and its constitution. Corrupt relationships between the Pennsylvania environmental agencies and the corporations they are supposed to restrain have to be a practice of the past. The only reason this permit is even an issue is that the previous administration, specifically the Secretary of DCNR, worked a swap of what was intended to be State Park land such that Specialty Granules illegally acquired it. Acquired it to destroy it! |
| Eileen<br>Graham       |           | PA 17324 | I worked at the Penn State Mont Alto campus for years and drove through this historic area many times. Expanding greenstone mining here is completely unacceptable and contrary to everything Dr. Maurice Goddard, former Secretary of Forests and Waters through five different gubernatorial administrations and the father of today's DEP, believed. Doc, whom I knew well, worked tirelessly to clean up mine pollution in Pennsylvania streams and would be mortified to see mining in his area. Do not approve SGI's permit.  |
| Daphne<br>Degennaro    | Fairfield | PA 17320 | Toms creek runs through my backyard, its where I teach my children about how healthy our creek is because of the diversity of life in it and around it. The salamanders, trout, blue heron, and many larva, bugs and small fish are all things they have learned about just observing this exceptionally clean creek. I cannot imagine what contamination will do to it's biodiversity but I do know aquatic life can be very easily damaged. It's not worth the money, some things cannot be undone.   |

Jillian Fulford

PA 17070 Tom's Creek, Michaux State Forest & its surrounding areas are of incredible value to myself & all Pennsylvanians. That creek helps me to destress while I'm in the forest. Its bubbling sounds like mantra while I hike. It is a sacred place and should be treated as such, especially when it is a contributor to the Chesapeake Bay.

The environmental impact of mining that site is beyond conceivable. Please do not allow such an important area to be permanently tarnished.

Jack  
Handshaw

PA 17320 I've lived on a neighboring ridge to this mine for over 40 years. My windows rattle when they are blowing up the mtn and I have seen the effects of runoff in Tom's Creek. The mtn top has been reduced a third since I have lived here. I can't believe they are still mining yet expanding. When I first moved here the little village beside the mine all the windows and homes were covered in green dust. Please do not let this happen!

Andrew  
Sargent

Blue  
Ridge  
Summit

PA 17214 While I understand the importance of having jobs available in this fairly poverty-stricken region, it is short-sighted to allow further degradation of the surrounding forest. Where will this stop? Additionally, the black dust that settles over the entire region as a result of the operation is very concerning. It seems like it has gotten worse over the last two years. I wonder if it is carcinogenic?

Paul Spehr

PA 17320 This is a very serious concern. I live within walking distance of Tom's Creek though up Jack's Mountain and my property borders the McCleaf farm and Tom's Creek runs through the property they've farmed since the 1790s. My drinking water is the one part of Carroll Valley that is not well water, but is now supplied by York Water. Please! No mineral runoff in our water that we drink and bathe in.

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| Christine Miller | Fairfield  | PA 17320 | We have lived within a few miles of this site for the past ten years. There is absolutely no benefit to our local community in expanding the reach of SGI. On the contrary, the continued destruction of our beautiful mountains, forests and streams by SGI is creating irreversible damage to the landscape and harming nature. Please do not allow Tom's Creek to be ruined for profit. |
| Clifford Frost   | Fairfield  | PA 17320 | Mountaintop removal is almost always awful, but it's particularly bad in this case. It is proposed in an area that is positioned between residential housing and the Michaux State Forest. It would damage both these environments as well as damage the historic confederate retreat route from Gettysburg. In addition it threatens endangered species, both flora and fauna.            |
| David Swope      | New Oxford | PA 17350 | the PFBC cooperative nursery in partnership with the McSherrystown F&G and the Fairfield FFA has been rearing trout and stocking Tom's Creek annually since 1975. The protection of this exceptional watershed is crucial to this program which is listed one of the approved trout streams in Adam's County especially more important effects in the upper reaches.                       |
| Shay Jones       |            | PA 17368 | So many government agencies and citizens are working to clean up and restore the Chesapeake Bay to its natural splendor. Why allow Specialty Granules, Inc. to engage in opposing activities that will only destroy the Chesapeake Bay clean up efforts??!! Where is the common sense in this?!  |
| Pamela Greenwood |            | PA 17241 | Tom's Creek is a wonderful wild trout stream. Please don't let this mining company ruin this special resource. Also, Pine Hill is known to Civil War historians as the site of the retreat from the battle of Gettysburg. That is another reason not to allow this site to be developed.   |

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| Betty Paddock            | Fairfield        | PA 17320     | Tom's creek is one of the most pristine water areas in all of the state. Our children learn about the environment by studying the aquatic and plant life here. This is a valuable resource that cannot be replaced. Please preserve this beautiful place for future generations.                     |
| Michelle Harn Richardson | Philadelp<br>hia | PA 19151     | <p>Dear PA Department of Environmental Protection,</p> <p>Wetlands are precious and need protection. The mining will also pose dangers to human health and property values. Please reject Specialty Granules, Inc.'s permit.</p> <p>Sincerely,<br/>Michelle Harn Richardson<br/>Philadelphia, PA</p> |
| Brent Walls              | Bunker Hill      | W 21795<br>V | It is important to preserve places of high importance in our natural world. Tom's creek has value greater than that of the mineral ore taken out of the ground by SGI. The Governor needs to hold the value of our natural resources above the profits of a corporation.                             |
| Matthew Savino           |                  | PA 16601     | If you cannot appreciate Pennsylvania's natural beauty enough to look past money, power and greed then you're unfit to make any choice on this matter. This state needs to be preserved for future generations rather than logged, mined, and developed to death.                                    |
| Maggie Heyward           |                  | PA 17320     | We love the peace and quiet in our rural community and the abundant pure water. Please protect our precious natural resources. There should be NO surface mining -- coal or non-coal -- in a "specially protected watershed"! The Shivers Family (3 generations)                                     |
| Keith Bigham             | Fairfield        | PA 17320     | Loss of ruins of Piney Hill school house that my family attended , loss of the Thaddeus Stevens mine . My family has been in this area for nearly 300 years , and owned some of this property it would be ashamed to lose this part of this history .  |

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| Michelle Scurfield | Blue Ridge Summit | PA 17214 | The mine is polluting our waters and killing our ecosystem. We see the overflow of the grit into our streams and the disappearance of wildlife. The overall health of our entire area including the humans that live there is jeopardized. |
| Vonny Eckman       |                   | PA 17015 | There is a better way! Find it! How would you like to have someone blasting near your home? Really! Is there no mercy these days. No mining in human neighborhoods and animal preserves. Thank you for listening and acting for goodness.  |
| John Henty         |                   | PA 17403 | While I like to support jobs, it is more important to protect sensitive wildlife and forested areas and streams that are critical for streams etc that flow into the Bay. There is a ripple effect to their overall condition.             |
| David Platt        | Halifax           | PA 17032 | We need to protect the pristine waters of Tom's Creek. And stop the destruction of the historic landscape that Gen. Robert E. Lee and his Confederate troops used to escape back to the South after their loss at Gettysburg.              |
| Aileen Cunningham  | Youngs-town       | PA 15696 | Please protect our waters and air by properly and fairly assessing the impact this mining will do to our ecosystem. When in doubt, ALWAYS err on the side of nature. Profits should never more important than our health.                  |
| Ryan Orndorff      | Fairfield         | PA 17320 | Tom's Creek is home to native brook trout, our state fish. Habitats like this are very delicate and disappearing quickly. Please help preserve our native trout and this beautiful creek in Adams County!                                  |
| Michael Rhodes     |                   | PA 17070 | I'd like to see our Pennsylvania government take a firmer stand against environmental degradation. It's time we learned to work symbiotically with the environment instead of seeking to exploit it.                                       |
| Brenda Webber      |                   | PA 17055 | The Michaux area has long been a hiking and biking area for my family. My parents, children and now grandchildren have enjoyed this outdoor  |

treasure. Please help us protect this area. Thank you.

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| Susan Lloyd          | Blue Ridge Summit | PA 17214 | This is a terrible blight and an expansion will be devastating to the environment. We live facing the site and have black dust everywhere which already means we must be breathing it. |
| Patricia Warehime    |                   | PA 17331 | Our earth and ecosystems are incredible fragile. The runoff from this project jeopardizes the hard won gains of the Chesapeake Bay watershed. Please do not let this go forward.       |
| Kathleen (kate) Carr | Blue Ridge Summit | PA 17214 | PLEASE, it is horrifying to see what Specialty Granules Inc. (SGI) is doing to the air quality, health and beauty of our community.  |
| Kaitlin Wingard      |                   | PA 17013 | I'm in this area multiple time a week, either biking or hiking. Please keep this place special and pristine. It's a form of therapy for me and my friends.                             |
| James Ebaugh         |                   | PA 17327 | Please stop turning Pennsylvania into an over-fracked, toxic air and water quality state by putting industrial interests ahead of people.  |
| Karen Beall          |                   | PA 17042 | The assault on the environmental has got to stop. Our world can not take it any longer. Please consider our request and be an environmental champion.                                  |
| Denise Sprague       | Levittown         | PA 19054 | There is nothing wrong with using reusable bags, not only is it more beneficial to the environment, but they are sturdier and hold more products.                                      |
| R. Woodward          |                   | PA 19382 | Asphalt shingles are another petroleum based product that needs to be abandoned for other less damaging solutions to our roofing needs.  |
| David Low            |                   | PA 19031 | It would be outright immoral to approve this. The demand for these products can either be purchased elsewhere or met in some other way.  |
| Kathleen (kate) Carr | Blue ridge summit | PA 17214 | This is a beautiful creek and adds tremendous value to the surrounding area. One of the reasons I keep   |

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my house near there.

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| John Detweiler   |                         | PA  | 17011 | Tom's Creek is a real treasure close to a large population that enjoys it. Please don't approve this permit. |
| Melissa Frey     |                         | PA  | 17320 | I live in this area; I have seen the damage. Please do not allow the degradation of the area to continue.    |
| Jonathan Ingram  | Cashtown -McKnightstown | PA  | 17310 | Jonathan Ingram supports the initiative of the Friends of Toms Creek. Think Globally, Act Locally.           |
| Richard Casaday  |                         | PA  | 16617 | Tom's Creek needs to be protected from this mining activity. Keep this area in it's natural state.           |
| Frank Evelhoch   |                         | PA  | 17050 | Let's not forget our state constitution's guarantee of clean water for all state residents.                  |
| Tom Schwartz     |                         | PA  | 17070 | I hike in the Tom' Creek drainage and want to keep the area natural and unpolluted.                          |
| Ronald Baker     |                         | PA  | 17055 | One of my favorite places to hike. Don't ruin it for many for the sake of a few.                             |
| Heidi Zwyghuizen |                         | PA  | 16823 | We need to keep our environment healthy for the next generations to come.                                    |
| Jared Ferraro    | Fairfield               | PA  | 17320 | Mountains don't grow back. When will we assign nature a higher value.  |
| Anna Heard       | Washington              | D C | 20036 | Please consider the potential health impacts of mining in Pine Hill!   |
| Starr Offenger   |                         | PA  | 17050 | Is nothing worth saving anymore?! The greed is beyond pathetic!  |
| Heather Jenkins  | Fairfield               | PA  | 17320 | Some things are more important than the almighty dollar.   |
| Colleen Scanlon  | Washington              | D C | 20009 | Save Tom's Creek! It's important to your constituents.   |
| Stacey Solesha   | Fairfield               | PA  | 17320 | Please help protect the water quality of Tom's Creek!  |

|                      |            |     |       |   |
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| Fiona Sweeney        | Washington | D C | 20009 | I WOULD LIKE TO PROTECT THE TOM'S CREEK COMMUNITY |
| Apryl Huster         | Fairfield  | PA  | 17320 | Protect our water, our creeks, our bay!           |
| Thomas & Bonnie Osif |            | PA  | 17320 | Seriously, don't let this happen!                 |
| Natalie Kubiak       |            | PA  | 16505 | Nobody voted for more pollution.                  |
| Maureen Muri         | Fairfield  | PA  | 17320 | For the future of our children.                   |
| Paul Palla           |            | PA  | 17225 |   |
| Robert Rhodes        |            | PA  | 17236 |   |
| Angelina Kaliszak    | Bethesda   | M D | 20814 |   |
| Amanda Flagle        |            | PA  | 17055 |   |
| Rhonda Myers         | Fairfield  | PA  | 17320 |   |
| Nicole Jones         |            |     |       |   |
| Katie Rubright       | Bronx      | N Y | 10454 |   |
| Wendy Allen Payne    | Palatka    | FL  | 32177 |   |
| Chloe Selles         | Harrisburg | PA  | 17101 |   |
| Denise DeLaurence    | Fairfield  | PA  | 17320 |   |
| Gregory Murray       | Fairfield  | PA  | 17320 |   |

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| Rachel<br>Mcvey     | Fairfield | PA 17320 |
| Jerry Holz          | Fairfield | PA 17320 |
| Troy Wastler        | Fairfield | PA 17320 |
| Frank Nagy          | Fairfield | PA 17320 |
| Carreanne<br>Eyler  |           |          |
| Cynthia<br>Murray   | Fairfield | PA 17320 |
| Kristy Shriner      | Fairfield | PA 17320 |
| Emily Flohr         | Fairfield | PA 17320 |
| Dianne<br>Stadler   | Fairfield | PA 17320 |
| Susan<br>Thomas     | Fairfield | PA 17320 |
| Kate Nagy           | Fairfield | PA 17320 |
| Lisa Sturges        | Fairfield | PA 17320 |
| Cheri Wojcik        | Fairfield | PA 17320 |
| Jenn Werst          | Fairfield | PA 17320 |
| Sarah<br>Harbaugh   | Fairfield | PA 17320 |
| Keith Crum          | Fairfield | PA 17320 |
| Brenda<br>Conaty    | Fairfield | PA 17320 |
| Misty Long          | Fairfield | PA 17320 |
| Kelley Estes        | Fairfield | PA 17320 |
| Jaime<br>Buffington | Fairfield | PA 17320 |



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| Hunter<br>Buffington | Fairfield         | PA 17320 |
| David<br>Millstein   | Fairfield         | PA 17320 |
| Deirdre<br>Mezger    | Fairfield         | PA 17320 |
| Lindsay<br>Payne     | Fairfield         | PA 17320 |
| Beverly<br>Michaels  | Fairfield         | PA 17320 |
| Carrie<br>Shelton    | Fairfield         | PA 17320 |
| Sue Seiferd          | Fairfield         | PA 17320 |
| Jesse<br>Brockmeier  | Fairfield         | PA 17320 |
| Sheri Zajac          | Fairfield         | PA 17320 |
| Emily Rudisill       | Gettys-<br>burg   | PA 17325 |
| Jane<br>Clements     | Fairfield         | PA 17320 |
| Kelly<br>Fitzgerald  | Fayette-<br>ville | PA 17222 |
| Michael<br>Dennison  | Fairfield         | PA 17320 |
| Lindsay<br>Collins   | Fairfield         | PA 17320 |
| John Strahler        | Fairfield         | PA 17320 |
| Heather Stahl        | Fairfield         | PA 17320 |
| Jared Huster         | Fairfield         | PA 17320 |
| Mary                 | Fairfield         | PA 17320 |

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Sherman

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| Stacy<br>Shelton | Fairfield | PA | 17320 |
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| Wendy Gray | Fairfield | PA | 17320 |
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| Noel Heward | Gettys-<br>burg | PA | 17325 |
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| Amber<br>Pritt-Smith | Fairfield | PA | 17320 |
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| Brian<br>Lansford | Fairfield | PA | 17320 |
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| Charles<br>Mickley | Fairfield | PA | 17320 |
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| Rebecca<br>Lambert | Fairfield | PA | 17320 |
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| Dawn<br>Bigham | Fairfield | PA | 17320 |
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| Hannah<br>Jordan | New<br>Oxford | PA | 17350 |
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| Vivian Fitez | Fairfield | PA | 17320 |
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| Carissa<br>Phillips | Fairfield | PA | 17320 |
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| Brittany Holtz | Fairfield | PA | 17320 |
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| Tina<br>Shindledecke<br>r | Fairfield | PA | 17320 |
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| Allison<br>Wagner | Fairfield | PA | 17320 |
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| Anne Gageby | Fairfield | PA | 17320 |
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Deb  
Bisenieks

|                      |                         |    |       |
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| Amy Baker            | Fairfield               | PA | 17320 |
| Elizabeth<br>Mickley |                         |    |       |
| Emily Ridge          | Fairfield               | PA | 17320 |
| Kaylee Metz          | Fairfield               | PA | 17320 |
| Garrett<br>Young     | Orrtanna                | PA | 17353 |
| Wendy<br>Wagner      | Fairfield               | PA | 17320 |
| William Smith        | Blue<br>Ridge<br>Summit | PA | 17214 |
| Don<br>Copeland Jr   | Berwyn                  | PA | 19312 |
| Joseph<br>McBride    | Philadel-<br>phia       | PA | 19148 |
| Chelsea<br>Cramer    | Montours-<br>ville      | PA | 17754 |
| John<br>Sherman      | Fairfield               | PA | 17320 |
| Matthew<br>Degennaro |                         |    |       |
| Joe Allmon           | Fairfield               | PA | 17320 |
| Rebecca<br>Bequette  | Fairfield               | PA | 17320 |
| Lisa Baer            | New<br>Oxford           | PA | 17350 |
| Henry<br>Garazo      | Fairfield               | PA | 17320 |
| Shaun Wolf           | New<br>Oxford           | PA | 17350 |

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|----------------------|------------------|--------|-------|
| Amy-Beth<br>Garazo   | Fairfield        | PA     | 17320 |
| Kyris Boyle          | Fairfield        | PA     | 17320 |
| Robert<br>Rebuck     | Millers-<br>burg | PA     | 17061 |
| Anna<br>Heyward      | Washing-<br>ton  | D<br>C | 20008 |
| Lara Hakki           | Washing-<br>ton  | D<br>C | 20007 |
| Catherine<br>Turvey  | Washing-<br>ton  | D<br>C | 20008 |
| Steven Dyer          | Bethesda         | M<br>D | 20814 |
| Philip<br>Heyward    | Washing-<br>ton  | D<br>C | 20015 |
| Jamie<br>Heyward     | Baltimore        | M<br>D | 21231 |
| Kira<br>Bromwich     | Washing-<br>ton  | D<br>C | 20016 |
| Catherine<br>Heyward | Washing-<br>ton  | D<br>C | 20008 |
| Anna<br>Bernstein    | Washing-<br>ton  | D<br>C | 20015 |
| Nick Plebani         | Washing-<br>ton  | D<br>C | 20001 |
| Daniel<br>Adams      | Washing-<br>ton  | D<br>C | 20009 |
| Annelise<br>Haskell  | Washing-<br>ton  | D<br>C | 20008 |
| Emma<br>Fernandez    | Washing-<br>ton  | D<br>C | 20003 |

|                    |                |        |       |
|--------------------|----------------|--------|-------|
| Cristina Alba      | Washington     | D<br>C | 20009 |
| Jessica Catto      | Washington     | D<br>C | 20009 |
| Tess Lippincott    | Washington     | D<br>C | 20007 |
| Emily Stephen      | Washington     | D<br>C | 20007 |
| Olisa Onyiuke      | Washington     | D<br>C | 20005 |
| Kylie Hiemstra     | Washington     | D<br>C | 20009 |
| Mary Kate McErlean | Washington     | D<br>C | 20009 |
| Daniella Hubert    | Washington     | D<br>C | 20009 |
| Sophie Feldman     | Washington     | D<br>C | 20015 |
| Adam Glickman      | Washington     | D<br>C | 20005 |
| Eryn Terry         | Upper Marlboro | M<br>D | 20774 |
| Chae Kim           | Washington     | D<br>C | 20009 |
| Maria Philip       | Washington     | D<br>C | 20009 |
| Lucy Gibson        | Washington     | D<br>C | 20007 |
| D. Parker          | Bethesda       | M<br>D | 20814 |
| Lily Wang          | Washington     | D<br>C | 20009 |

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Rick Scurfield

|                   |                   |        |       |
|-------------------|-------------------|--------|-------|
| Juliet Ewing      | Washington        | D<br>C | 20011 |
| Henry Pitney      | Washington        | D<br>C | 20011 |
| Christina Sprague | Washington        | D<br>C | 20016 |
| Alex Brillman     | Washington        | D<br>C | 20036 |
| Alexandra Alba    | Washington        | D<br>C | 20016 |
| philip shivers    | Baltimore         | M<br>D | 21210 |
| Priya Gaur        | Washington        | D<br>C | 20008 |
| Rachel I          | Washington        | D<br>C | 20005 |
| Sam Gerstle       | Washington        | D<br>C | 20002 |
| Devon Haynes      | Washington        | D<br>C | 20002 |
| Margot Sidman     | Washington        | D<br>C | 20015 |
| Samantha Spalding | Camp Hill         | PA     | 17011 |
| Audrey Young      | Blue Ridge Summit | PA     | 17214 |
| Nicole Bennett    | Fairfield         | PA     | 17320 |
| Georgine Ahmad    | Bethesda          | M<br>D | 20816 |

|                           |                   |    |       |
|---------------------------|-------------------|----|-------|
| Laura Pinsky              | Washington        | D  | 20002 |
| Gwen Courtney-Christensen | Fairfield         | PA | 17320 |
| Patricia Gaffney          | Waynesboro        | PA | 17268 |
| Chloe Lerman              | Washington        | D  | 20018 |
| Katherine Menz            | Blue Ridge Summit | PA | 17214 |
| Claire Amiel              | Unknown           | PA | 17214 |
| Marian Kerr               |                   |    |       |
| Jodi Cable                | Unknown           | PA | 17325 |
| Ryan Bradley              | Greenbelt         | M  | 20770 |
| Frank Shivers             | Unknown           | M  | 21217 |
| Sheryl Aitkenhead         |                   | PA | 19072 |
| William Rulon-Miller      | Narberth          | PA | 19072 |
| David Young               |                   | PA | 17214 |
| Keith Carr                |                   | D  | 20010 |
| Robert Leahy              |                   | PA | 17214 |
| Steve Irvine              |                   | PA | 17070 |
| John DeHoff               |                   | PA | 17320 |
| donald                    | fairfield         | PA | 17320 |

Morrison

Rita Douglas PA 17320

Tammy Fairfield PA 17320  
Keefer

Lisa Hartman M 21740  
D

Timothy Wilton FL 33334  
Oswald Manors

Andrew PA 17320  
Myers

Danielle Mikesell-Redding PA 17320

Kimberly PA 17320  
Connelly

Lindsey PA 17320  
Holmberg

Catherine PA 17320  
Valentine

Ian Strahler PA 17320

chris strickler PA 17402

Jen Strahler PA 17320

Samuel PA 19518  
Barbary

Kristin PA 17320  
Wagner

Natalie PA 17353  
Klinedinst

Judith PA 17350  
Hartman

Lionel PA 17320  
Whitcomb

Amanda  
Whitcomb

Shauna                      PA   17320  
Snyder

Heather                    PA   19543  
Whitcomb

Laura                      PA   17320  
Oswald

Tracy                      PA   17320  
Woodward

Emily                      PA   17320  
Whitcomb

Joan Horak      Gettys-      PA   17325  
                    burg

Samantha                PA   17320  
Raum

Jonathan                PA   17325  
Moe

christina                PA   17214  
Griffin

Aubrey                    PA   17325  
Kamppila

Jack Lynch              M   21769  
                            D

Haleigh                 PA   17320  
Bowen

Marvin                    PA   17320  
Rogers

Sam                        PA   17320  
DeLaurence

Shane Miller            PA   17320

|                   |                 |              |
|-------------------|-----------------|--------------|
| Ally Spielman     |                 | PA 17320     |
| Robyn Koons       |                 | PA 17320     |
| Jared Brandt      | Clarksville     | T 17046<br>N |
| Joshua Gray       |                 | PA 17320     |
| Michelle Spielman |                 | PA 17320     |
| Alexis Packard    |                 | PA 17320     |
| Matt Stahley      |                 | PA 17268     |
| Michael Tyson     | Canaan          | N 17320<br>Y |
| Bronte Fennimore  |                 | PA 17325     |
| Jerrica Gray      | Fairfield       | PA 17320     |
| Frederick Horak   |                 | PA 17325     |
| Abby Shope        | Lewis-<br>berry | PA 17339     |
| Marina Fogle      |                 | PA 17320     |
| Melissa Bishop    | Fairfield       | PA 17320     |
| Jordan grimsley   |                 | PA 17320     |
| Anthony Bruno     |                 | PA 17214     |
| Paula Ziegler     |                 | PA 19512     |
| Julia Budd        |                 | PA 17320     |
| Ivana Lopez       |                 | PA 17325     |



Espinosa

Constance PA 17214  
Irons

Tracie Flood PA 17320

David Paolini PA 17320

David Metz PA 17320

Lauren PA 17325  
Shaak

Katie Shaak PA 17222

Kayla Silko PA 17320

Erika PA 17320  
Nordberg

Karen Jaeger PA 17214

Daniel PA 17268  
Thompson

Stephanie PA 17325  
Brian

Ashley Cool Hagers- M 21740  
town D

Geraldine M 21719  
Otremba D

MAURA Lansdale PA 19446  
CONLEY

Chelsea PA 17320  
Boggs

Terry Young PA 17320

Deanna PA 17320  
Painter

Jennifer PA 17320

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Andes

Rachel  
Rogers PA 17320

Bailee Shank PA 17320

George  
Griffin PA 17214

Chet Andes PA 17320

Shane  
Clemens PA 18944

Becky  
Roberts PA 17320

Kathleen Fairfield  
Anderson PA 17320

Nancysue  
Phillips M 21769  
D

Andrew Stout M 21701  
D

Eric Naguski PA 17007

Sanford And Washington  
Beth Ungar D 17320  
C

Jack  
Handshaw PA 17320

LINDA HUNT M 21901  
D

Leslie Bethesda  
Wharton M 20816  
D

Edward Lingg M 21727  
D

Tracey waldorf  
Katsouros M 20601  
D

|                    |            |        |       |
|--------------------|------------|--------|-------|
| Kristina Herold    | Easton     | M<br>D | 21601 |
| Joy Kroeger-Mappes | Frostburg  | M<br>D | 21532 |
| Donna Swauger      |            | PA     | 17268 |
| Susanna Woodward   |            | M<br>D | 21702 |
| doris Keil-shamieh | Jefferson  | M<br>D | 21755 |
| Jody Benjamin      |            |        |       |
| Parrie Henderson   | Washington | D<br>C | 20010 |
| Deb Wentling       | Fairfield  | PA     | 17320 |
| Vivian Moore       | Cumberland | M<br>D | 21502 |
| Kevin Kriescher    | baltimore  | M<br>D | 21218 |
| Monica Greene      | Frederick  | M<br>D | 21702 |
| Karen Neiderer     |            | PA     | 17320 |
| Andrea Theisson    | Gettysburg | PA     | 17325 |
| Vicki Stinebaugh   |            | PA     | 17268 |
| Nancy Plaxico      | Annapolis  | M<br>D | 21403 |
| Tyler Sturgill     |            | M<br>D | 21157 |

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|-----------------|--|----|-------|
| Michael Shaffer |  | PA | 17320 |
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|-------------------|--|----|-------|
| Danielle Karppala |  | PA | 17320 |
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| Scott D | Washington | D | 20016 |
|---------|------------|---|-------|

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| Stephanie Felton | Brunswick | M | 21716 |
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| Troy Smith |  | PA | 17268 |
|------------|--|----|-------|

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| K Bawer | Rockville | M | 20850 |
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|---------------|--|---|-------|
| William Leahy |  | M | 20815 |
|---------------|--|---|-------|

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|-----------------|--|---|-------|
| Rachel Sturgill |  | M | 21157 |
|-----------------|--|---|-------|

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| Stephanie Joyner | Catonsville | M | 21228 |
|------------------|-------------|---|-------|

|                |  |    |       |
|----------------|--|----|-------|
| Crystal Heller |  | PA | 17320 |
|----------------|--|----|-------|

|              |  |    |       |
|--------------|--|----|-------|
| Jessica Wolf |  | PA | 17350 |
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| Beth Ungar |  | PA | 17320 |
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| THOMAS RODGERS |  | PA | 17214 |
|----------------|--|----|-------|

|               |           |   |       |
|---------------|-----------|---|-------|
| Peter Russell | Baltimore | M | 21212 |
|---------------|-----------|---|-------|

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| Ronda Mcelroy |  | PA | 17320 |
|---------------|--|----|-------|

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| Rich DeMartino | Hagerstown | M | 17268 |
|----------------|------------|---|-------|

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|-----------|-----------|----|-------|
| Linda Coe | Fairfield | PA | 17320 |
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| paul norton |  | PA | 17268 |
|-------------|--|----|-------|

|                     |                 |        |       |
|---------------------|-----------------|--------|-------|
| Nathan<br>Mickley   |                 | PA     | 17320 |
| Cameron<br>Mickley  |                 | PA     | 17320 |
| Kaitlyn<br>Blizzard |                 | M<br>D | 21158 |
| Maddie Sass         |                 | PA     | 17320 |
| Wyatt Shorb         |                 | PA     | 17320 |
| Sandra<br>Bennett   |                 | PA     | 17257 |
| Justine laea        |                 | PA     | 17320 |
| Alivia Franco       |                 | PA     | 17320 |
| Kendra Miller       |                 | PA     | 17320 |
| Rich Mallory        |                 |        |       |
| Irene Neff          |                 | PA     | 17222 |
| Kat Hong            |                 | D<br>C | 20010 |
| Donna<br>Sturtevant | Unknown         | D<br>C | 20016 |
| Tresa Day           | Unknown         | PA     | 17202 |
| John Laramie        | Unknown         | PA     | 17320 |
| Marc Imlay          | Bryans<br>Road  | M<br>D | 20616 |
| Laura Wright        | Hagers-<br>town | M<br>D | 21740 |
| Nancy<br>Halgren    | Culpeper        | M<br>D | 21207 |
| Frank Nagy          |                 | PA     | 17320 |

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|                              |          |
|------------------------------|----------|
| Steve Roy                    | PA 17320 |
| Anne<br>MacMillan            | PA 17214 |
| Josh Gastley                 | PA 17320 |
| Charles<br>Christianson      | PA 17320 |
| Thomas M. Keahey, M.D.       | PA 17214 |
| Chi Pham                     | PA 17320 |
| Daryl<br>Despues             | PA 17320 |
| Joe Painter                  | PA 17320 |
| Owen<br>Courtney-Christensen | PA 17320 |
| Elizabeth<br>Miller          | PA 17320 |
| Arthur Henne                 | PA 17325 |
| Duane E.<br>Williams         | PA 17320 |
| Charles<br>Frederick         | PA 17320 |
| Dianna<br>Henne              | PA 17325 |
| Michael E.<br>Pue, Jr.       | PA 17326 |
| Nicole<br>Glatfelter         | PA 17320 |
| Matthew<br>Simchak           | 17214    |
| Peter Boving                 | PA 17320 |

Emily  
Faalasls PA 17320

Linda  
Williams PA 17320

Susan C.  
deVeer PA 17320

Kathleen  
Frederick PA 17320

DEP CAMBRIA OFFICE

FEB 15 2019

Sherry Rogers-Frost

February 13, 2019

## **EXECUTIVE SUMMARY:**

SGL's answers to the ANTIDEGRADATION and the SOCIAL AND ECONOMIC JUSTIFICATION sections are stunningly inadequate recompense for:

- The Tri-Colored Bat is now considered threatened in PA, and soon will be on the U.S. endangered list. Also witness to bog turtle from hearing. Also, the fact that it has been two years since original survey: the critical species survey needs to be done again.
- THE DESTRUCTION OF A 300 MILLION YEAR OLD VOLCANIC MOUNTAIN CREATED BY THE collision of ancient continents.
- The pollution of an HQ stream with sediment which will carry some percentage of toxic asbestos and change the stream's bottom contours by filling it up with silt (this is what has happened to Miney Branch)
- the re-contouring of part of a PROTECTED WATERSHED (reversing the present downhill shape);
- The harm to the health of one of only three birthplaces (headwaters) for the Potomac River. "Health" is meant here not as a few chemical tests but the whole ecology of a stream as determined by macroinvertebrate indicators of healthy conditions.
- the probable serious harm during drought months of several wetlands (two of which are nationally protected) if water volume of the west and east tributaries are impacted.

- the compromise of health of the HQ segment during summer months which carries a low volume of water under normal circumstances. Restricting normal rain water runoff to this section would lower the volume of the stream and increase the temperature.

## **ANTIDEGRADATION OPTIONS**

The proposed site of this new quarry has to be the poster child of where NOT to put a quarry. Would PADEP even consider this application if it were not for the existing quarry behind it? The tract is surrounded on three sides by HQ tributaries and stream, wetlands exist on both sides, and it is situated within a residential area, across from a State Forest.

The only antidegradation option which prevents damage to an iconic stream (Toms Creek is well known and loved because of its trout fishing and its long stretch down through to Lake May and the Carroll Valley Community Park), is the first: **moving the site to a different location.** I was mistaken in my estimate of how much land SGI currently owns. It is not 1400 acres, but there is plenty of room within its current boundaries, and ISP/SGI has deed recorded options to mine on adjacent properties.

SGI even admits that if it were to move some of its infrastructure that it could expand into those areas. And SGI has deed recorded mining rights to an 130 acres parcel owned by Elizabeth Chase, continuous with the Pitts quarry. (See Appendix A.)

## **SOCIAL AND ECONOMIC JUSTIFICATION**

The only rationale propounded by ISP/SGI is that permit approval will allow ISP/SGI to continue a relatively high profit margin business beyond the normal 15-25 years it will take for the mine to get to the 840 ft level of their Pitts Quarry and finish the reclamation of both the West Ridge and Pitts quarries.

No guarantees or timelines are stated for these activities and no commitment made for future employment and tax revenue. The employment of 156 persons is stated to not change by means of this permit approval, and no mention of increased tax revenue.

Therefore, both of the (only) current economic advantages of ISP/SGL's presence will not change, and the community will be betting on an unknown future. Also, of course, there is the great fear is that SGL will start mining the NT before they are finished at Pitts and before they have even finished the reclamation of West Ridge.

Instead of offering any economic or social advantages for this permit approval, ISP/SGL only makes a **negative argument: a direct threat** to shut down the current operation at any time "depending on aggregate demand" and on whether they get what they want from this permit application! The company's sole economic 'justification' is to not close down operations. In other words, if the State, County, Township do not let them destroy the environment as they wish then they will punish them by denying employment to 156 workers and denying local tax money to the township.

Given the unlikely event that SGL would stop operation at a site with millions of dollars of infrastructure and good 15-20 years of solid mineral extraction ahead of it just from the Pitts Quarry, PADEP's approval for this new quarry would only serve to safeguard some future interest of SGL beyond the normal lifespan of the present quarry.

The quarry's usefulness to the County and Township as a source of tax revenue, and its job generation should be much longer than this 15-20 year estimate if total reclamation of the current quarries takes place. West Ridge Quarry has been inactive for over **20 years (since 1996)** and is still only half completed!

If PADEP were to approve this permit solely to protect the profit making interests of a private mining company into some unknown period of the future it would be certainly against all regulations, and probably unconstitutional, given the legislative statutes which define DEP's scope and responsibilities.

As to the "Social" part of the justification, I hope that PADEP heard enough of the social problems caused by the current quarry operation during two days of public testimony to understand that a large scale quarry situated within a residential community cannot but cause misery (and probably ill health). The property on both sides of the quarry are zoned residential. People have been living there for generations, and now many people's lives have been ruined by the quarry. The beauty and peace of mountain land is why they came to live in the foothills of South Mountain, and both of those things have been taken away from them.

### **LACK OF COUNTY, TOWNSHIP, COMMUNITY SUPPORT**

A. Appendix B: -Letter from Hamiltonban Townshiip, dated February 21, 2011

Appendix C: -Letter from Adams County Feb 28, 2011

B. It should be clear to DEP, after hearing from people from Adams County and Hamiltonban Township that SGI is not trusted because of the devious secret swap of land it participated in to get the NT site. Also promises are not believed since many were made in 2011 but none, such as reclaiming West Ridge, were fulfilled. SGI will give \$8-10K toward a community park, or to Strawberry Hill, but that is "chump change" for a company like SGI and people know it. Your process of forms and certified letters does not allow you to understand how the company actually interacts with local governance. Hamiltonban was worried about the threat that SGI would shut down, but it doesn't see its future tied to SGI.

B. SGI has made no actual investment in any community program: No scholarships, no training programs, no sponsorship of 4-H, no partnership for badly needed community programs such as an opioid consulting clinic, etc. For all the many years of complaints lodged against the company since it moved into the Stanley Pitts property and literally started ruining the quality of life for so many people who had long lived in peace in the



wooded hills, SGI has consistently chosen to take complaints on an individual basis, never creating a community outreach office.

## **EXTRACTIVE INDUSTRIES ARE NOT THE FUTURE**

A. Extractive industries are by definition not sustainable, and are not desired by Adams County or any Township in Pennsylvania which is looking to the future.

B. Usually these industries leave environmental cleanup to the municipality or the state. In the case of a surface mine which is contaminated with actinolite asbestos, the cleanup could easily end up as a Federal responsibility (i.e. Superfund).

C. If the local tax base is too dependent on them it makes the municipality fragile, subject to the kind of blackmail SGI is now using to further its own private interests. Nowhere in the Adams County or the Hamiltonban Comprehensive plans is there any mention of mining as an economic basis. The quote used by SGI about Industrial development is about light industry, and surface mining is specifically noted only under "Conditional Use Zoning". (See Hamiltonban Township Zoning Ordinance.)

D. **The Hamiltonban "Conditional Use Permit"** provided to SGI (NARRATIVE TO CONDITIONAL USE PERMIT APPLICATION (THE "APPLICATION") UNDER THE HAMILTONBAN TOWNSHIP ZONING ORDINANCE (THE "ORDINANCE")) contains a requirement which SGI has chosen to ignore, but when enforced by the township will make mining the NT difficult, if not impossible:

4.n) *"There shall be no vibration which is discernible to the human sense of feeling beyond the immediate site on which such use is conducted."*

E. **The Adams County requirements** include preserving Toms Creek. (Appendix E)

## **UNCERTAIN ECONOMIC FUTURE FOR ROOFING SHINGLES**

A. There is also the uncertainty of profit in the asphalt shingle roofing business. Metal roofs are gaining market share quickly, due to architectural acceptance, the ability to shape metal in many new ways, and the increased occurrence of 'major storm events.' Insurance companies give discounts for metal roofs because of their strength and longevity. (Even GAF, which is SGI's cousin within the Standard Industries company, now offers metal roofing).

B. Solar roofs are just beginning to make an impact on the market, but once the manufacturing infrastructure is in place there is a tremendous demand which has developed and will continue to grow.

C. There is definitely an increasing market for producers such as HASBRO who make an environmentally neutral granule (basically a recycling) of coal combustion co-products. (Hasbro has manufacturing plants in the Northeast, BTW. And 3M, the largest granule produce has a plant in Pittsboro, N.C. with rail access for delivery farther north, so SGI's attempt to make it sound like the whole Northeast is dependent upon them is kind of silly, and irrelevant since again we are talking about 15-20 years in the future!

D. The 15-20 year natural future for the present Pitts quarry works out to be about the period during which any roof shingle granule manufacturer will be very profitable, since other types of roofing will probably be dominating the market by that time.

## **ECONOMIC VISION FOR SOUTH MOUNTAIN AREA**

A. The economic plans for Adams County and Hamiltonban Township's future are based on 1) preserving agricultural, 2) recreation, 3) tourism. This is all carefully documented in their Comprehensive Plans.

B. Preserving the **agricultural base** of Adams County is primary to any planning. The Fruit Belt (Fairfield area) is eligible for national historic preservation. The demand for grass fed beef from our fertile fields is in constant, increasing demand, as are organic produce, fresh eggs and corn.

C. Hamiltonban is known for its **recreational opportunities**: Ski Liberty, Strawberry Hill, all of the current and future hiking trails in Michaux Forest and hiking along the connecting network of greenways between towns and along abandoned railroads such as the old Tapeworm Railroad built by Thaddeus Stevens. (Michaux trails across the road.) Trout fishing along Toms and Middle Creeks provide months of pleasure in the spring and bring anglers from all over. The Sportsman Club is a local institution off Route 16. Recently the Orvis Company bought the old Evergreen land, 500 acres, for a hunting and fishing recreational site:  
<https://www.orvis.com/hillcountry>

D. **History Tourism** is the key to the Adams County economy, and is expected to be equally as important to Hamiltonban Township, particularly when adding "Agricultural Tourism". This shows again the limitations of your approval process. Simply consulting the PHMC about a particular piece of land excludes all of the importance, as an economic pillar, of the historic value surrounding the Great Wagon Road (yes, it came up what is now Iron Springs and Gum Springs Roads and connected to Nicol's Gap tollhouse), the Confederate Retreat, and the old Maria Furnace Road which is being developed as a hiking and picnic area linked to Monterey Pass in conjunction with the local DCNR office.

E. These are the basis of a sustainable economic future for our corner of Pennsylvania, and all of them are threatened by ISP/SGI creating another quarry mess, one which will be so very painful to the community which knew from the time the secret swap was announced that their values and hopes for the future were being sacrificed to corporate greed and government corruption.

F. Mr Paolini still farms his land next to the Pitts quarry, as you can see from aerial views, and hopes to pass his farm on to the next generation. The Appalachian Trail is only a few miles away. Trout fishing is as popular

as ever, and there is a plan to introduce native trout to Toms Creek. The Thaddeus Stevens Society hopes to rebuild the iron furnace on Iron Springs Road. The Adams County Greenway Plan includes a route to Gum Springs Road and Mount Hope Road.

G. Driving past a dusty, noisy, ugly quarry will hurt all of these endeavors. Extending the quarry north to Gum Springs will cause economic harm to the County and the Township by its presence exactly where recreational opportunities and historic tourism is developing. Not to mention the possible health hazards connected with asbestos fibers, asbestos fibers which do not dissolve and stay in the ground of any hiking paths. (Appendix D.)

## **ASBESTOS**

A. The sampling which was done by RJLee was not the kind which will be done by the EPA, or OSHA, or MSHA, and shows SGI's basic disregard for its workers and the public. No standard sampling for asbestos is done passively in an open air environment. Any description of air sampling involves special cassettes and pumps which suck in a certain amount of air (usually in liters) under conditions of live measurement of air currents and weather conditions. In fact the kind of sampling which could be considered appropriate would be that which is done for a superfund site. However, any attempt to capture airborne fibers is going to be less than definitive. Only water and soil samples, taken in areas of blasting and crushing, will provide meaningful data.

Anyway, it shows how amateurish the RJLee Company's analysis was that they attempted to compare their result with a national average! 97-98 percent of all asbestos identified in the U.S. is the commercial variety which gets released by things like automobile brake linings. Conflating results from intensely urban areas with our rural environment is deceptive and unprofessional. And the assumption that breathing and swallowing the average amount of asbestos is ok shows a perverse sort of attitude toward public health!

## **SPECIAL QUALITIES OF LOCAL NATURAL ENVIRONMENT**

A. The site resides within the area of the South Mountain Initiative / South Mountain Partnership. Both the PA State Initiative, and its action Partnership strive to preserve the forested wealth and healthy streams in this area. The South Mountain Initiative is one of seven State recognized areas of special conservation value.

<https://www.dcnr.pa.gov/Communities/ConservationLandscapes/SouthMountain/Pages/default.aspx>

B. This site was supposed to become part of Michaux Forest. Rothrock, who is the father of forestry in Pennsylvania, created state forests around watersheds, understanding the interrelationships of nature, and Michaux was the first. There is a sad irony that this destructive quarry exists so close to Mont Alto, the first forestry school, and almost touching the first PA State Forest.

C. This area is part of the Michaux State forest Culp's Hill LMU (Land Management Unit), known for its rich flora and fauna. Many threatened and endangered species exist within this LMU.

[http://www.docs.dcnr.pa.gov/cs/groups/public/documents/document/dcnr\\_20033649.pdf](http://www.docs.dcnr.pa.gov/cs/groups/public/documents/document/dcnr_20033649.pdf)

## **OPERATIONAL AND DESIGN PROBLEMS WITH PERMIT.**

A. Inflated size of HQ watershed. Technically it may be possible to trace the watershed boundaries for the HQ portion of Toms Creek from its origin to the bridge at Iron Springs such that somehow it comes up with 3,000 acres because Toms Creek starts so high up in the mountains. However the volume of water produced from at least the first two thirds of Toms Creek from that elevation cannot support anything except macroinvertebrates. To use this large acreage of an exaggerated watershed for comparison of impact to the 85 quarry acres is invalid.

B. A very important flaw of SGI'S hydrology analysis was lack of any measurement of stream volume (from what I understand this requires more detail measurement than just flow.) It makes no sense to draw the conclusion that because Pine Hill/Northern Tract has limited acreage and that the watershed has much more acreage that somehow it means any pollution will have a small effect! The watershed could cover a county but if the resulting volume of water within the HQ portion is small, then any amount of pollution will damage it.

C. The SGI application spends a lot of time on the analysis of excess rainfall/stormwater but lacks analysis of low rainfall and drought conditions on stream health and wetland survival. Given that the diversion of natural rainfall will deny the tributaries and wetlands on the west and east side of the NT of their normal water, the as proposed will greatly impact the temperature of tributary and wetland water during the summer months. The steepness of the mountain (up to 70 degrees) and the low permeability of the soils means much more water is contributed to the watershed than can be judged by the flat acreage of 85 acres.

D. SGI goes to great lengths to explain how the NT quarry will not affect surrounding groundwater because of the nature of the metabasalt rock. IT CONCLUDES THAT TOMS CREEK AND THE SURROUNDING TRIBUTARIES AND WETLANDS ARE ALMOST COMPLETELY DEPENDENT ON RAINFALL. So how can the watershed not be severely affected by the impoundment and diversion of most of the natural rainfall coming off of Pine Hill? How does the increased temperature of the shallower water affect stream health? Monitoring is useless if it is not done on such a frequent basis and thoroughly enough to catch the beginning stages of decline. And what if the monitoring shows significant damage to the Nodding Trillium colony and/or the wetlands (where there may very likely be bog turtles)? What can be done once the impoundment and pumps are in place? Will SGI commit to removing the barriers to allow natural rainfall to return? **THIS IS AN UNTESTED ALTERNATIVE.**

## **IMPORTANCE OF DEP DECISION FOR THE FUTURE**



A. If PADEP were to approve this permit application which includes discharge to an HQ rated stream without an adequate Social and Economic Justification (in fact it is socially and economically harmful), it would be undermining the whole PA State system of stream classification. It would make the HQ classification meaningless if companies can discharge without any compensating benefit to the community.

B. If PADEP were to approve this permit application despite the strong opposition of the community, despite the written restrictions of both Adams County and Hamiltonban Township which make it clear that a normal surface mining operation is not acceptable, and despite the conflict with County and Township Comprehensive plans for the social and economic future, despite the conflict with goals of the South Mountain Initiative and Michaux Forest, PADEP would so discredit itself that its role in future decisions would be considered meaningless.

# Appendix A: Elizabeth Chase property

Page 1 of 1

DP-40-117  
SUPPLEMENT "C"

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL RESOURCES  
DIVISION OF WASTE DRAINAGE CONTROL AND RECLAMATION

#149462

APPL. NO. DEPARTMENTAL USE ONLY

CONSENT OF LANDOWNER

We the undersigned, the owners of land located in \_\_\_\_\_  
(Borough)

Hoefton Adams  
(Township) (County)

upon which ISP Minerals, Inc.  
(Name of Operator)

is to conduct an open pit mining operation and for which application for permit is being made, and of which application this consent is a part, do hereby irrevocably grant to the operator, the Commonwealth of Pennsylvania or any of its authorized agents, the right to enter upon the land affected by the operator within a period of five (5) years after the operation is completed or abandoned for the purpose of backfilling, planting and reclamation in accordance with the provisions of the Surface Mining Conservation and Reclamation Act, No. 418, as amended.

In witness whereof we have hereunto set our hands and seal this 21st  
day of June, 19 93

Elizabeth Chase  
Frances Robertson  
Maggie Winn-Jones

Elizabeth Chase SEAL  
(Signature of Landowner)  
Frances Robertson SEAL  
(Signature of Landowner)  
Maggie Winn-Jones SEAL  
(Signature of Landowner)

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF Franklin SS

Before me the undersigned authority personally appeared Elizabeth Chase, Frances Robertson  
and Maggie Winn-Jones who after being duly sworn according to law  
acknowledges that they have read this instrument and it is true and correct.

Sworn to and subscribed before me this 21st day of June 1993

19 \_\_\_\_\_

INSTRUCTIONS:  
1. File one (1) copy for each landowner.  
2. If the land is owned by one or more persons,  
all owners must sign.  
3. If owned by an Estate, Authority for signing  
must be established.

Garry L. Carson  
Notary Public

NOTARIAL SEAL  
GARRY L. CARSON, Notary Public  
Washington Twp., Franklin County, Pa.  
My Commission Expires Feb. 28, 1995

EX0750N0149

100% recycled paper.

Total of  
130+ acres

1787

99812

OPTION TO PURCHASE AND SELL REAL PROPERTY

THIS AGREEMENT of Option to Purchase and Sell certain real estate entered into this 4th day of May, 1989, by and between the parties whose signatures are hereinafter subscribed, WITNESSETH:

WHEREAS Harry James Eckstein, widowed, and a resident of Montgomery County, Maryland, died intestate May 27, 1985, survived by five children here named:

Elizabeth E. Chase, 308 Clayton Road, Chapel Hill, N.C.  
Harry J. Eckstein, P.O. Box 615, Merrifield, V.A.  
Maggie Winn-Jones, 2529 Waterside Drive, Washington, D.C.  
Kathryn E. Johnson, 612 Willow Drive, Thomasville, N.C.  
Frances E. Robertson, 7521 Tarpley Drive, Rockville, M.D.

and no other children having been born and predeceased him; and

WHEREAS, Harry James Eckstein, deceased, was the owner of record of two parcels of real estate in Pennsylvania:

THE FIRST being real estate improved by a frame master's dwelling and three detached guest houses, situate in Charmian, Washington Township, Franklin County, Pennsylvania, further known as "Camp Charmian", and containing 30 acres, 136 perches of land, more or less, as recorded in Book 423 Page 647 et seq of the

State of Penna. } S.E.  
County of Franklin }  
Recorded in the office for Recording Deeds, etc.  
and for said county in Book  
1055 Page 398 of  
Witness my hand and seal of the said office this  
24th day of May, A.D. 1989  
David W. Boudreau  
Recorder



531 874

1055 398

99882

Recorder's Office of Franklin County, Pennsylvania, the  
23rd day of January 1952;

THE SECOND being a tract of real estate lying  
partly in Washington Township, Franklin County, Pennsylvania,  
and partly in Hamiltonban Township, Adams County,  
Pennsylvania, and containing 87 acres 80 perches, more or  
less, as recorded in Book 486 Page 95 et seq of the  
Recorder's office of Franklin County, Pennsylvania the 8th  
day of November 1956; and also recorded in Vol. 216 Page 160  
of the Recorder's office of Adams County, Pennsylvania the  
4th day of December 1956; both of which two aforesaid  
parcels, together consisting of 117 acres, more or less, are  
part of his distributable estate; and

WHEREAS, we the undersigned heirs of Harry James  
Eckstein, deceased, by a Waiver of Hereditary Right and  
Consent dated May 4, 1989, provided for the  
conveyance by Deeds of Distribution dated May 4,  
1989 of the FIRST and SECOND parcels of real estate aforesaid  
to:

Elizabeth E. Chase and Charles L. Chase, her husband  
Frances E. Robertson and Craig L. Robertson, her husband,  
and Maggio Winn-Jones, individually,

grantees, as tenants in common; and,

WHEREAS, it is the present intent and purpose of the  
aforesaid heirs of the late Harry James Eckstein and their

**Appendix B: -Letter from Hamiltonban Townshiip, dated February 21,  
2011**



**HAMILTONBAN TOWNSHIP BOARD OF SUPERVISORS**

23 CARROLLS TRACT ROAD • P.O. BOX 526  
FAIRFIELD, PA 17320  
(717) 642-8559  
Fax (717) 642-8511

February 21, 2011

Commonwealth of Pennsylvania  
Department of Conservation and Natural Resources  
Bureau of Forestry  
P.O. Box 8552  
Harrisburg, PA 17105-8552  
Attn: Mr. Dan Devlin

Dear Mr. Devlin:

The Board of Supervisors of Hamiltonban Township, Adams County (the Board) submits the following comments regarding the proposed land exchange between the Pennsylvania Department of Conservation and Natural Resource (DCNR) and ISP Minerals, Inc. (ISP).

This Board spearheaded the efforts to save the former Glatfelter Tree Farm #1 from development when the property was put on the market for \$12.5 million. Much effort and many man hours and dollars by numerous local, state, federal, and international organizations, as well as private individuals were devoted to this cause for over two years. When we finally realized our goal and this property was decided to DCNR to become part of the Michaux State Forest, the Board and many of the involved citizens and organizations thought the property would be properly managed and conserved to protect the water resources and headwaters of Toms Creek and Middle Creek, forever.

That is why we were both surprised and shocked to learn of this proposed exchange, leaving us with a feeling of betrayal and broken trust. Hamiltonban Township residents and the Board that represents them were not brought into the process. Only through legal notices and news articles did this proposed land exchange come to our attention. We understand and support DCNR's goal of acquiring infill properties. We also understand the desire of ISP to continue to operate profitably for many years into the future, but we feel this transaction is being more influenced by the corporate financial goals of ISP rather than the benefit of the citizens of the Commonwealth. We are very sensitive to the employment and economic impact that ISP has on our citizens and our area. However, we also have a responsibility to protect the health and safety and the environmental quality of the Township for our residents.

As you know, we held a public meeting on the proposed land exchange on February 15, and the overwhelming majority of the speakers opposed the exchange. Two Hamiltonban residents, one of whom works for ISP, made statements supporting the exchange, and about a dozen residents

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made opposing statements. ISP has circulated a petition supporting the exchange among its employees and a number of them signed the petition. This Board fully understands the reasons ISP and its employees have for seeking this exchange, but as we stated above, we believe that DCNR would be making a grave mistake in going ahead with the exchange. The Hamiltonban Board of Supervisors opposes the land exchange for the following reasons:

**DCNR is Misusing Taxpayer Funds for a Non-Intended Purpose**

It wasn't DCNR money alone that paid for the purchase of the Glatfelter Tree Farm. Adams County residents contributed \$3.7 million to preserve it from development, plus donations were received from many individuals and conservation-oriented organizations. If DCNR wants to obtain infill lots, it should have first contacted Adams County residents to see if they could raise additional money to purchase the infill properties, rather than surreptitiously entertaining a potentially environmentally damaging exchange of property.

The 3 infill lots that DCNR will receive in the proposed exchange are worth a total of only a few hundred thousand dollars at most, and it would not have been difficult for the residents to raise the money to purchase them for donation to DCNR. The citizens of Hamiltonban Township and Adams County could have undertaken this had they known that the alternative was removing part of the land from Michaux State Forest that they have worked so hard to protect.

In 2008, the voters of Adams County approved, by a 75% majority, the passage of a \$10 million bond issue to be used for the preservation of water and land in the County. The bond issue will be paid for by taxes on the citizens of Adams County for many years. A sizeable amount of that money, \$3.7 Million, went toward the purchase of the 2572-acre Glatfelter Tree Farm. We believe that it is quite likely that a bit more of that money, or other contributions from private and charitable organization, could have been obtained to purchase the infill lots that DCNR will receive in the exchange. To their discredit, DCNR did not explore this possibility. At the very least the taxpayers of Adams County and Hamiltonban Township should have been made aware of DCNR's desires and been given the opportunity to try to raise the money.

The Glatfelter tract could have been donated to a non-profit preservation group not associated with DCNR, and could have been transferred with the stipulation that the Glatfelter plot would be preserved in its entirety, and in perpetuity. We mistakenly thought that donating the land to DCNR would accomplish this, especially since DCNR, in all the press accounts leading up to the transfer of the Glatfelter Tree Farm, acknowledged the importance of the water resources of this tract of land.

If DCNR goes through with this proposed land exchange, and trades away land that the citizens have paid to be protected, then Hamiltonban Township, Adams County and all the people and organizations that contributed to the Glatfelter purchase may think twice in the future about donating money or property to DCNR. By completing this land exchange, DCNR will have proven itself to be an unreliable steward of lands purchased with money from Adams County and Hamiltonban Township Taxpayers, and all the other organizations that contributed to the purchase.

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### **DCNR is Giving Up Far More Value than it Receives**

The land that DCNR is giving up has a much greater market value than the land DCNR is receiving. The 110 acres of mineable land is worth millions for its mineral deposits. Looking at comparable parcels, for example, in 2003, ISP purchased 7.3 acres of land for \$225,000. ISP is currently mining about half of that land, for which it paid \$30,800 per acre 8 years ago. Also, ISP in 2008 purchased 15.54 acres on Gum Springs Road for \$390,000, a price of \$25,000 per acre, and that land is currently being used as a buffer.

At \$25,000-\$30,000 per acre, the 110-acre parcel that DCNR is giving up is worth \$2,700,000 to \$3,300,000 for its mineral value alone. On the other hand, the steep and virtually inaccessible infill lots that DCNR would receive in the exchange are worth nowhere near that in total. In fact, one or two of them may not be buildable due to being too steep for a successful percolation test, or without a deeded right of way. Just getting power to them would be extremely costly. Land of that type is worth \$1,000-\$2,000 per acre in today's environment, if a buyer can be found. The entire Glatfelter tract was purchased last year for under \$5,000 per acre, and it has a paved road running through the center of it. This means that DCNR is exchanging land worth about \$3 million for land that is likely to be worth only a few hundred thousand at most, hardly a fair exchange.

Not even considering mineral rights, but just looking at the development potential value of the lots being exchanged, the land that DCNR is giving up, with access to paved roads on 3 sides, is worth considerably more to a developer than the landlocked, remote, infill lots that DCNR will receive. Two of these lots may not be legally buildable for even a single residence, and are certainly not buildable without considerable expense.

Also, the timber value of the mature forest on the land to be removed from Michaux State Forest has considerable value, and can be easily accessed for logging. The timber on the 3 parcels that DCNR would receive appears to be considerably less mature, and 2 of the 3 lots are much more difficult to access, which also reduces their timber value.

In doing this exchange, DCNR is not acting in the best interest of the Commonwealth as its charter requires, because it will be giving up land whose fair market value far exceeds the fair market value of the land it will receive.

This is a clear violation of 17 Pa. Code § 25.1. Background, which states in part: "In an exchange of State Forest land, the following basic criteria under 32 P. S. § 131 shall be met:

- (1) The value of the land acquired by the Department shall be equal to or greater than the value of the land conveyed.
- (2) The land acquired shall be at least equally adapted for State Forest purposes.

Mr. Devlin, you said at the February 15 meeting that DCNR has done an appraisal of the lands involved in the exchange. That appraisal should be made available for public examination and comment before DCNR goes forward with this land exchange. We cannot understand how such an appraisal could possibly have concluded that the exchange was for lands of equal fair market

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value. Therefore, we formally request a copy of all appraisals that have been conducted to show that this exchange meets the law.

#### **The DCNR Environmental Review is Inadequate**

The DCNR Environmental Review for the ISP Exchange is totally inadequate and unsatisfactory, in that it focuses mainly on the land DCNR will obtain, but very little on the land DCNR will give up. In many areas, the environmental defects of the exchange are glossed over, misrepresented, or ignored. It appears that DCNR cares very little about land that is outside State Forests. The 110 acres that DCNR proposes to transfer to ISP is termed by DCNR "disposed" land, and DCNR appears to consider it environmentally expendable and only the concern of other State and Federal Agencies. Here are some of the more obvious deficiencies of the Environmental Review that this Board has observed:

1. Promotion of Goals. The environmental consequences to the "disposed" land ISP will receive appears to be of no importance to DCNR. Neither is the conservation of "disposed" land as a natural resource. This does not meet the Pennsylvania Public Trust Doctrine or DCNR goals.
2. Erosion and Sedimentation. Not addressed for the "disposed" parcel, DCNR will let the Pennsylvania Department of Environmental Protection (DEP) cover it later. This is not acceptable in an environmental report that should cover ALL the environmental impacts of the proposed action.
3. Water Quality. Not addressed for the "disposed" parcel, DCNR will let DEP cover it later. This is not acceptable in an environmental report. In fact the quality of the High-Quality Cold Water Fishery, Toms Creek, may be adversely affected. DEP requirements are not always met at present, especially when it rains. Current ISP settlement ponds frequently overflow, and Toms Creek runs green. There are no longer any fish in it except when it is stocked. There is no assurance that this will not continue or get worse when ISP mines the "disposed" parcel.
4. Air Quality. DCNR expects no impact. This demonstrates an inadequate review. ISP operations at present generate enough dust to color the snow green, which does indeed impact air quality.
5. Water Quantity. The proposed exchange may jeopardize the water available for local wells, but this has not been addressed.
6. Groundwater. Not addressed for the "disposed" parcel, DCNR will let DEP cover it later. This lack of examination is unacceptable in an environmental review.
7. Soils. No mention of the effect of mining on the soils of the "disposed" parcel. A gravel pit is not equivalent to the existing topsoil on this parcel, nor is the fill that may eventually be used to fill the pit.
8. Unique and Unusual Geologic Features. No comment.
9. Aesthetic Values. The "disposed" parcel is next to a former mountain that is now a hole in the ground, and the same will happen on this parcel, but that's aesthetically acceptable? Not to the adjacent residents.
10. Noise. The study indicates that no effort has been made to address this issue for the "disposed" parcel. In fact the existing ISP plant generates considerable noise that can be heard for miles, and expanding the quarry will expand the noise.

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11. Archeological or Historical Sites. The Confederate Retreat from the Battle of Gettysburg went up Iron Springs Road and then up Gum Springs Road, right past the "disposed" parcel. Surface mining will remove the mountain on the "disposed" parcel, and will irrevocably destroy the historical appearance of this historical retreat route.
12. Recreational Sites and Opportunities. No mention of the adverse effect on hunting, fishing and hiking on the "disposed" parcel, but these recreational activities will no longer be allowed, as is now the case for other ISP property.
13. Public Health and Safety - no comment.
14. Transportation - no comment.
15. Energy Needs - no comment.
16. Existing/Potential Land Use - no mention of the detrimental conservation effects that will accrue to the "disposed" parcel.
17. Protected Animals and Plants - no investigation of protected animals and plants on the "disposed" tract, or how they will be affected by the mining that will occur.
18. Habitat Diversity Interspersion - no mention of this on the "disposed" tract.
19. Biological Productivity - no mention of timber management on the disposed tract. In fact, the "disposed" tract has a considerable stand of mature timber, unlike the tracts that DCNR will acquire.
20. Vegetation - at least the report acknowledges the adverse impact of mining on the "disposed" parcel. However, no evaluation has been done of the repair that ISP may eventually do when the ore veins are exhausted. Typically, locust trees are planted on fill, which is in no way comparable to the mature hardwood forest that is currently there, and will take hundreds of years to regenerate after ISP is gone.
21. Non-Native Invasive Species - no mention of the fact that many invasive species are well adapted to invading reclaimed mining areas.
22. Minerals - the minerals on the "disposed" parcel make it worth considerably more than the fair market value of the parcels DCNR is receiving in exchange.
23. Others - no comment.
24. Permits - no comment.

Further, in several areas that evaluate potential impact, the DCNR evaluation finds that "FURTHER REVIEW IS REQUIRED." Until this "further review" is completed, the evaluation is clearly deficient.

#### Summary

The Hamiltonban Board of Supervisors acknowledges that ISP Minerals, Inc. has been a positive community partner and is an important part of the employment and economic landscape of the Township. That has never been in question by the Board and we wish to continue our positive relationship with ISP. We want to make it clear that the Board is not opposed to the continued operation of ISP. Furthermore, we do not fault ISP for initiating and pursuing this exchange, because they are in business to make a profit, and the exchange would be quite profitable for them.

Our comments are directed solely at the actions of DCNR. Over 200 people attended the public meeting held at the Fairfield High School on February 15, and the ratio of speakers who opposed

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the exchange was about 6 to 1. Telephone calls to the Township office by residents are overwhelmingly against the exchange. As a Board, we must represent the majority voice of the Township. We question whether this land exchange is fair and equitable for the taxpayers of the Township and our surrounding communities, and for the people living near the ISP property or near Toms Creek. The citizens had a purpose in mind when DCNR was asked to accept the lands from the sale of the Glatfelter Tree Farm as an addition to Michaux State Forest. That purpose was to preserve the quality and quantity of our water resources, and in particular the headwaters of Toms Creek and Middle Creek. The proposed land exchange is contrary to the objective and purpose of the \$10 million County Land and Water Bond and should not be approved by DCNR.

In addition to violating 17 Pa. Code § 25.1 as mentioned above, the Board believes that the proposed DCNR land exchange would constitute a violation of the Pennsylvania Public Trust Doctrine, which is found in Article I § 27 of the Pennsylvania Constitution (Section 27), which reads:

"The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people."

The Courts (Payne v Kassab) have ruled that Section 27 requires that DCNR, before executing the proposed exchange, must answer the following in the affirmative:

1. Will the exchange be in compliance with all applicable statutes and regulations relevant to the protection of the Commonwealth's public natural resources?
2. Does the record demonstrate a reasonable effort to reduce the environmental incursion to a minimum?
3. Does the environmental harm which will result from the exchange so clearly outweigh the benefits to be derived there from that to proceed with the exchange further would be an abuse of discretion?

The Board maintains that DCNR has not adequately shown that it meets each of the above criteria, and it should not complete the land exchange without doing so. This would, of course, include analyzing the effects of the planned mining operations that ISP will be conducting on the 119 acre "disposed" parcel. Although its Environmental Analysis cursorily mentions each of the 23 social, economic, and environmental factors as required by Section 13(b) of Article XX of the Administrative Code of 1929, we believe that DCNR has not yet adequately addressed each factor, as we have detailed above. In fact, the published DCNR Environmental Review barely mentions the environmental effects of future mining operations on the "disposed" parcel, and thus DCNR has not met its responsibilities under Section 27 and applicable Pennsylvania law.

Mr. Devlin, the majority of the citizens of Hamiltonban Township are strongly opposed to the proposed land exchange, and for good reasons. The Hamiltonban Board of Supervisors strongly recommends that DCNR not approve the land exchange.


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If DCNR goes forward with this exchange on the basis of the information publicly available at this time, we would have to seriously consider a legal challenge to this action.

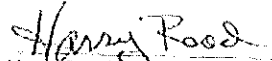
As requested by State Representative Dan Moul, and by the Adams County Conservation District, a decision should not be made by DCNR until County-wide public hearings on this issue are held, and a subsequent 30-day comment period is allowed. This will give the citizens of Adams County who are being taxed to preserve natural resources the opportunity to have their say on what is done with their tax money.

Sincerely,

  
Robert L. Gordon, Chairman

  
Coleen M. Reamer, Vice-Chairman

  
James Grindler, Supervisor

  
Harry Rood, Supervisor

  
Douglas Woerner, Supervisor

cc: Matthew R. Battersby, Esq.,  
Township Solicitor

DEP CAMBRIA OFFICE

AUG 26 2018



**Appendix C: -Letter from Adams County Feb 28, 2011**

**Office of the Adams County Commissioners**

117 Baltimore St., Room 201, Gettysburg, PA 17325-2391

PHONE (717) 337-9820 FAX (717) 334-2091

Commissioners: George A. Weikert, R. Glenn Snyder, Lisa A. Moreno

County Manager: Albert M. Penka, Jr. Chief Clerk: Paula V. Neiman

Solicitor: John M. Hartzell

February 28, 2011

Mr. Dan Devlin, State Forester  
Department of Conservation & Natural Resources  
Rachel Carson State Office Building  
400 Market Street  
PO Box 8552  
Harrisburg, PA 17105-8552

Dear Dan,

The Adams County Board of Commissioners ("Board") at its publicly advertised work session on February 28, 2011, engaged in a broad based discussion concerning the proposed land swap in Hamiltonban Township Adams County between Pennsylvania Department of Conservation and Natural Resources ("DCNR") and ISP Minerals ("ISP"). The Board believes the debate which is occurring throughout Adams County concerning this project is a healthy process where taxpayers can be assured that their opinions are heard and their concerns will be addressed.

As you may recall, the 2009 Adams County Ballot Referendum Initiative overwhelmingly supported taxpayer financial commitment for watershed quality protection, natural resource enhancement, and public access for hunting, fishing and hiking. These were important objectives behind the Board's actions in contributing to the acquisition of Glatfelter Tree Farm #1 by the Commonwealth of Pennsylvania. This initiative still remains of the highest priority for the area of the land swap and throughout the remainder of Adams County today. The citizens of Adams County need to have their questions answered and embrace the fact that Adams County and DCNR are listening to their voices throughout the remainder of the process.

You may also recall that the Board suggested holding a public hearing to share the substance of the DCNR/ISP land transaction and to take public comment, and was willing to host such an event. The Board was informed that such a public hearing would be better served by DCNR, who had practices and procedures in place for conducting hearings of this type.

To this end, the Board of Commissioners of Adams County respectfully request that DCNR move forward with a publicly advertised hearing, held in Adams County at a

Dan Devlin, State Forester  
March 1, 2011  
Page 2

date certain to bring this debate to a close. Until or unless a hearing is held, the Board of Commissioners rescinds its letter of support for the transaction, and its waiver of the deed restrictions included in the Board's letter of December 29, 2010.

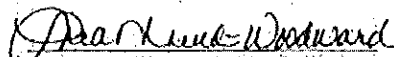
We all need to work together so as to be assured that this transaction is in the best interest of all parties involved: ISP, DCNR, and Adams County. Taxpayers have a vested interest in this project, and need to have an understanding of the proposed transfer, its possible impacts, and the protections that exist through the licensing and regulatory process. The Board continues to believe that this can best be done through a hearing.

Respectively,

ADAMS COUNTY COMMISSIONERS

  
George A. Weikert, Chairman

R. Glenna Snyder, Vice-Chairman

  
Lisa Moreno-Woodward, Commissioner

## **Appendix D: Appalachian-Blue Ridge Forest Ecosystem**

The **Appalachian-Blue Ridge forests** is an ecoregion in the Temperate broadleaf and mixed forests Biome, in the Eastern United States. The ecoregion is located in the central and southern Appalachian Mountains, including the Ridge-and-Valley Appalachians and the Blue Ridge Mountains. It covers an area of about 61,500 square miles (159,000 km<sup>2</sup>) in: northeast Alabama and Georgia, northwest South Carolina, eastern Tennessee, western North Carolina, Virginia, Maryland, and central West Virginia and Pennsylvania; and small extensions into Kentucky, New Jersey, and New York.

They are one of the world's richest temperate deciduous forests in terms of **biodiversity**; there are an unusually high number of species of both flora and fauna, as well as a high number of **endemic** species. The reasons for this are the long-term geologic stability of the region, its long ridges and valleys which serve both as barrier and corridors, and their general north-south alignment which allowed **habitats** to shift southward during ice ages. The mountains also contain a large variety of diverse landscapes, **microclimates** and soils all constituting microhabitats allowing many **refugia** areas and **relict** species to survive and thrive.<sup>[2]</sup>

**Areas of intact forest, mostly in public ownership, include:**

**Michaux State Forest** is the location of several "firsts" in Pennsylvania Forestry. The first state nursery was established at Mont Alto in 1902. Rothrock opened the first forestry school in Pennsylvania and the second in the United States at what is now Penn State Mont Alto. Michaux State Forest saw the first wooden **fire tower** in 1905 as well as the first steel fire tower in 1914.

Michaux State Forest is now a thriving [second growth forest](#). It is open to recreational hunting, fishing, hiking and mountain biking. It is crossed by the [Appalachian Trail](#). Remnants of the charcoal days can still be seen in the state forest as the land where the kilns burned for so many years has yet to fully recover. Visitors to the park will notice these areas as large grassy meadows that are surrounded by the woods of Michaux State Forest.<sup>[2]</sup>

## **Appendix E Letter Committing to preservation of Tom's Creek**

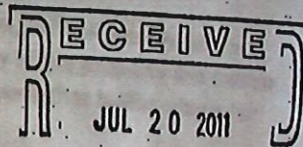


County: Adams  
Blaster's Name: Chris Catalano  
Blaster's License: BL-8826  
Weather:  
Direction:

Suite 315 • Hagerstown MD 21740-3899 • Tel: 301-733-4000 • Fax: 301-733-4003

Mr. Richard J. Allan  
Secretary  
Department of Conservation and Natural Resources  
Rachel Carson State Office Building  
Harrisburg, PA 17105-8767

Mr. George A. Weikert  
Chairman  
Adams County Commissioners  
117 Baltimore Street, Room 201  
Gettysburg, PA 17325-2391



ADAMS COUNTY COMMISSIONERS

RE: ISP Minerals Inc. Proposed Property Exchange with  
the Department of Conservation and Natural Resources

Gentlemen,

The Adams County Board of Commissioners' July 13, 2011 written communication to Richard J. Allan, Secretary Department of Conservation and Natural Resources, acknowledged its support of the transfer of the 112 acre tract of land (the Exchange Tract) from DCNR to ISP Minerals Inc. (ISP) and rescinded its letter of February 28, 2011 based on the acceptance in writing by DCNR and ISP of a number of conditions. With the Board of Commissioners approval of the transfer of the Exchange Tract from DCNR to ISP and rescinding its letter of February 28, 2011, ISP will commit to the following conditions with regard to such tract:

1. ISP will provide on the Exchange Tract a 300 foot maintained buffer from the present center line of Tom's Creek and shall maintain the existing forest within this buffer.
2. With regard to the buffer from the un-named tributary to Tom's Creek on the eastern boundary of the Exchange Tract, ISP will provide on the Exchange Tract a 150 feet maintained buffer from the present center line of such un-named tributary, plus an additional 150 feet beyond that buffer where ISP may install its Erosion and Sediment Control (E&S) facilities.
3. ISP shall undertake the necessary efforts to maintain the quality rating of Tom's Creek and tributaries, based upon the PA DEP rating scheme, as it relates to ISP's operations. ISP will periodically monitor the streams so as to take appropriate action to maintain that standard. The URS Corporation proposal 1549-011-045 is part of that effort. The Adams County Conservation District may periodically monitor the stream quality and provide recommendations to ISP.

CONDITIONAL



## Paronish, Chadwick

---

**From:** Martin, Rock  
**Sent:** Tuesday, February 19, 2019 7:46 AM  
**To:** s.rogersfrost@gmail.com  
**Subject:** FW: [External] Actinolite Asbestos Fibers Polluting the Air

Sherry,

DEP received your February 8<sup>th</sup> comment regarding the mining permit application for Specialty Granules, Charmian, PA.

The Cambria District Mining Office has been in consultation with DEP's Air Quality Program regarding the issue of naturally occurring asbestos. As part of our ongoing dialogue with the Air Quality Program, they promptly forwarded your comment to this office.

Please be assured that DEP is directing, and will continue to direct, appropriate resources to investigate your concerns. The Cambria District Mining Office has been, and will continue to be the lead office regarding the Specialty Granules, LLC mining permit application. All comments received regarding this application will be formally responded to in the Comment/Response Document prior to any permitting decision regarding this application.

Thank you,

**Rock Martin, PG** | Acting District Mining Manager  
Department of Environmental Protection  
New Stanton District Office  
P.O. Box 133 | 131 Broadview Road | New Stanton, PA 15672  
Phone: 724.925.5538 | Fax: 724.925.5555  
[martin@pa.gov](mailto:martin@pa.gov)  
[www.dep.pa.gov](http://www.dep.pa.gov)

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---

**From:** S. Rogers-Frost <[s.rogersfrost@gmail.com](mailto:s.rogersfrost@gmail.com)>  
**Sent:** Friday, February 8, 2019 1:02 PM  
**To:** EP, air <[RA-epair@pa.gov](mailto:RA-epair@pa.gov)>  
**Subject:** [External] Actinolite Asbestos Fibers Polluting the Air

**ATTENTION:** This email message is from an external sender. Do not open links or attachments from unknown sources. To report suspicious email, forward the message as an attachment to [CWOPA\\_SPAM@pa.gov](mailto:CWOPA_SPAM@pa.gov).

This is a serious air pollution issue, possibly a crisis. Actinolite is one of the five Amphibole forms of naturally occurring asbestos (NOA). It exists in certain igneous rock, in particular, ultra-mafic metabasalt,

on "greeristone". There is a very large surface mine near us which blasts and crushes this rock. Since the actinolite exists within the rock (this is the Catoclin Formation), showing as thin striations or bands, it is impossible to avoid the release of these fibers into the air when the rock is crushed. Amphibole asbestos is needle-like and very dangerous since once inhaled it lodges forever in the lungs, or if swallowed, in the digestive system. This is NOT the commercial form, Chrysotile.

We have been trying to deal with this public health problem through PADEP Mining, Cambria Office, since they are reviewing a permit to allow the expansion of this mine owned by Speciality Granules, Charmian, PA. But they do not appear to have the expertise or agency scope to deal with the Actinolite asbestos as a public health problem, which is why I am trying to reach the right/responsible party within DEP.

Please respond by letting me know who to contact directly.

Respectively, Sherry Rogers-Frost

## Paronish, Chadwick

---

**From:** Martin, Rock  
**Sent:** Wednesday, February 20, 2019 7:54 AM  
**To:** s.rogersfrost@gmail.com; Paronish, Chadwick; Sammarco, Daniel  
**Cc:** Cliff Frost  
**Subject:** RE: FW: [External] Actinolite Asbestos Fibers Polluting the Air

Sherry,

Thank you for your comments. As part of its review of the permit application, Cambria is consulting with variety of experts within DEP, including the air quality program. The Pennsylvania Non-Coal Surface Mining Act and the Pennsylvania Air Pollution Control Act, which DEP enforces, specifically discusses the protection of public health, safety and well-being of the citizens. The questions and documents submitted by you and others are being considered by the Department as part of its review of the permit application and in its ongoing assessment of quarry operations.

If you choose, you can certainly contact the Pennsylvania Department of Health as well.

Thanks,

**Rock Martin, PG** | Acting District Mining Manager  
Department of Environmental Protection  
New Stanton District Office  
P.O. Box 133 | 131 Broadview Road | New Stanton, PA 15672  
Phone: 724.925.5538 | Fax: 724.925.5555  
[martin@pa.gov](mailto:martin@pa.gov)  
[www.dep.pa.gov](http://www.dep.pa.gov)

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**From:** S. Rogers-Frost <s.rogersfrost@gmail.com>  
**Sent:** Tuesday, February 19, 2019 2:26 PM  
**To:** Martin, Rock <martin@pa.gov>; Paronish, Chadwick <chaparonis@pa.gov>; Sammarco, Daniel <dsammarco@pa.gov>  
**Cc:** Cliff Frost <cliffordfrost@gmail.com>  
**Subject:** Re: FW: [External] Actinolite Asbestos Fibers Polluting the Air

Hi Rock,

My intention with the February 8 communication was to try to bring the public health issue of actinolite asbestos to a broader audience.

It is my own fault, since I mentioned the permit, that it got bounced to you. The problem is that there are two separate issues which need to be addressed:



P.O. Box 133 | 131 Broadview Road | New Stanton, PA 15672

Phone: 724.925.5538 | Fax: 724.925.5555

[martin@pa.gov](mailto:martin@pa.gov)

[www.dep.pa.gov](http://www.dep.pa.gov)

PRIVILEGED AND CONFIDENTIAL COMMUNICATION The information transmitted in this message is intended only for the person or entity to whom it is addressed and may contain confidential and/or privileged material. Any use of this information other than by the intended recipient is prohibited. If you receive this message in error, please send a reply e-mail to the sender and delete the material from any and all computers.

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Please respond by letting me know who to contact directly.

February 12, 2019

Cambria District Mining Office  
District Mining Operations  
Department of Environmental Protection, Commonwealth of Pennsylvania  
Attn: Daniel Sammarco, P.E., District Mining Manager, Rock Martin, P.G., Permit Chief  
286 Industrial Park Road Ebensburg, Pennsylvania 15931

RE: Comments on Large Surface Mining Permit No. 01180301 and NPDES No. PA0279617, Specialty Granules, LLC

Dear Messrs. Sammarco and Martin:

We own a house on Charmian Lane, Blue Ridge Summit Pennsylvania, close to the SGI existing plant and proposed new quarry and new road. The attraction for us of this area was the countryside, history, and people.

We agree with the varied and serious concerns raised at the public meeting we attended on January 30 and believe that this application should be rejected.

Liberty Valley already is a major employer in the area. Orvis is moving in. Michaux Forrest and Tom's Creek are natural highlights of this part of country, and the Monterey Battlefield Park and current focus on the retreat route from Gettysburg have drawn increasing interest to the area so that the potential for growth in tourism for sport, history and recreation is high. This is not consistent with SGI's proposed new "NT Quarry".

SGI states in its handout to the January meeting "Frequently Asked Questions about the Proposed Northern Tract Quarry" that it will protect water quality in Miney Branch. Based on testimony and photographs at the hearing, water quality in Miney Branch is already very poor, thanks to past and existing SGI operations. We gather SGI does not intend to make a bad situation worse. This is not a reason to approve the NT Quarry.

DEP CAMBRIA OFFICE

FEB 15 2019




Despite the opposition expressed by many members of the community over the most recent and past hearings, if DEP nevertheless decides to allow SGI to proceed, we believe it imperative that such approval include the following provisions:

- SGI states that its plans will protect Tom's Creek "under normal operating conditions." However, as shown by the last year extreme weather seems to be on the increase. If its application is approved, it should require that SGI not increase either storm water runoff or suspended solids in Toms Creek under any circumstances.
- With the potential for life threatening actinolite contamination that could affect the entire community, with potentially severe health and economic consequences, SGI must retain outside experts to regularly monitor and publicly report on asbestos fibers at the existing and new site, and the experts should use methodology reflecting the criticisms at the January public meeting.
- Any DEP action to approve NT Quarry must also require that an escrow fund for reclamation be established at the outset of work, increased annually to cover any impact of inflation, and SGI should undertake reclamation of the old quarry as the work proceeds, not decades in the future. SGI should also proceed to restore Miney Branch.
- SGI's proposed road to connect its facility with Route 16 could be a substantial contribution to reducing the air and noise pollution and safety threats from the large number of trucks hauling product to and from the SGI facility. SGI has presented the plan as in effect partial mitigation for the impact of the opening of the new mining operation. Therefore the plan for the road should be considered as part of the overall application by SGI, and its adequacy addressed along with the adequacy of the other parts of its petition. The road will concentrate truck traffic in a new portion of the community which also has homes and residents who also are entitled to their privacy and quiet. SGI has a legal obligation to make every reasonable effort to reduce the adverse impact of the new road. Accordingly the plan for the new road must be assessed as to whether it has been adequately designed to minimize noise, air pollution and other effects from the construction, and from truck traffic once it is in operation. SGI as a condition of any approval of its petition should be required to commission independent modeling studies of the impact of the new road, and the study should be submitted to the appropriate authorities and made public before final plans and permits for the road are approved. SGI should be required as a condition of approval of its petition to take all steps indicated by the study that are possible and reasonable to reduce the adverse effect of the new road on the immediate neighborhood where it will be built. DEP should require monitoring of noise levels along the proposed new road to 16, as well as the existing and new quarry areas.
- The D.L. George truck depot along Highway 16 has been a recurring and irritating source of noise and light to the neighborhood. SGI should agree to use its influence as contractor to have D.L. George reduce this noise and light pollution.

February 12, 2019


- SGI states in its application that "The modifications to the Charmian Facility operations proposed as part of this Northern Tract Quarry permit application are not intended to increase production capacity at the Charmian Facility nor result in increased truck traffic." [p.43] DEP should require that neither production nor traffic should increase, and that the permit is cancelled if they attempt to do so.

Sincerely yours,



---

Paul Hoff



---

Ellen Hoff

DEP CAMBRIA OFFICE

FEB 15 2019

February 11, 2019

# Expanded Comments on SGI Mine Expansion Permit

Clifford Frost, 301 Mount Hope Rd, Hamiltonban Twp, 17320.

Background: I hold a Bachelor's degree in Statistics, and a Master's degree in Biostatistics, both from the University of California Berkeley. This is relevant to my comments below.

Underlined comments are additions to the oral presentation I gave at the January 30, 2019 hearing.

These comments and questions are directed to the relevant PA DEP officials.  
It's fine with me if SGI responds as well, but I am explicitly asking PA DEP to respond. Many questions were asked of PA DEP at the July 2018 hearing, and the only responses I have seen were from SGI, with no indication of PA DEP's opinion. Does this mean PA DEP endorses SGI's responses?

This leads to a very confusing situation for the public—we are addressing questions and comments to PA DEP, the agency that is supposed to be looking out for our interests, and hearing nothing back. Of course SGI should be allowed to respond, but they have a huge conflict of interest and, just as importantly, SGI is not the decision maker.

Why hasn't PA DEP provided responses to the questions directly addressed to it last July?

Three brief comments:

- 1) SGI used inappropriate testing methodology for Asbestiform fibers.
  - a. The air sampling covered approximately 1/10-trillionth of the site's air column (see footnote in Appendix A for the calculation). For this to generalize, you have to assume all the dust is absolutely uniformly distributed, and that there are no wind patterns at the

February 11, 2019

mine site other than the prevailing winds measured miles away.  
There is no evidence for either assumption, just the opposite.

RJLee defends their wholly inadequate test (full text of their email is Appendix A of this document) partly by saying their sensors were placed at the downwind perimeter of the mine property. This is not terribly relevant to the fact that the local wind patterns in this area are gusty, frequently changing direction, and seriously affected by the local topology. Anyone who hikes in these hills would understand this, and frankly it's obvious from looking at a topo map of the area that local wind currents could be significant given the uneven terrain at the site and the surrounding area.

RJLee says the dust is assumed to be "homogenous (well-mixed)" throughout the air column. This assumption implies a Uniform Distribution of toxic particles throughout the air, and anyone knowledgeable of the art will understand how ridiculous this assumption is *under the specific circumstances of this test*. This test was performed in a mountainous gusty region; during the rainiest season in living memory; with no attempt made to measure and quantify the microclimate wind conditions; with all sensors 10' off the ground; performed under place and time conditions set by the party with the strongest incentive to obtain a certain result (which, miraculously they obtained!).

RJLee also claims they are using EPA methodology for measuring air pollution. In some ways this may be true, but it ignores the fact that it isn't a particularly good approach for the specific issue they are supposedly studying. Air pollution measurements are often trying to gauge the effects of pollution that comes from thousands of separate sources (e.g. automobiles), or that may be coming from miles away (e.g. blown off a desert), etc. None of this applies to the SGI mine site. They know exactly where the suspected pollution sources are and could measure them directly, rather than place a tiny number of tiny sensors all ten feet off the ground. How high is the relevant air column? Could a toxic dust cloud be blown up to 20 ft off the ground and bypass the sensors?



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What realistic physical model of nearby dust dispersion supports the claim that the measurements here are in any way representative of the overall air quality? How on earth can such a model be realistic in the absence of any local wind measurements?

Most importantly, however, the whole test is disingenuous because it assumes that 8 days in August of 2018 (8 days chosen by the mine operator) are forever and always representative of all other days, past and future—even though the mine processes new rock constantly. Each time the mine processes rock it risks releasing toxic waste, so an 8 day measurement can have no bearing on past and future days.

The best that can be said about this test is that it was a Public Relations stunt rather than a good faith effort to address the community's often expressed, valid concerns.

- b. A one-time sample (even over a few days) is also inappropriate. Even if this one sample had been perfect it would not apply to the ongoing nature of the issue.

Why did PA DEP let SGI present such a poor test without pointing out its obvious flaws? Your organization certainly has relevant expertise, or easy access to such expertise.

- c. SGI's procedures manual specifies that their geologist look for Actinolite and mark it so that they can avoid disturbing it. This is good, but unlikely to be perfect. This does prove that SGI is aware of the danger! That's good.

What evidence is there that the methods used by SGI are good enough to prevent the production of toxic waste during the entire process?

- d. A more appropriate method would be to do thorough testing of each new batch of debris after blasting or crushing or any other process that could release Asbestiform fibers.

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- e. When Asbestiform fibers are found the debris should be treated as toxic waste before much of it gets into the atmosphere. Not to mention before the debris is used as road gravel!

If there is no toxic waste produced, then these tests will not be expensive. If toxic waste is found the cleanup could be costly.

However, if toxic waste is found then the cost of dealing with it should fall on SGI—failure to clean up toxic waste essentially transfers the cost to the workers and neighbors of the mine in terms of serious long-term health effects.

So, one serious question to ask when evaluating the “Social and Economic Justification” (SEJ) is: how many cases of mesothelioma does it take before the benefits of the mine to the community are outweighed by the costs to the community? This question has not been seriously dealt with in the SEJ. It needs to be explicitly addressed and appropriate conditions placed on the mine before permit approval.

SGI claims that Actinolite is “rare” in the Catoctin formation it mines. However, SGI has provided no definition of what it means by “rare”, or quantification of why this is relevant to public health and worker safety concerns. My understanding is that Actinolite “blooms” and large “veins” can be identified reasonably easily, but that there are also small deposits throughout the rock. Here is a photo of Catoctin Formation metabasalt showing amygdules and asbestos veins, highly relevant to this issue:



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Catoctin Formation metabasalt showing amygdules and asbestos veins by Robin Rohrback



<http://gigapan.com/gigapans/168794>

DEP or DCNR or another public agency which has staff with the relevant expertise should be regularly testing SGI's waste products for dust that contains hazardous levels of Asbestiform fibers and silica. SGI should reimburse the costs to the agency doing these tests, and this should be a condition of any permit allowing SGI to mine the Northern Tract. (This should also be a condition of continuing to mine, period, but I realize you may not be able to impose retroactive conditions.)

Another condition on the permit in question should be that SGI provide full data on current and past employees to a state or federal public health agency, and fund an ongoing study into the long-term health of these workers as well as the health of families in the vicinity of the mine. This should include the truckers and other staff not directly employed by SGI but who are routinely exposed to mine waste and dust. All data and results should be anonymized and made public while the study unfolds.

2) SGI is not testing the health of the streams.

- a. The goal we all share is keeping our streams and rivers clear and in good health.



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Apparently neither DEP nor DCNR are measuring the health of Toms Creek either!

On July 20, 2011 (more than 7 years ago!) DCNR assured the Adams County Commissioners that “ISP shall take the necessary efforts to maintain the quality rating of Tom’s Creek and tributaries, based upon the PA DEP rating scheme, as it relates to ISP’s operations. ISP will periodically monitor the streams so as to take appropriate action to maintain that standard.”

To date, no one, not SGI, not DEP, not DCNR, has done any periodic testing that directly measure these streams health using well-accepted measures of health (e.g. macroinvertebrate counts). Why not? You’ve had more than 7 years!

Occasionally sampling the water and testing for a limited number of pollutants is not a reliable measure of the health of these waters. There are enormous weaknesses in this sort of chemical sampling, a fact extensively documented in Chapter 3 of PA DEP’s own book:

OFFICE OF WATER PROGRAMS  
BUREAU OF CLEAN WATER  
ASSESSMENT METHODOLOGY FOR RIVERS AND STREAMS  
2018

These weaknesses are strikingly similar to the weaknesses demonstrated by RJLee’s air quality testing in August of 2018. The basic flaw is sampling miniscule percentages of the water (or air) of interest. A further flaw is that SGI controls when pollutants might be released and also controls when and how sampling is done—an obvious conflict of interest that would not pass any ethical scrutiny. Why is this poor quality of testing apparently the only kind being discussed as a requirement for the permit?

I can’t find any plans that SGI has proposed to directly measure the health of the streams, which would include periodic macroinvertebrate counts at several locations. How is this consistent with the explicit commitment made in



February 11, 2019

the letter to the Adams County Commissioners to maintain the quality rating of Tom's Creek (relevant page copied below)?

|                    |                |
|--------------------|----------------|
| County:            | Adams          |
| Blaster's Name:    | Chris Catalano |
| Blaster's License: | BL-6525        |
| Direction:         |                |
| Weather:           |                |

Suite 315 • Hagerstown MD 21740-3899 • Tel: 301-733-4000 • Fax: 301-733-4003

Mr. Richard J. Allan  
Secretary  
Department of Conservation and Natural Resources  
Rachel Carson State Office Building  
Harrisburg, PA 17105-8767

Mr. George A. Weikert  
Chairman  
Adams County Commissioners  
117 Baltimore Street, Room 201  
Gettysburg, PA 17325-2391

RE: ISP Minerals Inc. Proposed Property Exchange with  
the Department of Conservation and Natural Resources

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CONDITIONAL



As with the hazardous waste issue, SGI should not be doing these tests itself—rather SGI should reimburse DEP or DCNR the cost of doing these tests. Why is this NOT the standard procedure?

- b. It's good that SGI sometimes tests its discharges for various heavy metals and other chemical pollutants, but this is not sufficient. It's indirect, and inconclusive.
- c. Since we all care about the ongoing health of the streams—one appropriate, inexpensive, measurement would be to do Benthic Macroinvertebrate counts at a few places on a regular basis.
  - i. DEP should do this testing upstream and downstream of every place SGI discharges. Both for Toms Creek and for Miney Branch. Just as important, DEP should test upstream and downstream of every place SGI disturbs the runoff that would have gone to Toms Creek.
  - ii. These results should be published, and action immediately taken to correct problems before they become severe.

No permit should be granted that doesn't include substantial penalties for harm to Tom's Creek and the surrounding watershed. What guarantees does the public have that SGI will adhere to its commitment to protect the water quality rating of Tom's Creek? Without hard guarantees, the SEJ is irreparably flawed, because irreparable harm could be done to the existing, long-standing, recreational uses of the watershed.

- iii. There should be baseline tests done before any disturbance at Pine Hill, and all testing has to be done by people independent of SGI. This is not a criticism of SGI, in fact it would protect SGI from charges of corruption.

In several places in its SEJ, and elsewhere, SGI says that certain ways of protecting Tom's Creek are "not feasible". Presumably this means "not economically feasible", since the suggestions themselves are clearly possible. It is understandable that SGI wants to maximize the profit they extract from the mining operations, but SGI has provided no quantification of their claims.

SGL is truly saying that all proposed protections of the watershed would cost so much that SGL could not make a sufficient profit to make it worthwhile to stay in business. However, SGL has not provided the public with adequate data to judge these claims. Given the duplicity with which SGL engaged in the land swap to obtain the Northern Tract, why should the public have any faith in these “not feasible” statements?

Even ignoring past duplicity, SGL has a glaring conflict of interest, so these statements cannot be taken at face value. How is PA DEP independently evaluating these claims?

The High Quality Cold Water Fisheries (HQ CWF) portion of Tom’s Creek flows past the northwestern and northern edges of the Northern Tract. This small stream is surrounded by wetland as it is in a flat plain sided by steep hills with mostly impervious soil (see Module 8).

As several studies have extensively documented in module 8, Tom’s Creek watershed gets little groundwater and is highly dependent for its health on rain water runoff. SGL is proposing to destroy the steep slopes to the south and southeast of Tom’s Creek, which will drastically reduce the runoff that feeds the wetland and creek itself. SGL claims that this will have little effect on Tom’s Creek because it’s a small part of the entire Tom’s Creek watershed. This ignores the fact that this particular runoff goes directly into the HQ portion of Tom’s Creek, an important recreational fishing area (as documented by the Trout Unlimited speaker at the January, 30 2019 hearing). Here is a photo of this part of Tom’s Creek, showing its small size and some of the moist embankment around it. This area is obviously dependent on every drop of rain water it can collect, as this photo was taken during the wettest year in living memory in this area.





Photo by author, taken October 24, 2018 @ 3:10PM

Why can't SGI retain the steep northern and northwestern hillsides to protect this watershed? Obviously this would reduce the amount of metabasalt that could be quarried, but in terms of the SEJ this has to be weighed against the damage to the watershed and its long-standing recreational uses.

How many years of operation does SGI expect to get from the Northern Tract? How many fewer years would SGI get if it did not mine the northernmost and northwesternmost slopes? Why is this not a reasonable trade-off to make?

- 3) Why would SGI ever have to dump into Toms Creek? Why not get a big enough pump, or pumps, to make sure it never has to do this?  
Engineers tell me these pumps are common.



February 11, 2019

The cost of the measures I suggest would very slightly reduce the profit SGI can make. That has to be balanced against the cost to the community of not taking these steps, which could be enormous and irreversible.

Thank you.

Clifford W. Frost  
301 Mount Hope Rd  
Fairfield, PA 17320  
[Clifford.frost@gmail.com](mailto:Clifford.frost@gmail.com)  
510-316-7037

February 11, 2019

APPENDIX A – Email between author and RJLee, sent to PA DEP by Matthew S.  
McClure on January 28, 2019 @ 9:57

1/28/2019

**RESPONSE TO QUESTIONS FROM C. FROST RE RJ LEE GROUP ("RJLG") PERIMETER AIR SAMPLING AT SGI CHARMIAN FACILITY**

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1) As I understand the UNC Passive sampler, there are variations on the analysis model you can use. Your report didn't specify the model you used, can you clarify this? It appears that some models pretty seriously underestimate the PM<sub>2.5</sub> concentrations, so it would be useful to know how you dealt with this problem. For reference see this paper:  
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5873525/pdf/wxx110.pdf>

**Response:** The UNC Passive Aerosol Sampler (PAS) has been validated for use in monitoring environmental particulate, as reflected in numerous publications (the following is a partial listing):

- J. Wagner and D. Leith (2001). "Passive Aerosol Sampler. Part I: Principle of Operation", *Aerosol Science and Technology*, 34, p. 186-192.
- J. Wagner and D. Leith (2001). "Passive Aerosol Sampler. Part 2: Wind Tunnel Experiments", *Aerosol Science and Technology*, 34, p. 193-201.
- J. Wagner and D. Leith (2001). "Field tests of a passive aerosol sampler", *Journal of Aerosol Science*, 32, p. 33-48.
- J. Wagner and J. Marcher (2003). "Comparison of a Passive Aerosol Sampler to Size-Selective Pump Samplers in Indoor Environments", *AIHA Journal*, 64, p. 630-639.
- B. Willis, D. Leith, T. Merrifield, J. Wagner, G. Casuccio, C. Cowley, T. Conner, and T. Peters (2006). "Evaluation of PM<sub>10</sub>, PM<sub>2.5</sub>, PM<sub>10-2.5</sub> Measurements using a Passive Particulate Sampler", presented at AWMA Specialty Conference Symposium on Air Quality Measurements and Technology, Durham, NC, May 2006.
- D. Leith, D. Sommerlatt, and M. Boundy (2007). "Passive Sampler for PM<sub>10-2.5</sub> Aerosol", *Journal of the Air & Waste Management Association*, 57, p. 332-336.
- D. Nash and D. Leith (2010). "Ultrafine Particle Sampling with the UNC Passive Aerosol Sampler", *Aerosol Science and Technology*, 44, p. 1059-1064.
- P. Kumar, P. Hopke, S. Raja, G. Casuccio, T. Lersch, and R. West (2012). "Characterization and heterogeneity of coarse particles across an urban area", *Atmospheric Environment*, 46, p. 449-459.
- J. Wagner and G. Casuccio (2014). "Spectral Imaging and Passive Sampling to Investigate Particle Sources in Urban Desert Regions", *Environmental Science: Processes & Impacts*, 16, p. 1745-1753.
- E. Sawvel, R. Willis, R. West, G. Casuccio, G. Norris, N. Kumar, D. Hammond, and T. Peters (2015). "Passive sampling to capture the spatial variability of coarse particles by composition in Cleveland, OH", *Atmospheric Environment*, 105, p. 61-69.
- T. Peters, E. Sawvel, R. Willis, R. West, C. Casuccio (2016). "Performance of Passive Samplers Analyzed by Computer-Controlled Scanning Electron Microscopy to Measure PM<sub>10-2.5</sub>", *Environmental Science & Technology*, 50, p. 7581-7589.

These publications show that the UNC-PAS sampler works well with "coarse" particles (PM<sub>10-2.5</sub>, particles between 2.5 and 10  $\mu\text{m}$  aerodynamic diameter) and with "fine" particles (PM<sub>2.5</sub>, particles 2.5  $\mu\text{m}$  aerodynamic diameter and finer). The publications report on the validation of the UNC samplers for these particles, particularly for minerals particles. This is because the UNC-PAS estimates concentrations ( $\mu\text{g}/\text{m}^3$ ) based on the measurement of the dimension and composition of filterable

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1/28/2019

particles. Particulate matter in ambient air can also include condensable organics, as well as volatile and semi-volatile species. Condensable organics are not well suited for measurement with this sampler; but such condensable organics are not an issue with respect to the SGI facility.

Interestingly, the Shirdel, et al. paper showed that there was nearly a one to one comparison between the UNC-PAS results and the Shirdel reference methods for both the  $PM_{10}$  fraction (particles less than 10  $\mu m$ ) and the respirable fraction (defined as particles whose cumulative size distribution has an average geometric mean diameter of 4  $\mu m$ ). Of interest are those particles in the respirable range that are small enough to reach the alveolar region of the lungs. This size fraction includes some particles from  $PM_{10-2.5}$  as well as  $PM_{2.5}$ . The charts in Figure 1 of the Shirdel et al. paper (under the "With mesh factor" column) show this comparison.

As noted in some of the publications, work is progressing in evaluating the UNC-PAS samplers for particulate matter in the  $PM_{2.5}$  particle fraction involving condensed gasses, such as  $NO_x$  and  $SO_2$ . These 'particles' present analytical problems in the electron microscope. However, for the Charmian quarry, these particles are not at issue.

With respect to the analytical methodology used in the paper referenced in the question (Shirdel, et al. 2018), the authors noted potential limitations in the discussion section of the paper: low microscopic magnification with no chemical speciation. The paper reports no significant issue with particles larger than  $PM_{2.5}$  and indicates that much of the problem in the  $PM_{2.5}$  range is related to the low magnification used in the analysis combined with the image processing technique. The authors of the Shirdel paper note that a higher magnification would be better suited for measurement of the  $PM_{2.5}$  fraction.

In comparison to the methods used in the Shirdel study, RJ Lee Group (RJLG) analyses of the samples from the SGI facility were conducted using software that increases the magnification based on the size of the particle so that the RJLG measurements of the particles (especially for fine particles) had a much higher resolution which increases the precision and accuracy of the particle measurements. The RJLG procedure was also different in that RJLG collected compositional information from each particle, thereby providing better information related to particle density. Finally, RJLG examined the entire UNC-PAS sample surface (Shirdel et al. only examined half of the surface), counting thousands of particles on each sample (typically 5000 particles) whereas for the samples reported in the Shirdel's paper only hundreds of particles were measured.

***2) In your report you use prevailing wind direction data from meters that are miles away from the site. The site is nestled in a mountainous area with numerous local ridges and valleys that drastically affect air currents, especially those close to the ground. There is also likely a great deal of variation due to the working equipment in the mine area itself. Why didn't you put wind meters on each sampling station so you could have some idea of what the actual air movement was at each site?***

**Response:** First, it is important to note that RJLG placed samplers around the entire perimeter of the SGI property so that all potential "downwind" directions were covered by the monitoring program. Thus, any potential influence on wind direction due to the terrain was accounted for in the perimeter monitoring program.

1/28/2019

The prevailing wind data reported in the RJLG report were obtained from a government-run website (<https://www.ncei.noaa.gov>) for several local airports. Four of these locations (Gettysburg, Greencastle, Waynesboro, and York) were cited in the report. Although not mentioned in its report, RJLG also checked the Hagerstown airport station. During the period when the samples were collected (August 28 – September 6, 2018), the general wind direction was from the west to southwest blowing toward the east/northeast for all stations. Notably, this general wind direction coincides with the orientation of the Appalachian mountains near the SGI facility.

**3) How confident are you that your observations generalize to the ambient air quality at the mine? Your report states what you found at each of 10 locations, using a 1.5cm diameter sensor. This is for an 800 acre, open air site with considerable variation in terrain, wind velocity and direction at different atmospheric levels. A simple calculation says you're sampling at most  $\sim 10^{12}$  cubic centimeters out of  $\sim 10^{16}$  cubic centimeters of atmosphere (assuming 10 foot air column over 800 acres) or out of  $\sim 10^{17}$  cubic centimeters of atmosphere (100 foot air column). Your report makes no claim that this sample is in any way representative of the air in the mine vicinity. Do you believe you've gotten a representative sample of that huge volume of air?**

**Response:** The objective of the RJLG monitoring program was to evaluate ambient air at the perimeter of the SGI facility, as the air may flow into the surrounding community. In that regard, RJLG is confident that the methods utilized (including the placement of monitors at 10 locations covering all directions of air flow) and the use of monitor types and methods that are accepted by the US EPA, provide results that are reasonably representative of ambient air conditions during the sampling period.

Air sampling is typically conducted with the assumption that the air being sampled is relatively homogenous (well-mixed). For example, in a large metropolitan area the EPA only uses only a limited number of samplers to define air quality. Further, all air sampling procedures only collect a very small fraction of the air in question. So assuming that the air is homogeneous, then an aliquot of the air should be representative. The siting of the samples is based on various factors such as the type of point or area sources, obstructions to the airflow (such as by tall buildings), abrupt changes in terrain, and the height the samples are above ground.

At the Charmian quarry, ten samplers were located around the perimeter of the property to determine the presence and concentration of asbestiform fibers that may have originated from the property. Given the location of the perimeter monitors, it is expected that the air at those locations was well-mixed. In addition, several samplers were sited downwind of the prevailing wind direction from possible sources of dust (such as the sampler located at the Lower Mill Gate). Moreover, the monitoring program was conducted using monitors that provided long-term samples collected over an entire week, rather than short-term samples for such materials that are typically collected over a several hour period.

With regard to the hypothetical calculation of air volumes contained in the question,<sup>1</sup> the comparison of relative air volume in the atmosphere to the volume of air in a sampler is not relevant to determining the representativeness of air sampling methods. All air sampling is conducted using samplers that involve limited sample volume compared to the outdoor atmosphere.

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<sup>1</sup> The calculation in the question is incorrect: an acre is equal to 43,560 ft<sup>2</sup> or about  $4.05 \times 10^7$  cm<sup>2</sup>. Thus, the volume of air is approximately  $10^{13}$  cm<sup>3</sup> (for a 10 ft column) or  $10^{14}$  cm<sup>3</sup> (for a 100 ft column).



February 14, 2019

Cambria District Mining Office  
District Mining Operations  
Department of Environmental Protection,  
Commonwealth of Pennsylvania  
Attn: Daniel Sammarco, P.E., District Mining Manager  
Rock Martin, P.G., Permit Chief  
286 Industrial Park Road  
Ebensburg, PA 15931

Dear Sirs:

My wife and I intended to attend the meeting in Fairfield on Wednesday, January 30, 2019, dealing with the expansion of the Specialty Granules, LLC Mine to the Northern Tract Quarry known locally as Pine Hill. We have attended the meetings concerning the expansion in the past, since we are very concerned with the protection of Tom's Creek from pollution, as well as the intended destruction of the mountain which will occur with the expansion. We own a house on Monterey Circle, in nearby Blue Ridge Summit. We were unable to attend the meeting on January 30 this time, since my wife and I are in our late seventies and early eighties and the extraordinarily bitter cold made the drive in the evening from Washington dangerous for us.

We want to emphasize the importance of protecting Tom's Creek from the pollution that it is admitted will occur from the proposed expansion. As homeowners we have appreciated the utility and benefits of the unpolluted beauty of nearby Friends Creek as well as Tom's Creek for recreation, the protection of wildlife, and the beauty and health of the environment. There are a diminishing number of such streams such as Tom's Creek and Friends Creek nearby, as well as elsewhere in Pennsylvania and Maryland. We view protecting Tom's Creek as a unique local natural asset as vital.

Similarly, we are shocked by the prospect of the destruction of the mountain which was once part of protected Michaux State Forest by the expansion. We are also profoundly concerned by the recent notice that the expansion will disturb a seam of carcinogenic asbestos which will be released into the air we breathe. Even a minimal exposure would be a severe threat to the health of nearby residents as well as visitors and tourists. We understand Pennsylvania officials are aware of this threat and that the extent of the danger has not been determined by proper testing.

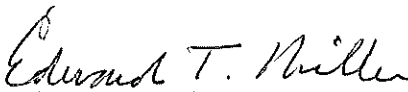
Reasonable analysis shows that the actual risk of a loss of jobs if the permit for expansion were denied would be minimal, if not nonexistent. These hazardous environmental causes have impaired out intent to retire to Blue Ridge Summit

DEP CAMBRIA OFFICE

FEB 21 2019

permanently. For the foregoing reasons, we urge that the application for the expansion of the mine be denied.

Concur:   
Noel C. Miller

  
Edward T. Miller  
12455 Monterey Circle  
Blue Ridge Summit, PA  
etermil@aol.com

DEP CAMBRIA OFFICE

FEB 21 2019

R. Lee Royer

10764 Buchanan Trail East

Waynesboro, PA 17268

717-762-5619

[www.leeroyer@comcast.net](mailto:www.leeroyer@comcast.net)

February 11, 2019

DEP Cambria District Office

Attn: Mr. Daniel Sammarco, P.E., District Manager

286 Industrial Park Road

Ebensburg, PA 15931

Re: Specialty Granules LLC Permit

Dear Mr. Sammarco;

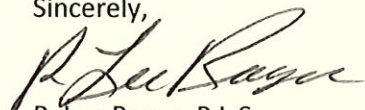
I would like to say that I am in favor of the mine expansion because there is a need in our society today to retain the existing jobs and provide jobs for in the future.

I understand that the Confederates 150 years ago retreated back to Virginia on Gum Springs Road but they also retreated on Route 30, Route 11, Jacks Mountain Road and many others. That doesn't make them historical roads.

SGI has been a good neighbor to the community for a very long time and I hope they will continue to be with this expansion.

Even though I am in favor of this expansion I also feel that it is the DEP's responsibility to do whatever is necessary to keep Toms Creek a pristine trout stream.

Sincerely,



R. Lee Royer, P.L.S.

DEP CAMBRIA OFFICE

FEB 13 2019

February 9, 2019

Dan Sammarco

Cambria District Mining Office

286 Industrial Park Road

Ebensburg, PA 15931-4119

Dear Mr. Sammarco:

We are opposed to the proposed surface mining application for Specialty Granules, LLC (SGI) Northern Tract SMP No. 01180301. We attended the hearing held by the PA DEP and SGI at the Fairfield Fire Hall on July 23, as well as the subsequent hearing held on January 30, 2019. We would like to echo the sentiments that the people expressed during those hearings.

Our property is directly across from the proposed project location. We are concerned about how this project will affect our property and surrounding area, including water and air quality. We are also concerned with the increased noise disruption from the constant truck traffic and destruction of the roads themselves. The maintenance and upkeep will fall on the taxpayers.

When the current mining operations blast, our house windows and garage doors rattle. If operations come even closer to our property, this will increase. This could lead to structural damage to our home. This increased mine activity will also create a huge crater where the beautiful wooded area is now. This will greatly reduce the value of our property.

SGI responded to the people's concerns from the first meeting with vague promises. Past behavior is indicative of future behavior. We do not like how SGI acquired this tract of land in a nefarious land swap deal in the first place. SGI has a list of past violations on its existing operation. If the company can't conduct itself appropriately now, how can we expect it to do so in the future?

We purchased this property four years ago because of its beautiful and peaceful setting. We do not want that to change. We ask that you deny the proposed surface mine permit application for Specialty Granules, LLC (SGI) Northern Tract SMP No. 01180301.

Sincerely,

*Marvin Rogers / Rachel Rogers*

Marvin and Rachel Rogers

515 Gum Springs Rd Fairfield, PA 17320

717-319-2827 or 814-599-7767

[Rachel-rogers@live.com](mailto:Rachel-rogers@live.com) or [marvin-rogers@live.com](mailto:marvin-rogers@live.com)

DEP CAMBRIA OFFICE

FEB 15 2019

February 2, 2019

Mr. Rock Martin, Cambria District Mining Office

Dear Sir,

My name is John Strahler; my address is 285 Jacks Mtn. Rd., Fairfield, PA. 17320.

I am writing to voice my concern with the proposed mining expansion by Specialty Granules, LLC in Hamiltonban Township. Our residence borders Tom's Creek south of the proposed mine expansion at the Northern Tract. In fact the creek represents the boundary of our 3 acre property. We have lived at this property for 42 years.

We raised our family here and spent many days and hours playing, swimming and fishing in Tom's Creek. Today, our grandchildren love playing in the creek. Our property is also where trout are stocked during fishing season; we allow any fishermen to use our property.

Over the years, I believe the health of the stream has worsened; I state that because of the growth of algae and brownish water; however it still represents a great value to the community. I'm afraid approval of SGI's permit will be a disaster to our stream.

My daughter and her family live within a mile of SGI off of Iron Springs Rd. Yearly, if not more often, she has to wash her deck and house to remove the green dust and dirt from SGI. I am concerned for the health of my daughter's family with the current situation; no one really knows what is contained in the dust particles that coat her house. There is no doubt that if the permit is approved, this situation will worsen.

As I understand, SGI's intent is to use the mountain top removal process to access the desired ore. I have witnessed this mining method, and it is nothing short of a disaster for the environment and associated wildlife, let alone the impact on people living downstream.

I urge you to deny the permit request from SGI; I understand the comments about jobs and the local economy; however, in reality SGI will continue to be an employer in the area for many years regardless.

Should DEP approve the permit, please ensure that adequate and redundant measures will be required to preserve the beauty and safety of our community. We place our trust in your hands. Personally, I will continue to monitor and promote the health of Tom's Creek; I am counting on DEP to do likewise.

Thank you for your time and allowing me to comment.

Sincerely,

John Strahler

DEP CAMBRIA OFFICE

FEB 06 2019

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

\* \* \* \* \*

IN RE: NONCOAL SURFACE MINE PERMIT APPLICATION, AND  
THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
APPLICATION FOR SPECIALTY GRANULES, LLC (SGI)  
NORTHERN TRACT QUARRY

\* \* \* \* \*

BEFORE: JOHN REPETZ, DEP Community Relations  
Coordinator

DANIEL SAMMARCO, District Mining Manager

ROCK MARTIN, Permit Chief

CHAD PARONISH, Permit Office

DAVE THOMAS, DEP

DANIEL WELTE, DEP

JOHN BRAKEALL, Department of  
Environmental Justice

Reporter: Amy Warehime

ORIGINAL

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1 HEARING: Wednesday, January 30, 2019  
2 7:02 p.m.  
3 LOCATION: Fairfield Fire & EMS  
4 106 Steelman Street  
5 Fairfield, Pennsylvania 17320  
6 WITNESSES: MATTHEW MCCLURE, SANFORD UNGAR, JESSICA  
7 WANTZ, STEVE LARUE, THOMAS KEAHEY, DEB WENTLING,  
8 HAZEL KEAHEY, MATTHEW WATSON, MONA YOUNG, BRENT  
9 WALLS, BUCK BROWNING, AUDREY YOUNG, CLIFFORD FROST,  
10 CHARLIE POULSON, JENNIFER ANDES, PAUL KELLETT, DAVE  
11 SWOPE, JEFFREY DULL, SUE DEVEER, TODD WILLMAN,  
12 SHERRY ROGERS, JEFFREY GEESAMAN, MARY LANE, BILL  
13 LEAHY, STEPHEN ROY, LIONEL WHITCOMB  
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25

## A P P E A R A N C E S

R. TIMOTHY WESTON, ESQUIRE

K & L Gates

17 North 2nd Street, 18th Floor

Harrisburg, PA 17101

Counsel for SGI Company

ERIKA FURLONG

DEP Assistant Counsel

909 Elmerton Avenue

Harrisburg, PA 17110

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NONE OFFERED

## P R O C E E D I N G S

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MR. REPETZ: Good evening. We are now on the record. Good evening and welcome to the Pennsylvania Department of Environmental Protection's public hearing regarding Specialty Granules, LLC mining permit application, and the related NPDES permit as for the National Pollutant Discharge Elimination System.

My name is John Repetz. I'm the community relations coordinator for DEP's south central regional office in Harrisburg. I am joined this evening by a number of staff from DEP that include Dan Sammarco, who is our district mining manager. Rock Martin, who is a permit chief. And we're also joined by Chad Paronish, Dave Thomas, and Dan Welte. Also joining us from DEP are John Brakeall from DEP's office of Environmental Justice, and Erika Furlong, regional counsel from the south central office.

We want to start by thanking the staff here at Fairfield Fire and EMS for hosting this event here this evening. The purpose of this hearing is to receive testimony on the permit application. As such, DEP staff will not address



1 questions at this time. We may be available to  
2 address any other additional questions following the  
3 conclusion of this hearing.

4 This permit application is being  
5 reviewed by staff from DEP's Cambria mining office  
6 in Ebensburg. A copy of the permit application is  
7 available for review in that office. A copy is also  
8 available for review at the Adams County  
9 Conversation District office in Gettysburg. The  
10 information is also available electronically on  
11 DEP's website, on the Cambria mining office page,  
12 and the south central regional offices community  
13 information page. Please see me afterwards if you  
14 wish to access that information and I can tell you  
15 how to access those web pages.

16 This proceeding is being recorded by a  
17 court reporter who will produce an official  
18 transcript of all of tonight's comments. All  
19 questions and comments will be addressed in the  
20 future in the form of a comment response document,  
21 which will be provided to those offering testimony  
22 tonight. So please make sure the DEP staff has your  
23 contact information before you leave.

24 We are also accepting written  
25 comments. Written comments carry the same weight as

1 oral testimony presented this evening. For that  
2 reason, it is not necessary to read written comments  
3 in their entirety to have them become part of the  
4 official record. If you do have written comments,  
5 we encourage you to verbally summarize them and  
6 submit the written comments after you're completed.

7 If you wish to submit written comments  
8 after this proceeding, you may do so. Written  
9 comments will be accepted for two more weeks.  
10 Again, see us for how to properly submit those  
11 written comments.

12 We typically ask each witness to keep  
13 their comments to about five minutes. We will be  
14 somewhat flexible with that timeframe, but we ask  
15 you in an effort to keep things moving that you keep  
16 your comments concise and to the point. Those  
17 presenting testimony are to begin by stating their  
18 name and spell it to ensure that the official  
19 transcript is as accurate as possible. And also  
20 please state any affiliation you may have.

21 Finally, a couple of housekeeping  
22 notes. To aid in accurately transcribing this  
23 hearing, we ask that everyone be courteous of others  
24 and remain quiet while testimony is being presented.  
25 There are also sign-in sheets at the table near the

1 door. If you have not already done so on your way  
2 in, we ask that you please sign in so we have a  
3 record of who was in attendance tonight. Finally,  
4 if you need to use the restrooms, they are located  
5 through the double doors and to your right. Thank  
6 you for coming and joining us tonight, braving the  
7 elements. And with that we will get started. So I  
8 will ask for volunteers to come up one at a time and  
9 we will get started.

10 MR. MCCLURE: Matthew, M-A-T-T-H-E-W,  
11 McClure, M-C, capital C, L-U-R-E. I am Matthew  
12 McClure, executive director of operations for  
13 Specialty Granules, the applicant for the mining and  
14 water quality permits for the purposed northern  
15 tract quarry project, which is subject to this  
16 evening's public meeting. With me this evening is  
17 SGI's president, Justin Dunlap.

18 First, on behalf of SGI, I want to  
19 express our appreciation for the questions and  
20 comments provided today by members of the public.  
21 We review those comments carefully. With respect to  
22 the public, consistent with our ongoing commitment  
23 to the community, and in an effort to answer  
24 questions and avoid misperceptions, on November 12th  
25 SGI provided to the Department very detailed

1 responses and supporting information regarding each  
2 of the points raised. Our full set of responses and  
3 all related appendices are available to you on the  
4 community section of the PADEP south central  
5 regional website. And additional information is  
6 available on our website, SGIcommunity.com. We  
7 encourage you to access and review those materials.

8           Our responses and the initial  
9 information we have provided for review by the  
10 Department and by you cover the full range of issues  
11 raised in the July 23rd public meeting and  
12 subsequent written comments. Those include  
13 hydrologic impacts, protecting Toms Creek, Miney  
14 Branch impacts, blasting practices, truck traffic,  
15 noise and community sound levels, asbestos, air  
16 quality, historic resources, protected and other  
17 species, past discharge events, lighting issues,  
18 reclamation plan requirements, use of best practices  
19 and SGI's acquisition of the northern tract  
20 property.

21           First let me emphasize that the  
22 northern tract quarry will extend the life of  
23 mining. It is not designed to increase our rate of  
24 production of inert and non-toxic rock used in  
25 roofing granules. The northern tract quarry will

1 allow for the continuation of 147 welding jobs.

2 As explained in our responses, SGI has  
3 taken and will continue to take a range of actions  
4 to avoid and reduce impacts on our neighbors.  
5 First, there is a planned Route 16 direct connection  
6 project that when completed, will reduce truck  
7 traffic on Old Waynesboro Road and the Monterey  
8 historic district by up to 80 percent. We are  
9 hopeful to complete that project as early as the end  
10 of this year subject to obtaining PennDOT's approval  
11 on our pending permit application.

12 With regard to environmental  
13 protection we've adopted and will continue to pursue  
14 best management practices that meet and go beyond  
15 compliance with applicable environmental  
16 regulations, including advanced storm water  
17 management practices, establishment of a 300 foot  
18 buffer to Toms Creek and maintenance of a forested  
19 buffer around the quarry. We also implement  
20 advanced blasting design performance in both  
21 operational practices such as limited nighttime  
22 operations at the northern tract quarry and  
23 equipment improvements to reduce noise generation  
24 and propagation.

25 SGI considers the health and safety of

1 its employees and the surrounding community to be of  
2 utmost importance. The presence of actinolite, a  
3 rock that can produce asbestos form fibers is very  
4 rare in the metabasalt formations mined at the SGI  
5 site. But we take extraordinary measures to avoid  
6 and mitigate any risks of exposure. Trained  
7 personal regularly survey the active mining area.  
8 In response to concerns raised by commenters, SGI  
9 conducted outdoor air monitoring around the entire  
10 perimeter of the Charmian facility in order to test  
11 for asbestiform fibers in the outdoor air.

12 Ten (10) locations were sampled. Each  
13 one for a period of eight days. Two of the 10  
14 samples were found to contain just one asbestiform  
15 fiber each. And the concentrations of such fibers  
16 found were not statistically different than average  
17 outdoor air concentrations in the United States.  
18 The outdoor air sampling concentrations near the SGI  
19 facility were one-one hundredth of the action level  
20 DEP has established for other quarries. And do not  
21 present risk to human health. These and many other  
22 answers to questions raised are detailed on the  
23 PADEP website and SGIconmunity.com.

24 There has been some misinformation  
25 disseminated in the community and we would encourage



1 you to access both websites for comprehensive  
2 information. We are serious about being a good  
3 neighbor now and over the long term. Like the  
4 Department, we are here tonight to listen to your  
5 questions, concerns, and suggestions. And as we  
6 have done with the respect to the comments received  
7 to date, we will review those comments with care and  
8 provide appropriate responses.

9 Thank you for being here, for your  
10 involvement and for your consideration.

11 MR. REPETZ: Thank you, Matt. Next,  
12 please.

13 MR. UNGAR: Good evening. My name is  
14 Sanford Ungar, S-A-N-F-O-R-D, U-N-G-A-R. I spoke in  
15 this same spot on the same issues six months ago.  
16 Tonight I'll repeat some of what I said last time to  
17 those who may not have heard it. But also tonight,  
18 how and why I've come to feel even more strongly  
19 than I did last July about the profound threat  
20 facing this community.

21 My wife and I have owned a property on  
22 Gum Springs Road in Fairfield for 23-and-a-half  
23 years. Our two children spent large parts of their  
24 youth here learning about the wilderness and the  
25 country side, swimming and fishing in our ponds,

1 hiking and playing badminton and volleyball.  
2 Bringing friends up so they could all learn to ski  
3 together nearby at Ski Liberty.

4           We're not full-time residents here but  
5 we have put our heart and soul into our home,  
6 honoring our commitment to Adams County to keep our  
7 property clean and green, taking our fresh cold  
8 water from a spring that floats near Toms Creek,  
9 thinning our woods from time to time to keep them  
10 healthy and never giving a moment's thought to  
11 subdividing or developing our land to exploit its  
12 significant economic potential.

13           We have however remodeled and expanded  
14 our house using locally sourced stone and wood and  
15 other materials. Employing local craftsman and  
16 adding to Hamiltonban Township's tax base.

17           For years we've been inviting family  
18 and friends to share this paradise with us. To  
19 visit for a day or a weekend or more. Typically we  
20 go over to Gettysburg and walk the battlefield  
21 together and take them to the new visitor's center.  
22 I cannot tell you how many times as we've drove back  
23 home along Pennsylvania Route 116 over the hills and  
24 vales and through Fairfield, turning off onto Iron  
25 Springs and then Gum Springs roads, we have

1 speculated about this retreat path taken by General  
2 Robert E. Lee and his troops after their loss at  
3 Gettysburg, looking to escape back across the  
4 Potomac, a stark first in the smaller battle of  
5 Monterey Pass.

6                   Some of these family and friends have  
7 returned and brought others and taught their own  
8 children about the rich history of this area. They  
9 found themselves among the many bikers, hikers, and  
10 reenactors who come here for recreation. We've had  
11 high hopes of recognition by the National Park  
12 Service and other public and private groups of the  
13 great significance of this territory. The calm of  
14 daily life here and the vision for the future for  
15 our children and our families that we share with  
16 many of our neighbors are under attack.

17                   The people who make up the strip  
18 mining company now known as SGI are for the most  
19 part perfectly decent human beings, we've met with  
20 them. But the executives do not live here among us.  
21 And so they may not even realize fully the impact  
22 they have on us. Perhaps they're not aware that our  
23 area is often filled with green dust that settles on  
24 our porches and our paths or that for many in the  
25 neighborhood the quality of their water is less and

1 less certain. They may not notice the massive  
2 trucks that run noisily past on narrow country roads  
3 ill-suited to support them.

4 Just down the way after the managers  
5 have gone home, SGI's local plant in Fountaindale  
6 harshly illuminates the night sky every night all  
7 year round. It never gets dark there anymore and  
8 who knows what the eventual effect - what the  
9 eventual effect of that perpetual weird glow will  
10 be.

11 The dramatic symbol of how our peace  
12 has been shattered now comes early on many weekday  
13 afternoons. When SGI, really practically right  
14 across Gum Springs Road from us, just behind its no  
15 trespassing signs, sets off massive blasts to loosen  
16 up tons of the valuable green stone it grinds up for  
17 themselves.

18 My wife and I now know just how often,  
19 very often, those blasts occur, because when we met  
20 SGI management in our home last month, we asked him  
21 to notify us by e-mail every time and to place  
22 portable seismographs on our property to measure the  
23 impact. Courteously, they have returned to us  
24 charts showing us when and how the blasts have come  
25 off. Seemingly, so far the blasts fall within legal

1 limits, but still they shake our house and others  
2 nearby. They are freighting and disruptive and we  
3 have no way of knowing when they will get closer and  
4 louder and more threatening.

5 Now SGI is asking the Department of  
6 Environmental Protection to approve a major  
7 expansion of its strip mining in this area. The  
8 company makes a new argument privately, if not  
9 publicly, that unless it is given a permit to slice  
10 off a historic mountain top and open a vast new pit,  
11 it will be unable to afford to obey the law and fill  
12 in and reclaim some of the old pits. So we'll just  
13 go deeper and deeper where it already is in our  
14 neighborhood, and perhaps louder and louder and more  
15 and more threatening to the environment, until or  
16 unless its product is no longer in great demand or  
17 the profits no longer so large and attractive.

18 And then, perhaps long after many of  
19 us has passed, it will turn out the bright lights  
20 and stop the blasting and walk away, leaving our  
21 children and grandchildren to deal with the tragic  
22 and literally toxic aftermath.

23 I'm not a geologist or a blaster, but  
24 I do have a special credential to speak of these  
25 matters. I was raised in a small town in

1 northeastern Pennsylvania where more than 60 years  
2 ago very profitable strip mining, in that case of  
3 anthracite coal, was offered up as a source of good  
4 jobs and economic salvation. Promises were made to  
5 respect and protect the environment or to restore it  
6 when the nice people, the perfectly polite people,  
7 were finished doing their job on this. But those  
8 promises proved meaningless. Once the coal was used  
9 up as it inevitably was, the scarred land was  
10 abandoned and the companies disappeared.

11               Miners, the people who have these jobs  
12 with chronic work-related disease were left to fend  
13 for themselves. Economic ruin and an exodus of  
14 families followed. Property values plunged and tax  
15 revenues dwindled. Many of the small communities  
16 that were affected are still today struggling to  
17 recover and they're having a hard time attracting  
18 young people in search of job opportunities and a  
19 healthy lifestyle.

20               Air pollution, water pollution, noise  
21 pollution, and light pollution followed eventually  
22 by economic catastrophe. Not a desirable fate to  
23 imagine for this beautiful corner of the world.

24               We urge DEP not only to deny SGI this  
25 permit for new operations, but also to place severe



1 restrictions on what the company is already doing to  
2 destroy our neighborhood, not to mention our  
3 history.

4 Thank you.

5 MR. REPETZ: Next?

6 MS. WANTZ: Good evening. My name is  
7 Jessica Wantz. It is J-E-S-S-I-C-A, W-A-N-T-Z. I  
8 have resided in Hamiltonban Township for the last 14  
9 years. Prior to this, I lived in Fairfield for 22  
10 years. I own two houses in Hamiltonban Township.  
11 My home where I reside is less than a one mile  
12 radius from SGI. The other house I own is less than  
13 a half a mile from SGI along the Old Waynesboro  
14 Road.

15 I would like to state a few years ago,  
16 I came to a meeting similar to this one. I listened  
17 to many complaints about the mill from people who do  
18 not live near the mill. I heard people say things  
19 such as dust problems, oil runoff, and blasting  
20 issues. I sat back while these accusations from  
21 people who do not live as close to the mill as I do  
22 because I myself have never had any of these issues  
23 in the last 14 years. These remarks did spark my  
24 curiosity, though. And I wanted to educate myself  
25 on those procedures, guidelines and actual testing

1 results of the remarks that were made at the  
2 meeting.

3           There is readily available information  
4 to the public on the SGI webpage. And I was very  
5 impressed by the up-to-date records from the  
6 Department of Environmental Protection available at  
7 the SGI office. Those records from the Department  
8 of Environmental Protection include date and times  
9 of dust samples, water samples from culverts, and  
10 the decibels for blasting, all of which were under  
11 the required marks. I was also impressed by their  
12 100-year flood zone, which is a multi-million dollar  
13 settlement pond that settles all the dust from the  
14 water. Anyone can see the crystal clear outcome of  
15 the water from Old Waynesboro Road.

16           As a person who owns two homes and  
17 lives such a short distance from the mill, I have  
18 nothing but gratitude and appreciation for all that  
19 SGI does for their neighbors. They are now  
20 employing roughly 175 employees, many of which are  
21 from here in our own local community. I greatly  
22 appreciate the hundreds of thousands of dollars in  
23 taxes SGI pays every year, which keeps our tax  
24 dollars down.

25           I am grateful for their superb winter

1 road maintenance along Old Waynesboro Road and all  
2 of the other road repairs that are maintained year  
3 round.

4 I am pleased that everyday there are  
5 no trucks run from 9:00 p.m. until 7:00 a.m. for the  
6 local residents. And also that there are no backup  
7 beepers used on any of the machinery at night. They  
8 use strobe lights on the machinery instead. I am  
9 impressed by the mill taking another step to keep  
10 residents happy by them doing - by them being in the  
11 process of taking the tanker trucks off of Old  
12 Waynesboro Road and putting in a new road that runs  
13 straight from the mill to the tanker parking lot off  
14 of route 16.

15 I believe that if the naysayers were  
16 as close of a neighbor as to the mill as I am  
17 myself, and that they educated themselves of all the  
18 guidelines and procedures that the mill follows to  
19 protect the environment and those around them, they  
20 would appreciate all that SGI for the environment  
21 and for our community. Thank you for listening and  
22 for your time.

23 MR. LARUE: My name is Steve Larue, S-  
24 T-E-V-E, L-A, capital R, U-E. I'm the president of  
25 C. William Hetzer. We're a Hagerstown-based heavy

1 highway contractor. And basically we're a customer  
2 of SGI for aggregate for asphalt. And also being a  
3 heavy highway contractor, this is something I really  
4 haven't thought of until I'm sitting and listening.  
5 We've been active in a total of about 10 mines in  
6 the states of Virginia, Maryland, West Virginia and  
7 Pennsylvania. And that would be from Strasburg,  
8 Virginia to Mapleton. And my opinion is that this  
9 is a very well-run mine from what I've seen from the  
10 ones we've worked in.

11           They haven't seen fit to hire us to do  
12 anything for the last 20 years or so but, you know,  
13 I still see - I see all the different mines and  
14 they're definitely better than the average, way  
15 better. But I really just want to mention is that  
16 they - as a byproduct, they produce a high polished  
17 stone that we need in our surface nexus and that's  
18 for skid resistance. The state of Maryland mandates  
19 it. Pennsylvania does as well. West Virginia does.  
20 And were active in West Virginia now as an asphalt  
21 producer and we do buy their stone.

22           And previous to them producing this  
23 stone, we bought our stone mostly from Virginia. So  
24 it's imported one way or the other. You know, I  
25 don't know what tonnage we bought last year, but it

1 was fairly significant, probably 15,000 or 20,000  
2 tons. And that throws a lot of Maryland tax money  
3 to the local economies here in Pennsylvania and adds  
4 to the job base. And it helps us because it's a lot  
5 shorter route, there's not as many trucks on the  
6 road going down near the metropolitan area around  
7 Leesburg. There is just a lot of benefits to us.  
8 And I think it is certainly a benefit to the  
9 economy.

10 MR. REPETZ: Next, please.

11 MR. KEAHEY: My name is Thomas Keahey.  
12 That's K-E-A-H-E-Y. And I speak as a private  
13 citizen. My address is 120 Snyders Hollow Lane,  
14 directly across Gum Springs Road from the SGI mining  
15 operation. And I have to tell you that I appreciate  
16 the opportunity to speak in a public form such as  
17 this. I am a physician and licensed to practice  
18 medicine in the Commonwealth of Pennsylvania.

19 My concern is what health risks  
20 surface mining poses for the citizens of Adams and  
21 Franklin Counties living in the shadow of the mining  
22 operation, as well as for the employees of the  
23 mining company itself. A primary concern is the  
24 possible presence of asbestos and other potentially  
25 toxic pollutants being dispersed into the atmosphere

1 as a result of the destructive process of blasting  
2 and grinding surface stone.

3 I know for a fact that in 1975, when  
4 mining a company operated under the acronym GAF, at  
5 least one employee died from mesothelioma, an  
6 asbestos-associated malignancy. And his family was  
7 compensated in an out of court settlement for an  
8 undisclosed amount of money.

9 My questions regarding the mine site  
10 in question are one, how many other minors and/or  
11 their families have been compensated for asbestos-  
12 induced illness and/or death from mesothelioma or  
13 other related diseases caused by silica and other  
14 dangerous minerals. Two, has the mine operation  
15 ever been sanctioned by OSHA or the EPA for  
16 dangerous air pollution violations? And three,  
17 shouldn't the Department of Environmental Protection  
18 insist on independent toxic pollutant testing of the  
19 current mining site as well as the property in  
20 question for mining expansion.

21 From a medical perspective, it seems  
22 to me that while these questions remain unanswered  
23 or up in the air, so to speak, allowing expansion of  
24 the SGI mining operation would be sheer folly.  
25 Thank you for the opportunity to speak.



1                   MS. WENTLING: My name is Deb  
2 Wentling, D-E-B, W-E-N-T-L-I-N-G. There are totally  
3 legitimate concerns on both sides of this debate.  
4 We're talking about people's livelihoods. On the  
5 one hand it concerns about the air we breathe and  
6 the water we drink on the other. Both are  
7 significant concerns.

8                   The ideas that I would like to bring  
9 to the discussion don't relate to hydrology reports  
10 or fears of pollutant ponds leaking during extreme  
11 weather events or SGI's bottom line. My ideas are  
12 an appeal to conscience. Certainly people losing  
13 their jobs or having their wells polluted is another  
14 in conscience. But I would like to offer two other  
15 perspectives for you to consider.

16                  The first is a consideration of what  
17 is valuable. Does every rock, tree and bird derive  
18 its value from whether or not it is beneficial to  
19 human beings? Is everything simply a natural  
20 resource to be cut down or mined or eaten or do all  
21 inhabitants of the planet have a value in and of  
22 themselves. Perhaps we should consider this  
23 possibility.

24                  Maybe the tree or fish or bird has a  
25 value of its own apart from us. When you walk in

1 Michaux or at Strawberry Hill or at Carroll Valley  
2 Park, do you see and hear and feel that there's more  
3 to these spaces you're walking through than a  
4 usefulness to us. When we take the time to look at  
5 what's around us, until we actually see it, or to  
6 listen until we actually hear, and we become aware  
7 of the intrinsic value of nature. If you can accept  
8 that possibility, it will cause you to think  
9 differently.

10                   The other unquantifiable perspective  
11 we might consider is the beauty of our state. I  
12 live near the SGI site, Pennswoods it is not. There  
13 is nothing beautiful about the greenish-red water or  
14 the many acres devoid of life. In most ways it  
15 looks like ecological dead zone. Its beauty was  
16 sacrificed by those who view the area solely as a  
17 resource to be exploited. Every time we sacrifice  
18 beauty in this way, we sacrifice a little bit of our  
19 humanity.

20                   Pine Hill may seem like too small an  
21 area to warrant our concern for giving up natural  
22 beauty, but that's a dangerous way to think. Why  
23 dangerous? Because it is little by little that  
24 beauty disappears and it's little by little that we  
25 become less human.

1 Nature causes us to witness a kind of  
2 beauty that is both outside us and part of us.  
3 Nothing else offers us that. My views about the  
4 inherent value of a natural world and the importance  
5 of beauty in our lives do not appeal to logic or to  
6 science or to monetary gain. Instead I am appealing  
7 to your consciences and hearts. Money cannot be  
8 derived from viewing the natural world in this way.  
9 But as Native Americans warned us, only when the  
10 last tree has died, the last river poisoned, the  
11 last fish caught will we realize that we cannot eat  
12 money.

13 Nature asks nothing of us and gives us  
14 everything. It's beauty, the air we breathe, the  
15 food and water that sustain us. No human is that  
16 generous. Let's leave Pine Hill alone. Let's ask  
17 nothing of it. Thank you.

18 MS. KEAHEY: I'm almost embarrassed by  
19 that. Thank you very much. My name is Hazel  
20 Keahey, spelled K-E-A-H-E-Y. Address, 120 Snyders  
21 Hollow. My husband spoke a few minutes ago. He  
22 listened to my comments on July 23 and he  
23 specifically instructed me today not to be snarky.  
24 And so I'm going to try not to be snarky. But I  
25 would ask Pennsylvania DEP to please review the

1 comments I made July 23, because I stand by all of  
2 them.

3                   So trying not to be snarky, I've  
4 decided to focus on the top 10 reasons to hope. On  
5 July 23, 2018, our community provided clear and  
6 cogent reasons why SGI should not be permitted to  
7 destroy Pine Hill. Here's why we can hope our  
8 voices are finally heard. Our earlier comments  
9 generated a 113 page response by SGI and this second  
10 hearing for which I thank you. In my opinion we are  
11 at the tipping point of change.

12                   The top 10 reasons to be hopeful.  
13 Number 10. Despite inadequate public notice to the  
14 surrounding community, we are here. Our community  
15 is not deterred by torrential rain, which happened  
16 on July 23 or by polar vortex like tonight.

17                   Number nine. Tri-colored bats, Timber  
18 rattlers and nodding trilliums are here, too. We  
19 can celebrate that wildlife and rare plant life.  
20 Some protected by U.S. Wildlife and Fisheries live  
21 and thrive in our beautiful rural environment. One  
22 of my very favorite quotes is the greatness of a  
23 nation can be judged by the way its animals are  
24 treated. That was Mahatma Gandhi. As a community  
25 let's modify that quote. The greatness of the Tom's

1 Creek community is judged by the protection of bats,  
2 snakes, native trout, and yes, the nodding trillium.  
3 I hope this isn't snarky.

4                   Number eight. We enjoy some of the  
5 freshest water in the state of Pennsylvania, indeed  
6 in the world. Tom's Creek supports native trout,  
7 provides recreational joy and supplies fresh water  
8 not just to our rural community, but to downstream  
9 hamlets and the Borough of Fairfield. Contrast  
10 please pristine Tom's Creek, with Miney's Branch  
11 which runs a sickly green, and we have plenty of  
12 photos to support that.

13                   Number seven. Our rural community is  
14 blessed with four beautiful wetlands all at the base  
15 of Pine Hill. Surface waters starting at the peak  
16 of Pine Hill ensure that this critical and unique  
17 environment will be protected. The Adams County  
18 Comprehensive Planning Commission approved by  
19 Hamiltonban Township Supervisors placed Pine Hill  
20 squarely in its specially protected watershed.  
21 These words have meaning. We should celebrate the  
22 wisdom of the Adams County planners. They  
23 understood these words.

24                   Number six. We have friends. Our  
25 efforts to protect and preserve the natural

1 resources and scenic and historic values are  
2 supported by the American Battlefield Trust, the  
3 Sierra Club, Historic Gettysburg Adams County, Trout  
4 Unlimited, Journey Through Hollowed Grounds, the  
5 upper Potomac River Keeper, thank you, and friends  
6 of Tom's Creek. And on top of that we have very  
7 exciting opportunities to make new friends with the  
8 arrival of Orbus, the new ownership of Liberty  
9 Mountain Resort, and the Monterey Pass Battlefield  
10 Park. And Monterey historic district.

11           Number five. Pine Hill is surrounded  
12 by important historical resources. Including the  
13 July Four to Five Civil War retreat path. Did you  
14 know that it also was the site of the great wagon  
15 road and an abandoned cooper mine, which is likely  
16 home to the tri-colored bat? The Pennsylvania  
17 Historic and Museum office recommended an  
18 archeological review. And despite SGI's denial that  
19 federal historic preservation loss do not apply  
20 here, they are wrong. We can celebrate that the  
21 U.S. Department of Environmental Protection makes it  
22 clear that NPDES authority delegated to Pennsylvania  
23 and other states must comply with the national  
24 historic preservation loss, including compliance  
25 with section 106 review.



1                   Number four. And this is the great  
2 news I think for the day for me. There's no  
3 specific order by the way to these important points.  
4 The market for fossil fuel products, such as asphalt  
5 shingles is waning. Our country is greening, slowly  
6 but very surely.

7                   Number three. Ambient air pollution  
8 as a result of blasting and grinding green stone  
9 which contains naturally occurring asbestos and  
10 other airborne toxic particulates such as silica are  
11 finally being recognized as dangerous to health.  
12 That's great news. No more undisclosed settlements  
13 that bury the truth. Understanding the danger will  
14 bring us closer to eliminating that danger. And  
15 will heal the community which has borne a tremendous  
16 burden of silence for decades.

17                  Number two. SGI's reclamation or lack  
18 or reclamation. It's in plain view. We as a  
19 community should celebrate Google Earth. We finally  
20 have transparency. And that's something our  
21 community should celebrate.

22                  And then finally and perhaps the most  
23 important reason for hope, the law is on our side.  
24 We ask only that PADEP give meaning to the words  
25 that protect our environment.

1 I'm not going to take up time this  
2 evening to give you those laws I'll do that in my  
3 written submission. But I respectfully submit all  
4 of these comments to you and I'm very grateful for  
5 this opportunity to speak before my community, a  
6 community I've come to love very dearly. Thank you.

7 MR. WATSON: Good evening. My name is  
8 Matthew Ray Watson, M-A-T-T-H-E-W, R-A-Y,  
9 W-A-T-S-O-N. I live at 11237 Furnace Road. I'm  
10 about 700 feet from SGI. I've lived on Furnace Road  
11 my entire life and I work at SGI. Now during the  
12 July meeting, there was some talk about the history  
13 of the local area. The Watson name was mentioned,  
14 so I feel obligated to say a few words and make very  
15 clear what our opinion is on this matter.

16 My family has been in the Snyder  
17 Hollow area, Gum Springs road, Furnace Road since  
18 1820. Now I can only speculate that it was both the  
19 solitude and privacy of the area at that time that  
20 my family fell in love with.

21 However, those days are gone and we  
22 had the surge of residents come in the 1920s from  
23 Baltimore and Washington. And for summer homes,  
24 weekend getaways, the quiet mountain lifestyle kind  
25 of perished with my ancestors. So we've been a

1 little of everything through the decades,  
2 physicians, surgeons, mostly we were farmers. As I  
3 stated, I work at SGI and this is still our home.  
4 It's not a weekend getaway or a summer cottage, it's  
5 our home. Our original property was a farm off Gum  
6 Springs Road. Unfortunately someone burned the  
7 house down in the 1960s and we still had a cabin at  
8 Snyder Hollow and unfortunately someone burned that  
9 to the ground about 10 years ago.

10                   So our history as far as old  
11 structures and properties is disappearing. But we  
12 are still here. After 199 years it's still our  
13 home. It's where I live with my wife and daughters,  
14 my parents are still on Furnace Road, as well as  
15 several aunts and uncles. And like a lot of people,  
16 love it here. We don't want to leave nor do we plan  
17 to leave. We built our house on family land and  
18 hope to be able to retire someday and eventually  
19 pass it along to our daughters.

20                   But right now I get up and go to work  
21 every day with a great group of people, we work  
22 hard. We go above and beyond what's required.  
23 We're committed to doing things right, and we try to  
24 make the neighbors happy. But you know as well as I  
25 do that you can't everybody happy but we never stop

1 trying. And I share the same love with Tom's Creek  
2 that everyone else does. The stream goes through  
3 the old farm property. It's where I caught my first  
4 fish as a very young boy. And really the only place  
5 I still fish today.

6 But SGI does a great job protecting  
7 Tom's Creek and with water quality in general. So I  
8 ask that you approve the permit.

9 I simply want to be afforded the same  
10 opportunities that generations before me were  
11 afforded. I want to get up in the morning, go to  
12 work and provide a good life for my family and I.  
13 I'm not asking for a handout, I want to earn it.  
14 And someday I'd love to have a weekend getaway of my  
15 own. But this area is my home and will always be  
16 home.

17 And I read something in the Gettysburg  
18 Times, and if I could just expand on that. We can  
19 have clean air and we can have clean water and we  
20 can have industry. All it takes is work. And we're  
21 all ready to keep working. And it shouldn't matter  
22 who's been here longer or who is closer or who was  
23 here first. Nobody's opinion should be more  
24 important than anyone else. What should matter and  
25 what should be considered is how SGI has responded

1 to the comments and concerns. What you all see  
2 during your inspections and what SGI's record has  
3 been. So if you review all of that, I'm sure the  
4 truth will be very clear. Again, I ask that you  
5 please approve the permit.

6 MS. YOUNG: Hi. My name is Mona  
7 Young. That's M-O-N-A, Y-O-U-N-G. My husband and I  
8 moved to the area 30 years ago. And being out in  
9 the country away from the rough and grime of the  
10 city was what we liked. If we want to go to the  
11 city, we'd just pick up and go. But what I really  
12 find rich about some of the comments that I've heard  
13 is since the meeting last July, our property is  
14 starting to look like a grit bin.

15 We live a couple miles - few miles  
16 downstream from SGI and just this past weekend with  
17 the photographs that I took it was just unimaginable  
18 at the green grit that is piling up on our property.

19 It has shifted the stream bed 8 to 10 feet from one  
20 side. And it's eroding the property right behind  
21 our house the same amount it took out. So we have  
22 no level bank, you can't even set a chair down there  
23 anymore. And when I first started this process, it  
24 was January 2, 2010.

25 We noticed we had a lot of heavy rain.

1 I think if I'm remembering correctly it was like  
2 seven to nine inches of rain. And we had issues of  
3 the stream, it just blew up. And it was running as  
4 green as a gourd. And I told them I was going to -  
5 I said I'll be right back. So I left my house and I  
6 went straight up the mountain. And as I drove past  
7 the settling pond, it was kind of funny how it was  
8 empty. Now I know a few days prior to that it was  
9 level full. It was at the top. It was sludgy. The  
10 whole area around this pond was nasty with sludge,  
11 grit, there was no grooming. No dressing up of any  
12 area. So I kind of find it ironic how we get seven  
13 to nine inches rain how that pond goes empty.

14                   The water behind our house ran green  
15 for three-and-a-half weeks before it started  
16 settling down. On January 3rd was when I made my  
17 first phone call to DEP. No response. I kept  
18 calling, no responses. I kept calling, still no  
19 responses. And then finally I guess they probably  
20 got tired of hearing my voice on the voicemail  
21 because someone finally showed up at the end of  
22 March. And then in a letter, they were thanking me  
23 about contacting them on April the 8th. And I'm  
24 thinking well, it's kind of funny because I started  
25 my process out on January 3rd.



1                   And they took samples of the water  
2 behind the house but the water was low. At that  
3 time it was flowing clear. And when I asked him  
4 what he was checking, he said he was checking the  
5 flocculant level. Well, probably he should have  
6 checked this flocculant level on January 3rd or at  
7 least within a week of that, because he probably  
8 would have really been surprised. And then that  
9 just - it just wasn't flying. I just had this  
10 concern. So after he left, I continued to call DEP  
11 and a supervisor showed up.

12                   So I wanted to show him the  
13 photographs I have of all the damage of the property  
14 and when we were flooded out. And we Shop-Vac'd  
15 green grit out of our boat house. Our barn was full  
16 of green grit. And he informed me that he wasn't  
17 there to see that, he was just there to humor me.

18                   So I would say in two different  
19 areas we have a big problem. We have a problem with  
20 the inspection processes through DEP, but a bigger  
21 problem from SGI.

22                   At that time when I started the  
23 process it was ISP. But I can tell you since this  
24 meeting last year, we have become inundated with  
25 grit, sludge. It is moving everything. We haven't

1 had aquatic life in that creek in years. We used to  
2 have trout. We used to have some crayfish. We've  
3 had schools of goldfish. We had a couple of  
4 muskrats that lived down there. And they frequented  
5 the area all the time. The one portion of the  
6 stream right behind our house, it was waist deep,  
7 that was their swimming hole. Well, we haven't seen  
8 anything alive down there in years.

9                   You'll go down and you'll see where  
10 we've lost four foot of depth behind our house.  
11 We're losing a lot of volume. It's spreading out  
12 from the stream and we are not in a flood plain  
13 because Harrisburg came down with their maps and we  
14 had to have that proven just so we could build our  
15 boathouse down in our meadow. And since then, with  
16 the space that we've lost in the stream, it's  
17 spreading out. There is a bridge that goes back the  
18 lane that serviced an 1800's stone house.

19                   There's been so much deposition there  
20 of grit and everything that flows with the grit. It  
21 has now shifted that whole stream over to the road  
22 above the bridge. So you know what? Within the  
23 next few years, if this keeps up, there's not even  
24 going to be a road there to support the bridge  
25 because it has eaten away so much of that.

1           When this flocculant is dumped in the  
2 water, it just makes the particles that much  
3 heavier. It collects to the particles in hopes that  
4 the particles float down to the bottom. Well, they  
5 are floating down to the bottom. If you have a  
6 slight hump on a level stream bed, it's going to  
7 start collecting at that hump. And it's picked its  
8 places. And that was a nice place.

9           And there's another thing that we were  
10 curious about, because of all the flocculant that  
11 gets dumped in the water and what's supposed to help  
12 the settlement. We haven't heard anything about any  
13 reports that tell us, you know, is this a  
14 flocculant, is it something that can make someone  
15 sick? There's been no studies. You know, it's  
16 settling in the bottom of the stream, well something  
17 is feeding our water tables. So obviously the water  
18 is going down through that. There's a lot of us  
19 down that stream that have wells. You know, how do  
20 we know that this hasn't infiltrated our well water?  
21       How do we know that we're not going to create - or  
22 come up with issues down the road from this?

23           There's just a lot of things that need  
24 to be taken care of. And a lot of issues and a lot  
25 of nice little plans and pictures we've been seeing.

1 But you know what? Nobody has stopped by our house  
2 to say hey, is there anything we can do to help you,  
3 can we see what the problem is? And then, you know,  
4 I knew from 2010 up until now, I knew one day that  
5 we would have proof that that settling pond is being  
6 dumped in the stream, and you know what? We got it.  
7 And that was the best part of it all. We have it.

8 I knew in 2010. There's an old  
9 saying, when the cat is away, the mice will play.  
10 Well, guess what? They were having a field day that  
11 day. And it's collecting behind our house. I'm  
12 sure its collecting down the stream from behind our  
13 house. But that is part of our landscape. That is  
14 what we see when we walk out on our deck every day.  
15 That's what we see when we walk out down in our  
16 meadow to our boathouse. We have the stream, that's  
17 part of our life. And again, it's turning into a  
18 grit bit, and nobody cares.

19 So this is something that if it's just  
20 affecting us, you know it's affecting everybody else  
21 following that stream bed. And it's not something  
22 that's greed to me, because a lot of people I'm sure  
23 have seen you or have seen me working at Walmart,  
24 that's just my part-time have fun job. My actual  
25 job is I work for Loudoun County Government. I'm an

1 erosion and settlement control engineer. And I'm  
2 also a certified inspector for DEP - or DEQ,  
3 Department of Environmental Quality for Virginia.

4           So we do a lot of the DEQ inspections  
5 with our mining sources there. So none of this is  
6 greed to me. And when I receive a letter basically  
7 telling me I'm an idiot and I don't know what I'm  
8 talking about, and people show up and say hey we're  
9 here just to humor you, then I'd say there's a  
10 problem. Because obviously they're not there to  
11 help anybody else. Thank you.

12           MR. WALLS: My name is Brent Walls,  
13 B-R-E-N-T, W-A-L-L-S. I'm the Upper Potomac  
14 riverkeeper for Potomac Riverkeeper Network. Tom's  
15 Creek and the Miney's Branch merge and flow into  
16 Monocacy, which flows into the Potomac River. My  
17 organization is charged with protecting the Potomac  
18 River and all its tributaries and streams from  
19 degradation.

20           I've been working with the community  
21 here for a couple of years now. And we have just  
22 started late last year developing a monitoring  
23 program to really see the impacts that SGI has on  
24 the Miney's Branch. And as you heard from Mona just  
25 now, it's not just a recent issue, it's been a long

1 time of an issue. Miney's Branch is degraded. The  
2 stream bed is mucked full of grit. It runs green  
3 most of the time. And we have developed a  
4 monitoring program to do a chemical analysis and an  
5 observational analysis above and below the discharge  
6 of SGI.

7                   So what we have seen in the last six  
8 months is an up and down swing of turbidity flowing  
9 down Miney's Branch just downstream from the  
10 discharge of the settlement ponds.

11                   And in fact three days before  
12 Thanksgiving last year, I was alerted to that the  
13 stream was running particularly heavy and green and  
14 cloudy, and so I decided to drive up and check it  
15 out for myself. I noticed that SGI was dewatering  
16 their pond. They had a pump running. And they were  
17 discharging a high volume of water from the  
18 settlement ponds into Miney's Branch. And just  
19 downstream at the Sportsman's club area, Miney's  
20 Branch was thick and green. That was an obvious and  
21 visual disturbance and degradation to Miney's  
22 Branch.

23                   I alerted DEP. They went out two days  
24 later. And at that time SGI had turned off their  
25 pumps. However, the DEP inspector was assured by



1 SGI that they were well within their limits of 30  
2 milligrams per liter of total suspended solids.  
3 Well, I say to you DEP that that's not good enough.  
4 It's obvious that the limits that are used for  
5 Miney's Branch and for the SGI ponds is technology  
6 based, and that should not be. They should be a  
7 water quality based. Miney's Branch is, above the  
8 discharge, is running clear, but below it is not.  
9 It is a visible degradation. Which in fact is a  
10 violation of the state pollution control laws, its  
11 narrative laws.

12                   There's two ways of showing the  
13 degradation to a stream. Numerical, which is their  
14 limits in their permit, and there's narrative.  
15 Anything that has odor, visible change, color, and  
16 so on and so forth to the stream is considered a  
17 violation of the narrative pollution control laws.  
18 So I'm saying to you, DEP, that this needs to  
19 change. That you need to investigate developing  
20 water quality based effluent limits. You need to  
21 include turbidity as a measure. And that all of  
22 this needs to be conducted and assessed before this  
23 expansion goes forward. Because what this tells me  
24 is that SGI has a capacity problem with their ponds.

25                   That their ponds do not have the

1 ability to adequately clean the sediment that's  
2 flowing into there before it goes into Miney's  
3 Branch. This also tells me that the system of  
4 stormwater ponds throughout SGI is also inadequate  
5 and the fear here as we are increasing in rain and  
6 storm events growing every single year, that that  
7 capacity, that lack of ability to manage their  
8 stormwater, is going to inundate Tom's Creek. That  
9 the pumps that they are saying are going to be used  
10 to pump the stormwater ponds for another expansion  
11 into the existing pond system, those could fail.  
12 And we will have the green turbid water flowing into  
13 Tom's Creek, which is a high quality stream. It's a  
14 state designated high quality stream.

15 And I think - I'm asking DEP to make  
16 sure that SGI has adequate stormwater management,  
17 adequate pond capacity, and DEP needs to develop  
18 water quality based effluent limits before anymore  
19 expansion is approved. And I think this is  
20 necessary. We don't want to trade one water quality  
21 system for another. And I think that - well, that's  
22 pretty much all I have to say. Thank you.

23 MR. REPETZ: Next, please.

24 MR. BROWNING: Buck Browning, B-U-C-K,  
25 B-R-O-W-N-I-N-G. I'm the director of the Fort

1 Ritchie Community Center. And there are people I  
2 respect greatly on both sides of this issue I'm  
3 finding out tonight. And really all I - all I'm  
4 here to say or acknowledge is SGI has been a  
5 corporate partner with the Community Center. And  
6 the investments and sponsorships like from last year  
7 and really about three years going back.

8                   They have sponsored our Halloween  
9 party, our Easter egg hunt. The funds that SGI has  
10 donated have helped us be able to serve kids in  
11 summer, regardless of whether or not they can pay  
12 for summer camp. So those things are important.

13                   So what I'm talking about is more  
14 social far more than the environment. And just  
15 sitting here listening I just felt it was necessary  
16 to at least acknowledge that SGI has been helping  
17 the Community Center and helping our kids. So  
18 that's all.

19                   MRS. YOUNG: Hi. My name is Audrey  
20 Young, A-U-D-R-E-Y. I'm a homeowner in Blue Ridge  
21 Summit and I grew up in Blue Ridge Summit. And I'm  
22 raising three children and have a husband up in Blue  
23 Ridge Summit. I live on Monterey Lane.

24                   And I have a question. But I'm first  
25 going to tell you why I have this question. I'm

1 concerned not just about the water, I'm just as much  
2 of a worrier as anybody else. I am worried about  
3 the trees and the water and everything else.

4 I have two members of my family that  
5 are being treated by Hopkins right now. We live in  
6 a 1800s - 1800s built old house up here and we are  
7 very close to the mine. And we get dust all over  
8 our porch, green scary dust, and it has to be  
9 brushed off regularly. I used to before we got rid  
10 of our plastic white siding and got some new siding.  
11 I have to wash the siding with a hose and my broom  
12 to make it - to take all the stuff off of it. And  
13 we did it several times this summer. But the  
14 concern is I have two family members now being  
15 treated by the top lung specialists in the country  
16 through a panel of doctors at Hopkins for terminal  
17 lung disease.

18 One is my child and one is my spouse.  
19 And my question to you, because I've heard you say  
20 that you were doing air testing just at that site at  
21 the entrance to the site. My question is, is the  
22 air testing being done down wind of the site or up  
23 wind of the site. Is that testing that you did done  
24 up wind of the site or down wind of the site? I  
25 have very serious concerns about the air we're

1 breathing and for legitimate reasons.

2 Thank you and I appreciate everybody  
3 coming today and sharing what they have to say.

4 MR. FROST: Hello. My name is  
5 Clifford Frost, C-L-I-F-F-O-R-D, F-R-O-S-T.  
6 Obviously as a bit of background, I have a  
7 bachelor's degree in statistics and a master's  
8 degree in biostatistics and epidemiology from the  
9 University of California Berkeley. And I chose to  
10 follow Audrey's remarks because there's a very  
11 serious issue. The supposed air tests that happened  
12 have some detail and studied a great deal. I have  
13 three basic comments.

14 The first one is that SGI used  
15 inappropriate testing methodology for the  
16 asbestiform fibers. The air sampling that they did  
17 at 10 locations for eight days, at best covered one  
18 ten trillionth of the sites air column. In other  
19 words there's almost no way that that testing  
20 produced anything meaningful. Other than the fact  
21 they did discover some asbestiform fibers by some  
22 miracle. The only way that those tests - that  
23 testing could generalize is if you would assume the  
24 column of dust was absolutely uniformly distributed  
25 throughout the air column.

1                   Furthermore, they didn't use any  
2                   anemometers on their testing gear. They have no  
3                   information about the wind patterns at the mine site  
4                   except for the prevailing winds which were measured  
5                   miles away. Taken together, that means that was a  
6                   complete waste and means nothing for the community's  
7                   health. It might be that there wasn't anything in  
8                   the air, but one tenth trillionth of that air was  
9                   measured.

10                   The second point about this is that a  
11                   one time sample, even though it were a few days, is  
12                   also inappropriate to the problem. Even if this one  
13                   sample had been perfect, it would not apply to the  
14                   ongoing nature of the issue. SGI's procedures  
15                   manual specifies that their geologists look for  
16                   actinolite and mark it so they can avoid disturbing  
17                   it. This is very good. It's an important step.  
18                   But it's unlikely to be perfect. This does prove  
19                   that SGI is aware of the danger. And that's also  
20                   good.

21                   A much more appropriate method would  
22                   be to go through testing each new batch of debris  
23                   after blasting or crushing or any other process that  
24                   could release asbestiform fibers. When asbestiform  
25                   fibers are found in the debris, the debris should be



1 treated as toxic waste before much of it gets in the  
2 atmosphere, not to mention before the debris is used  
3 as road grout. That's that point. I hope that it  
4 is clear.

5           The second point is SGI is not testing  
6 the health of the streams. This relates to what  
7 Brent was saying. The goal we all share, I believe  
8 SGI and its employees share this goal as well, is to  
9 keep our streams and rivers clear and in good  
10 health. It's good that SGI sometimes does its  
11 discharges for various heavy metals and other  
12 chemical pollutants, but his is not sufficient.  
13 It's indirect and it's inconclusive. Since we all  
14 care about the ongoing health of the streams, one  
15 appropriate inexpensive measurement would be to do  
16 regular macroinvertebrate counts in a few places on  
17 a regular basis. DEP should do this testing  
18 upstream and downstream of every place SGI  
19 discharges, both for Tom's Creek and the Miney's  
20 Branch.

21           Just as important, DEP should test  
22 upstream and downstream of every place SGI disturbs  
23 the runoff before it goes into Tom's Creek. These  
24 results should be published and action immediately  
25 taken to correct problems before they become severe.

1     There should be baseline test done before any  
2     disturbance of Pine Hill. All testing has to be  
3     done by people independent of SGI. That's not  
4     accusing SGI of anything. Independence is important  
5     so that SGI is protected and the public believes the  
6     results.

7                     My third point is why should SGI ever  
8     have to dump into Tom's Creek? Why not get a big  
9     enough pump or pumps to make sure it never has to do  
10    this. Engineers tell me these pumps are common and  
11    made nearby and could be deployed. The cost of the  
12    measures I'm suggesting here would very slightly  
13    reduce the profit SGI can make, but that has to be  
14    balanced against the cost to the community of not  
15    taking these steps, which could be enormous and  
16    irreversible. Thank you.

17                    MR. POULSON: Hi. My name is Charlie  
18    Poulson, P-O-U-L-S-O-N. I live in Carroll Valley,  
19    but I've lived in the Fairfield area for the last 50  
20    years. I retired from SGI last December after 43  
21    years. I worked as a quarry supervisor for most of  
22    my career. SGI has given me a rewarding career and  
23    it's allowed me to provide for my family and my two  
24    children. I was able to send both of my children to  
25    college and I was able to retire at 62 years old.

1 I'm here today to express favor for  
2 the permit. It's important to me to let the local  
3 public know that SGI does stand by its commitment to  
4 protect the environment. I know this because I saw  
5 it and I lived it while I was employed. I was  
6 involved with many projects with the environment as  
7 a priority, whether it was making sure proper  
8 environmental controls were in place before and  
9 after any project. Or communicating with our local  
10 residents about blasting.

11 I truly believe that SGI has a good  
12 environmental steward, taken into account the very  
13 best interests for its employees and local  
14 residents.

15 I've seen the changes that have  
16 happened to the community in the last 50 years. And  
17 this expansion is just another change. However this  
18 one will benefit the community. This expansion will  
19 help local residents keep the property taxes low and  
20 will provide job security for the people currently  
21 employed at SGI. Thank you.

22 MS. ANDES: My name is Jennifer Andes.  
23 It's J-E-N-N-I-F-E-R, Andes, A-N-D-E-S. These are  
24 my children, Kenneth and Brooke. My family's  
25 property is located at 201 Gum Springs Road,

1 directly across from the proposed mining expansion.  
2 There are a lot of grievance for which we, the  
3 community, are concerned about SGI's mining  
4 practices. Issues that pose threats to our homes,  
5 our water, our history, our wildlife, our roads, our  
6 lands. My opposition encompasses each of these, but  
7 also has a lot to do with legacy.

8           My family has owned property along Gum  
9 Springs Road for over 50 years. My dad, Ken Shank,  
10 purchased the land in his youth. He worked the  
11 land. He built on it. He improved it over time.  
12 He loved that land. He found a sense of peace and  
13 purpose there. He was a good man, honest and hard  
14 working. And he wanted to share his land - he has  
15 passed away, if I didn't mention that, four years  
16 ago. He wanted to share his land and the fruits of  
17 his hard work a lifetime of work with his children  
18 and grandchildren who stand here before you.

19           We have each experienced a deep sense  
20 of fear when exposed to an SGI blast. The house  
21 literally shakes. We feel the blast. We feel  
22 unsafe. No reassurance from SGI that the blasts are  
23 being tracked by seismograph or that they are within  
24 acceptable limits can help to calm a child's fear or  
25 my own for that matter. We also hear and see the

1 effects of the mining daily on the surface of the  
2 land and in the water of Tom's Creek which runs  
3 through our property.

4           The way in which SGI conducts its  
5 mining operation and purposes to expand that  
6 operation onto Pine Hill affects our ability to  
7 enjoy our own property. Our family is strongly  
8 opposed to the expansion of the mining operation.  
9 Our community is coming together here again tonight  
10 and DEP is hearing our voices. We wish to protect  
11 our land and resources. Collectively yours, mine,  
12 and ours. It will be here after each of us pass,  
13 but by our decisions and our actions we will leave  
14 it either pure or forever scarred from mining.  
15 Thank you very much for hearing us again tonight.

16           MR. KELLETT: Good evening. My name  
17 is Paul Kellet. It's P-A-U-L, K-E-L-L-E-T-T. I'm  
18 going to speak briefly about the history of this  
19 because I realize that people rant about logging,  
20 but they still use toilet paper. And so somewhere  
21 we have to mine. And that's true. But the history  
22 of this project is sort of interesting.

23           Back in the early 2000s, this belonged  
24 Glatfelter Tree Farm, this parcel. Then there was -  
25 it was put up for sale and that - we passed a bond

1 referendum here in Adams County, \$10,000,000 to  
2 protect our water. A lot of that money was used to  
3 purchase this tract and its entirety. It was -  
4 although there was federal money through Forest and  
5 DCNR money, somehow when the deeds were transferred,  
6 the county money was used entirely to purchase this  
7 tract. And we've passed that bond referendum with  
8 over three quarters of the vote in the county. I  
9 stood at the polls all day encouraging people.

10 We were led to believe when this land  
11 was purchased that it would be transferred into  
12 Michaux, strictly a forest, and be preserved. But  
13 somehow this transfer occurred to - there's a land  
14 swap then. They proposed a land swap which couldn't  
15 have happened if it was a true partnership with the  
16 federal funds or the DCNR funds. We couldn't have  
17 swapped this land for land that was completely  
18 landlocked in Michaux State Forest. We couldn't  
19 have done it. But since it was purchased with  
20 county funds, it was swapped away. And it was  
21 swapped for reasonably equivalent acreage, but as a  
22 realtor I can tell you that it was not equivalent  
23 value as the law requires.

24 There was no question. It was the tax  
25 assessment was incredibly different. It was closer

1 to one million versus one hundred thousand in land  
2 value. Now when that happened, I was at the County  
3 Commissioners and I urged them not to swap the land  
4 and they said oh, it's all right. And I asked them  
5 where the appraisals were. We never were given  
6 copies of appraisals. The Commissioners told me -  
7 all three of them told me that.

8           Then I said well at least we have  
9 Hamiltonban Township. Hamiltonban Township at that  
10 time had encouraged us to pass a bond referendum to  
11 protect our water. And they said this is important,  
12 developers are looking at these tracts, we're  
13 concerned about this. And they encouraged their  
14 voters to pass this bond referendum to protect this  
15 land. Then they --- somehow they were told that  
16 Tom's Creek would never be recipient of discharge.  
17 So the citizens in this room who are all along Tom's  
18 Creek were not given standing at that zoning  
19 hearing. Not one person in this room was given  
20 standing at that zoning hearing because they were  
21 not going to be impacted by this zoning change. Not  
22 one person. I know because I was there.

23           Now, then I was on Adams County  
24 Watershed. We petitioned to have the designation  
25 changed out of Tom's Creek from high quality to



1 exceptional value. We were told in front of the  
2 Hamiltonban Township, well, of course SGI is going  
3 to discharge into Tom's Creek.

4 Now the goal post have continually  
5 moved for us. The information has continually  
6 changed on this. And I asked when there's somebody  
7 from environmental justice, where is the justice for  
8 the taxpayers of Adams County who voted  
9 overwhelmingly to purchase this land with our tax  
10 dollars? We voted in an economic down turn to  
11 preserve the water of Adams County.

12 And even if you have these supposed  
13 protections by SGI, I ask when they're pumping out  
14 into Miney's Branch and they say it's less than the  
15 30 milligrams per liter, are they testing of that,  
16 and have they shown you the results of that test, or  
17 are they just speculating on that? Because I would  
18 say where are the test results? You can say that  
19 you're keeping below the limits, but if you're  
20 getting all sorts of - and I own a property on  
21 Miney's Branch. I have free dust there, too.

22 So how do you - we know that this is  
23 true? We were told all along and we voted and we  
24 paid with our money to protect this land. And now  
25 we are looking at this and the - I was told in

1 Hamiltonban that they never discharge into Tom's  
2 Creek. At that zoning hearing, they said we were  
3 not going to discharge. Now they're saying they are  
4 going to discharge. And as a Township Supervisor in  
5 Freedom Township, I say, when do we ask that the  
6 truth be told to us as government.

7 Can you afford to check every number  
8 that they're giving you or do you ask at some point  
9 that people be held accountable to be telling the  
10 truth at such a hearing as this. And I question how  
11 - I could tell you that I collected data from eight  
12 days last year and Pennsylvania's a desert. Do you  
13 really want to believe me and is that good data that  
14 they're giving you? Because they're - I can choose  
15 eight days last year that Pennsylvania's a desert.  
16 Thank you.

17 MR. SWOPE: My name is Dave Swope,  
18 D-A-V-E, S-W-O-P-E. I want to thank you for the  
19 opportunity to review this recreational history on  
20 Tom's Creek. As an avid trout fisherman,  
21 Pennsylvania Fish and Boat Commission corporative  
22 nursery manager at the local high school, also I'm a  
23 long time Pennsylvania Fish and Boat Commission  
24 stocking coordinator of the 84 trout streams in  
25 Adams County. Past President of the Adams County

1 Federation of Sportsman's clubs, past President four  
2 terms at Adams County Trout Unlimited, past  
3 President of McSherrystown Fish and Game. I've been  
4 one of the leaders in stream restoration projects  
5 throughout Adams County.

6               So my interest lies in the protection  
7 of the waterways. Some of us here today realize  
8 that many types of pollution rests on our cold water  
9 species, the trout. Trout are very susceptible to  
10 poor water quality. Many can look at a trout in  
11 poor water quality as a miner views a canary in the  
12 mines when problems exist. Trout and aquatic life  
13 cannot withstand pollution. Since 1975 the trout  
14 nursery at the Fairfield High School raised 4,500  
15 trout annually and some of those trout have been  
16 stocked in Tom's Creek. These trout are raised as  
17 fingerlings to adults from July until May through  
18 the FFA program through the school.

19               Tom's Creek receives two more  
20 stockings from other sportsman's organizations along  
21 with the Pennsylvania Fish and Boat Commission who  
22 stock the stream pre-season and end-season.

23               This outdoor recreational activity  
24 draws many fishing enthusiasts to Tom's Creek.  
25 Tom's Creek receives another 300 trout from the

1 Fairfield cooperative nursery for their annual  
2 fishing derby for kids at the Carroll Valley Park.  
3 All together these stockings reveal that Tom's Creek  
4 receives over 2,000 trout. It's important to  
5 recognize how a stream looks, how it reacts, how it  
6 behaves, and the changes. It can be a very complex  
7 balance of physical elements.

8           The plans to expand the mining would  
9 produce more risks and possibly increase the  
10 discharge of suspended solids into Tom's Creek. As  
11 SGI, their DMR discharge monitoring reports show  
12 long range compliance with total suspended solids,  
13 but these reports historically show noncompliance.  
14 One would argue from the point alone that SGI's  
15 expansion plan should not be permitted.

16           Thank you.

17           MR. DULL: My name is Jeffrey Dull, J-  
18 E-F-F-R-E-Y, D-U-L-L. I live on Monterey Lane. I  
19 read as I'm sure many of you had a 180 page SGI  
20 response to public comments received from the July  
21 23rd, 2018 public meeting. The entire response was  
22 enlightening and I'm highly interested in all that  
23 was presented. But I'm restricting my comments  
24 tonight to part five, sections one through three,  
25 which deals with truck traffic, and part seven,

1 sections one through five, dealing with asbestos.

2 I want to begin by applauding SGI on  
3 their efforts to redirect quarry-related truck  
4 traffic to a road they promised to build directly to  
5 PA route 16 sometime in the future. I believe this  
6 is a wonderful idea, but I wondered whether it will  
7 happen. Ever since I've lived on Monterey Lane, and  
8 long before I came, there's been this enduring myth  
9 of a great road that will cure the trucking blight.  
10 To date no promised road has been built.

11 Part five, section one of SGI's  
12 response states that the modifications to the  
13 Charmian facility operations purposed is part of  
14 this northern tract quarry permit application are  
15 not intended to increase production capacity at the  
16 Charmian facility nor result in increased truck  
17 traffic. It also says construction and mining  
18 equipment deliveries and shipments will all continue  
19 to be routed through SGI's internal haul roads and  
20 ultimately utilizing existing site entrances on Old  
21 Waynesboro Road. To me this says the trucking  
22 routes will not change without a road.

23 SGI is nearing completion on a  
24 separate project to construct a new access road  
25 connecting the Charmian facility directly to State

1 Route 16. Thereby allowing most trucks to bypass  
2 and avoid Old Waynesboro Road and other local roads.  
3 If the Route 16 access road project remains on  
4 track, SGI is planning to complete a new access road  
5 directly connected to route 16 before the winter of  
6 2019/2020. That is less than a year from now.

7 In part five section two, SGI is  
8 working with PennDOT to obtain approval on the  
9 PennDOT highway occupancy permit in hopes to have a  
10 final PennDOT permit within six months. In part  
11 five, section three, the response states that SGI  
12 help Hamiltonban Township repave a 2,000 foot  
13 section of the Old Waynesboro Road, and that was  
14 great. But according to idea-points.com, a study by  
15 the U.S. General Accounting Office determined the  
16 road damage caused by a single 18 wheeler was  
17 equivalent to the damage caused by 9,600 cars.  
18 Maybe SGI owes Hamiltonban a little more than 2,000  
19 feet of paving.

20 SGI states in the same section that  
21 the part of the Old Waynesboro Road that the trucks  
22 travel on from their entrance to Route 16 through  
23 Hamiltonban Township is two miles long. What about  
24 the maintenance on the majority of the road used.  
25 Incidentally there is no mention involving

1 Washington Township, which Charmian and Monterey  
2 Lane, which handles just as much heavy truck traffic  
3 if not more than the segment in Hamiltonban  
4 Township, Monterey Lane has been paved twice since  
5 I've lived here and it is currently developing  
6 potholes at the intersection of Monterey and  
7 Charmian.

8                   Words like intended and nearing and  
9 most, if, anticipate, hopes and other conditional  
10 words and phrases used throughout the 180 pages of  
11 this document in my mind constitute vague promises  
12 at best. If the road is built, it will divert truck  
13 traffic from residential areas. But on Monterey  
14 Lane in Charmian, the 80 percent that they talk  
15 about probably won't be so. It will probably only  
16 be 50 percent because all of the heavy trucks will  
17 still come back, even though the light ones will be  
18 able to use this future road.

19                   If the state permit for entry onto  
20 Route 16 has not been issued yet, but SGI hopes it  
21 will be issued in the next six months, how can this  
22 project be completed by the end of the year as the  
23 implied promise states? As an example of this, as  
24 many of us have seen in Emmitsburg, a bridge  
25 replacement project that was started in the fall of



1 2016 has not been completed to date. No one knows  
2 how long it takes to do these roads.

3           Although I agree with the plan that  
4 SGI proposes, I see no way of enforcing it and no  
5 alternative proposed for either current mitigation  
6 of the truck problem or mitigation of the  
7 destructive and dangerous trucking situation that  
8 currently exist if this plan falls through. I would  
9 suggest that the building of this road be made a  
10 condition of approval for the permit of Pine Hill  
11 mining operation. No road, no permit.

12           Now, on to part, seven sections one  
13 through five. SGI takes precautions against mining  
14 and processing actinolite, this of course is a very  
15 nasty form of asbestos. If I'm reading this  
16 correctly, I want to recognize that SGI has  
17 acknowledged that they have found actinolite in some  
18 core samples. This segment is found in part seven  
19 section three subsection B. And it's planning  
20 again, a qualifying action word, and talking about  
21 how - how to evade this in part seven section three  
22 subsection C.

23           If you take the time to read part  
24 seven, it's about five pages long, you might be  
25 amazed that SGI or those agencies they hire seem to

1 be doing all the testing here. It seems odd to me.  
2 Why doesn't PADEP do the testing?

3 Well, my wife and I were curious about  
4 this and issues of trust. So we took a trip to the  
5 Cambria Office in Ebensburg PA and spent an  
6 entertaining four hours going through documentation  
7 on SGI and its predecessors. There were thousands  
8 upon thousands of pages of information, inspection,  
9 complaints, news articles, and of greatest interest,  
10 violation reports. There were a number of these  
11 violation reports as one would expect from a large  
12 company dealing in potentially toxic materials.

13 I'm sure that SGI has an explanation  
14 for what I'm about to point out, just as they did  
15 for every question asked at the last meeting. But  
16 let's look at the examples anyway. Violation ID  
17 1825511 labeled air quality. This violation was a  
18 failure to prevent fugitive particulate matter from  
19 passing outside a person's property. The fine was  
20 \$4,500. SGI complied and the case was closed.  
21 Another ID number 2257195, blasting. Failure to  
22 maintain a complete record for each blast. SGI  
23 complied, no fine was assessed and the case was  
24 closed.

25 ID number 217335, air quality.

1 Failure to take reasonable actions to prevent  
2 particulate matter from becoming airborne. The fine  
3 was \$1,125. This one had a civil penalty of  
4 \$10,700. SGI complied and the case was closed. ID  
5 number 2317327, air quality. Penalty \$1,125,  
6 complied, case closed. ID 2333195, another blasting  
7 violation, no penalty assessed, case closed. ID  
8 2764265 discharging water that does not meet water  
9 quality standards. This one says that SGI complied  
10 and the case was closed. The penalty assessed was  
11 \$1,200. The amount due was \$1,200. But there was a  
12 zero on the line that says total amount collected.

13 I don't understand all these things.  
14 I just read the papers. My point here is not that  
15 there are violations but how can I trust a  
16 corporation that's allowed to police itself when an  
17 inspection does find fault, the penalty in dollars  
18 is laughable or nonexistent. Then if SGI complies,  
19 all is well and the case is closed. That's a little  
20 bit like being pulled over by an officer for a  
21 speeding violation. The officer asks you how fast  
22 you were going, explains what the fine might be if  
23 you had to pay it, and then says everything is all  
24 right if you slow down. I'm not quite sure what  
25 this means.

1                   So again, what is the point? The  
2 point is that SGIs operation should be monitored  
3 very closely by DEP. PADEP should have a third  
4 party or themselves conducting testing according to  
5 generally accepted sampling protocol and ASTN  
6 standards, surface water monitoring parameters  
7 should now include asbestos and a relook at the  
8 acceptable levels of copper. Rigid dust control  
9 measures and monitoring should be part of the  
10 approved permit.

11                   SGI has plenty of money and lawyers to  
12 explain away every point of contention and question  
13 we have as is witnessed in their 180 page response  
14 to DEP. We have nothing but DEP to defend our  
15 rights to clean air, clean water, road quality and  
16 safety in the future of our children. I don't trust  
17 conditional promises. I want to see them in  
18 writing. And as part of the Pine Hill mining permit  
19 approval process, I believe that these should be  
20 included.

21                   Thank you.

22                   MS. DEVEER: My name is Sue deVeer.  
23 That's spelled small D-E, capital V, E-E-R. I'm  
24 going to thank DEP and the large turnout of  
25 community members here tonight for this meeting. I

1 live at 700 Iron Springs Road in Fairfield. I told  
2 you before that I'm relatively new here and that I  
3 live in a house which contains a stone and log cabin  
4 that was here during the retreat of Robert E. Lee's  
5 troops after the battle of Gettysburg.

6                   Nine hundred feet of Tom's Creek flow  
7 through the front of our property. I love Tom's  
8 Creek and the huge trees and the wildlife here which  
9 the wetlands and the woodlands support. We have  
10 deer, fox, squirrels, fox squirrels with big red  
11 tails. And turkeys, kingfishers, grayhorned and  
12 barred and screech owls. And this week we came home  
13 to find a red shouldered hawk eating a Junco on the  
14 railing of our bridge that - so that red shouldered  
15 hawk figured out where the bird feeder was.

16                   In the spring we have a wild rumpus of  
17 green frogs, wood frogs, gray tree frogs, toads and  
18 salamanders making music and tadpoles in the frog  
19 pond in front of our houses fed by I think one of  
20 the springs. I suspect it's an iron spring because  
21 the water is brown. It's great for tadpoles and  
22 crayfish. I'm very connected to this issue by the  
23 beauty aspect and by my connection to the wildlife.  
24 As I prepared to put together my comments for  
25 tonight, I sometimes felt buried by the wordy

1 documents and the data and the answers to the  
2 questions and the questions to the answers and the  
3 rebuttals until my eyes wanted to roll back in my  
4 head. But to me the values of clean water and  
5 healthy environment make it really important to  
6 persist.

7                   Helping community wide participation  
8 in community issues is important to me. I should  
9 have mentioned at the beginning, I'm one the  
10 officers of the Friends of Tom's Creek organization.  
11 I'm the secretary treasurer. And I did forget to  
12 say that.

13                   In these days of rapid polarization, I  
14 would like to purpose that we here in this room,  
15 none of us need to be or to be seen as enemies.  
16 None of us need to be enemies. The values of clean  
17 water and a healthy environment, our families need  
18 those things. Our families need good jobs, a  
19 healthy economy, a healthy environment to thrive.  
20 And we can work together to make that happen beyond  
21 our differences of opinion. It will take work as  
22 one friend mentioned earlier.

23                   There are environmentalist here who  
24 work for the state. There are environmentalists  
25 here who work for the mine. And there are some who

1 organize to speak up for the water and citizens'  
2 rights in the Pennsylvania constitution which  
3 promise us the right to a clean environment. There  
4 are concerned citizens here who have to scoop out  
5 green dust grit when they clean their roof gutters  
6 because their homes are so close to the operation.  
7 There are environmentalist here who live further out  
8 yet have stressed in sleepless nights from the 24  
9 hour mine operations and the truck traffic. And  
10 some whose enjoyment of their meadow downstream from  
11 the mine who's been in perils and inundated by green  
12 grit. There are discouraged people here.

13                   And there are people here who have  
14 things to say and are nervous to speak up. And  
15 that's really what I wanted to say tonight. Is to  
16 speak up. That's what this microphone is for.  
17 Come, tell your story, ask your question, say your  
18 opinion. It's really important for us to keep  
19 talking and very importantly keep listening. Please  
20 come make your comments and please listen to your  
21 neighbors.

22                   I have some very specific requests  
23 that I want to put into DEP. And I'm just going to  
24 put them in my written comments. And thank you for  
25 your time. Come tell your story up here.



1                   MR. WILLMAN: For the record my name  
2 is Todd Willman, T-O-D-D, W-I-L-L-M-A-N. I'm  
3 actually with the Manufacturers Association of  
4 Southcentral Pennsylvania. This evening I really  
5 cannot talk to the issues that we've heard about  
6 here regarding noise, roads, or water. The one  
7 thing that I and our association can do however is  
8 talk about manufacturing.

9                   I know it's a little hard to believe  
10 but just here in south central Pennsylvania,  
11 manufacturing supports 118,000 jobs both directly  
12 and indirectly. And contributes almost 17 billion,  
13 with a b, 17 billion dollars of goods and services  
14 to the national economy each year. One of those  
15 companies is SGI, whose employees spend their  
16 paychecks locally and who support the economic  
17 growth of this area, with a local payroll of almost  
18 13 million dollars.

19                   SGI was recognized by our association  
20 last year, presented with our community investor  
21 award for contributions that they made to the local  
22 communities. This award was pages in length. It  
23 was one of the longest nomination forms we have ever  
24 received from our members. And this application,  
25 this nomination, noted their support of such groups

1 as the Renfrew Institute, Blue Ridge Fire and EMS,  
2 The Penn Mar Youth League, Waynesboro's Hamilton  
3 Public Library, and many other civic and social  
4 organizations.

5           It's not that common for us to receive  
6 award nominations that are more than one page long.  
7 Very few companies will take the time to actually  
8 document and also to tout their accomplishments and  
9 achievements in their local communities. SGI stood  
10 out to us as a good supporter to their communities.  
11 And today they are actively involved with us in our  
12 apprenticeship and other training programs for  
13 employees to better develop their job skills and  
14 professional training.

15           Among our 370 member companies, and  
16 another 110 companies that we interface with for  
17 their training and workforce development needs, it's  
18 difficult for us to find a company like SGI. One  
19 that has their level of civic involvement and  
20 commitments and who also believes in providing  
21 company paid training to not only better their  
22 employees work skills, but in turn deliver a greater  
23 economic impact and moral support to their local  
24 communities.

25           Thank you.

1                   MR. REPETZ:   Anyone else, please?

2   Ma'am?

3                   MS. ROGERS:   Hi.   I just want to bring  
4   this back to where I think we should be  
5   concentrating.   Oh, Sherry Rogers and I live in  
6   Hamiltonban.   The only thing that is going to  
7   prevent the expansion into that area which we're all  
8   concerned about of Pine Hill is if the SEJ is not  
9   sufficient.   I know, I've worked as a bureaucrat.   I  
10   know how you're trapped.   And no matter how many sob  
11   stories you hear, it's not going to change the  
12   regulations.

13                   So I would like to take that up and  
14   explain that my reading of SGI's social and economic  
15   justification is very poor.   There's a lot in there  
16   about what's feasible and what is not.   And I  
17   thought about this word, and how does that come up  
18   so many times?   And I finally realized what they  
19   mean by feasible is they mean profitable.   So  
20   they're not really saying they can't put this new  
21   mine in a different place.   They have - they're just  
22   saying they don't think it's feasible.   It's  
23   probably going to make them more money if they tear  
24   down a mountain than if they opened up another  
25   quarry in their almost 1400 acres of land.

1                   So the economic argument is not for  
2 the community. The economic argument that you're  
3 making is for their profit margin. And they are so  
4 sophisticated, yes, by giving money to the local  
5 organizations and everything because they're not  
6 from around here. They're from New Jersey. Their  
7 big company is in New York. They're owners - the  
8 daughter of one the owners just bought a \$53 million  
9 apartment on Park Avenue.

10                   So I'm glad to hear and see that there  
11 is an environmental justice person here because this  
12 is not a huge community. We can't afford high  
13 priced lawyers. And we can't fight them for clean  
14 air and clean water. And clean air and clean water  
15 is as important to the miners, it's more important  
16 to the miners, because they have to breathe it every  
17 day and it cannot be allowed to be ignored within  
18 the social and economic justification.

19                   Health is part of the social fabric.  
20 And water - clean water is essential to health. I  
21 would also like to put forward an idea that people  
22 might consider is that when you look at a stream,  
23 you can't look at a stream as a separate - just, you  
24 know, thing that goes from here to there. A stream  
25 is created by a watershed. You cannot separate it

1 from the watershed that feeds it. And I can see  
2 where SGI, if they do not - do not disrupt the  
3 watershed for Tom's Creek, the high quality portion  
4 of Tom's Creek which turns out to be quite small,  
5 and this is another one of those things those people  
6 in New Jersey do, is talked about how huge this  
7 watershed is when in fact it runs only from the  
8 basin to the bridge.

9                   If that watershed is protected and  
10 they stay back from what would be downhill water,  
11 then we will not have Tom's Creek polluted. And we  
12 will have jobs. It's SGI that's made this dichotomy  
13 that said oh, you know, if we don't have this  
14 particular thing then you won't, which might be more  
15 feasible which might be more profitable, than we're  
16 going to have to close down. And this makes workers  
17 very nervous and unhappy. And it makes us in the  
18 community very nervous and unhappy because we don't  
19 want that kind of blackmail used on us.

20                   So there were other things but I'm  
21 going to include all of those in my written  
22 comments. I think the health issue is very real.  
23 This type of asbestos is the kind - this actinolite,  
24 it has almost a coat on the end of it. It's gets  
25 into your lungs, it's not getting out. Recently

1 there's been publicity about black lung disease  
2 coming back up with miners in coal. And it turns  
3 out that's caused by silica. They're okay with the  
4 coal dust, but what they're having to do is cut  
5 through silica walls to get to the new seams. And  
6 when they do that, the silica is tearing up their  
7 lungs because it's like glass. That's what silica  
8 is.

9                   And so you're getting a lot of new  
10 black lung disease cases. And there are statistical  
11 - there have been studies of health outcomes around  
12 mines such as this. And the health issues decrease  
13 as you get farther from the mine. There's - you  
14 know, you - there's scientific proof this is not  
15 just somebody's opinion.

16                   The other thing I want to bring up  
17 though since I have the chance is that Hamiltonban  
18 Township only gave a conditional zoning to this  
19 project proof for expanding into the area which they  
20 felt the county had bought and which should not be  
21 exploited and should be really protected.

22                   And in that conditional zoning there  
23 are things like houses should not vibrate when the  
24 blasting goes off. And that water should not cross  
25 boundaries into other property, which to me includes

1 crossing into Tom's Creek. So I doubt that - I  
2 can't promise this would happen, but Hamiltonban  
3 Township has the right to actually rescind on that  
4 zoning if it's broken. And I think that should be  
5 taken into consideration as well.

6 That's all I can remember. I didn't  
7 bring my notes. I was winging it. Thank you very  
8 much.

9 MR. REPETZ: Anyone else?

10 MR. GEESAMAN: I'm Jeffrey Geesaman,  
11 J-E-F-F-R-E-Y, G-E-E-S-A-M-A-N. I live at 11403  
12 Brookdale Drive, Waynesboro Pennsylvania. I am the  
13 Township Manager of Washington Township, Franklin  
14 County. Which is a neighboring township to - abut  
15 to this township and also SGI's property borders our  
16 township.

17 Speaking of history, you know, they've  
18 been a big part of our history for a long, long  
19 time. And as a lot of things, clear back to the  
20 copper mines that was up there, those kind of  
21 originated in my opinion from the copper mines.  
22 That's when they found the rock and expanded on that  
23 years ago. There's a lot of history, there's a lot  
24 of quarry hills up there. There's a lot of - even  
25 though this project is not in Washington Township,



1 there are old quarries and there was quarry  
2 operations done in Washington Township. When they  
3 moved out, left out, each one of them has been  
4 reclaimed in some fashion and, you know, we didn't  
5 have no issues.

6 As a Township Manager, we have to be  
7 and are concerned with everything I've heard in here  
8 tonight. We're concerned about traffic, we're  
9 concerned about, you know, air quality, we're very  
10 concerned about water quality. We're concerned  
11 about, you know, everything that you are concerned  
12 about. As a township, we have to try to get a happy  
13 medium. And I really feel that that's what needs to  
14 happen here.

15 When the first gentlemen said that  
16 there was 140 people employed up there, that's just  
17 a pinpoint of who all this affects in our area. The  
18 contractors, the - right down from plumbers,  
19 electricians, you know, builders, the excavation  
20 contractors that work up there. Suppliers and even  
21 Lowes in Rouzerville. They're greatly affected by  
22 this company. All the vendors and all the supplies  
23 that they buy and that's all local.

24 I heard testimony that they're, you  
25 know, good to the neighbors. I can say from

1 speaking from Washington Township, they've been very  
2 good to us. There - you know, when we have a need  
3 we did a 9/11 tribute, at times things weren't very  
4 good in our township. We built a museum for the -  
5 to interpret the battle of Monterey. And we did  
6 that in a time when the economy was about as low as  
7 it was since the great depression. And you know the  
8 mill stepped up.

9                   They helped us out every opportunity  
10 they could. They did help us out when we have  
11 issues in our township. And we call them and say we  
12 got a problem - we give a phone call or we get  
13 somebody that answers the phone right away and we  
14 aren't special, we truly aren't special. And if  
15 someone doesn't answer the phone right away, we get  
16 a returned phone call that day. So they do listen  
17 to us and in most cases - well, I'll say in all  
18 cases they pay attention to what they say, we work  
19 together, usually it's three or four parties that  
20 have the issues. They work with us and usually the  
21 problem is taken care of.

22                   Have we had problems? Absolutely.  
23 This quarry in the last 100 years, yes, we've had  
24 issues. We've had issues with rocks coming up into  
25 - close to where the - you know, coming out of the

1 blast, different things like that. But they've done  
2 nothing but improve over the years. With any issue  
3 like that we have, we can seem to get - they get it  
4 rectified. It's pretty well taken care of quickly  
5 and at no expense to the township residents.

6               Some of that is for two reasons. Of  
7 course, regulations are getting more strict. I came  
8 from a quarry background myself. Not with them but  
9 a competitor if you will, but even as a competitor,  
10 we were also a vendor of theirs because we did black  
11 tops. We sold concrete to them. So we did other  
12 things that - we did a lot of things. So even as  
13 competitor, we were still dependent on the grit  
14 mill.

15              With that said, a lot of what they've  
16 done hasn't been mandated by DEP or anybody else.  
17 It's that, you know, you bring a problem to them and  
18 they try to fix it because they know that they need  
19 us. They need our people to work in their mine.  
20 They need our vendors to take care of. And they do  
21 try to take care of us.

22              So I feel that there has to be a blend  
23 here. I feel that the permit should be granted. We  
24 as residents, we as township officials, DEP works  
25 for us. They might not think that sometimes, but

1 they work for us. And with that said, you know, we  
2 can hold their feet to the fire to give them  
3 oversight to SGI. I think SGI is a very responsible  
4 organization but everybody needs to be watched at  
5 times. We as a township figure we have 15,000  
6 people watching us. That's 30,000 eyes if you  
7 haven't counted.

8                   We in the last 35, 40 years, we have  
9 more than doubled the size of our township. That  
10 has put an impact on our township right at the  
11 municipal level in Adams County. And we have  
12 actually improved our water quality. So it can be  
13 done. And I think it will be done if everybody  
14 works hard to do it. So with the one thing that's  
15 huge to townships is of course the economic  
16 development and I can tell you that we are probably  
17 the most hurt community when Fort Richie closed,  
18 because all the people that lived in Fort Richie and  
19 everything, our restaurants, our stores they really  
20 took a hard hit. And the last thing we need to do  
21 is lose a corporation like SGI. Trust me, the  
22 impact, you can't imagine what it would be. So I  
23 strongly urge that we watch what we do carefully,  
24 but we should support the permit.

25                   Thank you.

1                   MR. REPETZ: Thank you, sir.

2                   MS. LANE: Thank you. My name is Mary  
3 Lane. And I'm a resident of Hamiltonban Township  
4 and part of Fairfield. I came here tonight I'd like  
5 to just commend this public process of everybody  
6 sitting down together and going over the pros and  
7 cons, the benefits, the risks. As one who came here  
8 to listen with no particular axe to grind, I'd like  
9 to commend the process.

10                   I'd also like to say I have heard some  
11 serious concerns about water and air quality. Some  
12 mentioned of people's health being possibly affected  
13 and illnesses reported, concern from a physician. A  
14 concern of people sweeping, you know, the dust and  
15 grime from it. So my takeaway tonight is that the  
16 DEP has a very serious obligation here.

17                   And from what I've heard tonight, I  
18 don't think your job is finished. I'm concerned  
19 about what I hear about the testing and the process  
20 of the testing. And I think that there should be  
21 great transparency and a great effort made to be  
22 sure that the testing is independent. And that it  
23 satisfies what are today's standards for the  
24 testing, that things be looked at very carefully  
25 because the issues here on all sides are severely

1 overlooked.

2                   So I would ask the DEP to be sure you  
3 can do your due diligence as diligently as possible  
4 because all of this is too important to let it slip.

5                   Thank you.

6                   MR. REPETZ: Just looking at the  
7 clock, it's after 9:00. We've hit the two-hour mark  
8 and unfortunately we're going to have to start to  
9 wrap things up. Again, we will be taking written  
10 comments for the next two weeks. We can still take  
11 another couple of comments if their concise and to  
12 the point. We can still get those in now if  
13 somebody wishes to come up and still take advantage  
14 of giving oral testimony tonight. So just a  
15 reminder we're going to have to start to wrap things  
16 up. We can't just keep going forever.

17                   Okay.

18                   So try to brief.

19                   MR. LEAHY: My name is Bill Leahy,  
20 L-E-A-H-Y. My family has owned a house for about 70  
21 years up the road. We're not immediately adjacent  
22 to the blasts. In fact, growing up here, the mine  
23 was always a part of our lives. And I think finally  
24 - listening tonight it's clear that there is - you  
25 know, this a different era than 70 years ago.

1 There's more people here for better or worse. There  
2 is an economic base that's shifting, the mine is an  
3 important competent of that.

4 I do - what I'm hearing tonight on  
5 both sides is really - there needs to be additional  
6 analysis from beyond the company, no disrespect.  
7 But I really would encourage you to take a hard look  
8 at all the data from an objective independent third  
9 party standpoint before you move forward with this.

10 Thanks.

11 MR. REPETZ: Thank you. Anyone else?

12 Sir?

13 MR. ROY: My name is Stephen Roy,  
14 S-T-E-P-H-E-N, R-O-Y. I live in Carroll Valley.

15 And I haven't - I read through the  
16 response from the earlier meeting and everything,  
17 and I saw a mention of one plant species that's rare  
18 but not on the endangered species list. And I have  
19 the experience of encountering two bog turtles,  
20 which I understand they're - I want to further file  
21 a written response in a little more time. I worked  
22 a hard day today, so it's getting a little bit long  
23 sitting here.

24 But anyway one I observed where it was  
25 down on route 16 near Lake May squashed by a car.



1 It's a pretty distinctive turtle. It's North  
2 America's smallest turtle. And in reading the  
3 response, the company's response to the last - at  
4 the last meeting about a rare plant, that was raised  
5 not being on the endangered species list. This one  
6 is both on the federal and state endangered species  
7 list.

8 DCNR, that's what I believe I have,  
9 their publication, that rates it as S1 or S2,  
10 imperiled. This is the same turtle you find over at  
11 Strawberry Hill. They built an exhibit at the old  
12 abandoned quarry there which coincidentally is the  
13 same material and same rock formation and stuff I  
14 believe as what SGI has up on the top of Pine Hill  
15 here.

16 Then again, this thing is much  
17 endangered. I didn't see any mention where there  
18 was any survey done for this. And I traveled up and  
19 walked along Iron Springs Road, up by the wetlands  
20 that are in peril that are going to be destroyed by  
21 this project.

22 There's seeps up there and this where  
23 they live. I don't think God could design a better  
24 animal to hide to test the human being species.  
25 They're so reclusive, even the wildlife specialist

1 have trouble finding them. They hibernate in the  
2 mud in the winter underwater in the river in the  
3 winter. They're so small, people don't even notice  
4 them.

5 I'd just like to ask - I heard other  
6 people asking about other species if we can have  
7 this one. This one is rated very rare. That's all  
8 I wanted to say. I'm going to file a more detailed  
9 statement when I have the opportunity. But tonight  
10 I'm pretty beat, I've worked a hard day.

11 Thank you.

12 MR. REPETZ: Anyone else? We'll take  
13 one more comment.

14 MR. WHITCOMB: Thank you.

15 My name is Lionel Whitcomb. I live at  
16 2545 Mountain Brick Road in Hamiltonban. And I'd  
17 like to thank all of you guys for coming tonight.  
18 And I have to tell you this is one of the hardest  
19 issues that I've ever faced as a community member  
20 here in Fairfield.

21 I've lived in Fairfield for 35 years,  
22 most of my adult life. And I see friends on both  
23 sides of this room. And this is not easy, I don't  
24 envy you guys from DEP.

25 If my job had the mission statement of

1 to protect Pennsylvania's air, land, and water from  
2 pollution and provide for the health and safety of  
3 its citizens, I would have some serious questions  
4 right now. I do not believe that SGI's current best  
5 practices will protect the Tom's Creek environment.  
6 And any reasonable person, you don't have to be an  
7 expert. Any reasonable person can juxtapose the  
8 health of Miney's Branch and Tom's Creek and  
9 understand the current mining practices are not  
10 going to protect that environment.

11 When this issue first took place, when  
12 this land first turned over to SGI, I sat down - I  
13 invited the president of SGI to my office and I sat  
14 down with him and I said sir, is there any way - is  
15 there any way we can find a balance? Can we find a  
16 balance so that we don't lose jobs in our community  
17 and we don't destroy the environment? I said, can  
18 you mine Pine Hill without destroying that  
19 environment and the answer was no.

20 I disagreed with that gentlemen at  
21 that time and I disagree with him today. I believe  
22 that we can find a balance. Any health of any  
23 community is about finding a balance. Of course  
24 jobs are important. But our future lies within  
25 protecting this environment.

1 I believe that if you fine people from  
2 DEP hold their feet to the fire - and they are smart  
3 people, they will find a way. They will find a way  
4 other than 300 foot buffers and permissible  
5 discharges into Tom's Creek. They will find a way  
6 to make this work.

7 I also want to speak to the  
8 gentlemen's who comment about an economic impact. I  
9 just want to say that there are many, many variables  
10 to understanding an economic impact analysis. You  
11 really have to understand how many people live here  
12 in Hamiltonban that are affected by those jobs. You  
13 really have to trace the money to understand who  
14 owns SGI and where that money is being funneled and  
15 reinvested. These are issues you have to understand  
16 before you can stand up here and say that the  
17 economic impact analysis, that argument out weighs  
18 the environment. So I disagree with that argument.

19 One more comment I'd like to make, I  
20 live pretty far from the mine and I've never had  
21 green dust or the blast bother me a heck of a lot  
22 until this summer when SGI decided to provide grit  
23 or gravel to pave roads. And I sat on my farm,  
24 mowing my lawn like I do every weekend, in  
25 astonishment as every time a car came down that

1 road, a cloud of green dust coated my barn and my  
2 house. Every time a car comes down the road. And I  
3 have to ask, if SGI understands that there's  
4 asbestos in that element, why in the world would  
5 they put it down this gravel on a public road?

6 I would ask that that process cease  
7 until we know the answer. And I think the testing  
8 that has to be done by an independent company. I  
9 truly hope we can find that balance. And I truly  
10 hope that we can heal as a community and keep our  
11 friends on both sides of the room. Thank you.

12 MR. REPETZ: Thank you sir. With  
13 our numbers dwindling, I think we're going to have  
14 to call for a close to this public hearing this  
15 evening.

16 On behalf of DEP, we would like to  
17 thank you for taking the time and effort to come out  
18 tonight to participate in this process. Especially  
19 considering the cold and wind conditions that we all  
20 had to battle to get here this evening.

21 So thank you very much. Again, we  
22 will take written comments for two additional weeks.  
23 Please see us if you need the contact information  
24 for where to submit those. Please be very careful  
25 when you walk out the door tonight. There's some

1 slippery conditions outside. We don't want to see  
2 any accidents.

3 Travel safely home. That brings us to  
4 a close. Thank you very much for your attendance  
5 and your participation.

6 \* \* \* \* \*

7 HEARING CONCLUDED AT 9:10 P.M.

8 \* \* \* \* \*

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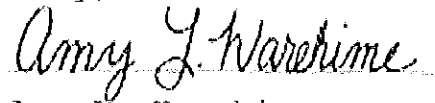
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## CERTIFICATE

I hereby certify that the foregoing proceedings was reported by me on 01-30-19 and that I, Amy L. Warehime, read this transcript, and that I attest that this transcript is a true and accurate record of the proceeding.

Dated the 11th day of February, 2019



Amy L. Warehime

Court Reporter



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## Big Spring Watershed Association, Inc.

P.O. Box 52  
Newville, PA 17241

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Rock Martin  
PA DEP Cambria District Mining Office  
286 Industrial Park Rd.  
Ebensburg, PA 15921-4119

Dear Mr. Martin,

The Big Spring Watershed Association would like to register its opposition to the expansion of mining by Specialty Granules, Inc (SGI) due to impacts on Tom's Creek and Miney Branch in Adams County. Our mission is to protect and manage wild native trout populations of the Big Spring, and other natural, cultural and historical resources of the watershed. While Tom's Creek is not in the Big Spring watershed, we have a strong interest in maintaining healthy ecosystems in our home state of Pennsylvania, near the homes of PA citizens, and in the Potomac watershed in general. Clean surface water is critical for the health of plant and animal life, including human life. We have examined the permit application (011800301) and see that what is proposed is "mountain-top" removal – essentially destruction of a huge ecosystem--as indicated in the attached schematic. This would allow blasting and excavation within 300 feet of Tom's Creek and near wetlands containing unique and endangered species. The largest colony of rare nodding trillium in PA is near the proposed blasting site and would likely be destroyed by the mining activity. Discharge into Tom's Creek and Miney Branch (a *Cold Water Fish Stream*) would mean a new pollution burden, adversely affecting aquatic life there.

Further, SGI appears to have a poor track record for land reclamation after previous mining operations. They have had some notable failures, e.g. in May 2011, which impacted nearby private land owners. They state that failure "cannot happen again," which is impossible to assure. They have not fully reclaimed Pine Hill which they were required to do.

What is proposed by SCI is not only a new source of watershed degradation in an ecologically valuable and fragile area, but also a chronic source of degradation, by a company with a poor history of returning mined lands to high quality post-mining forests. Accordingly, we strongly oppose the issuance of the requested permit to SCI.

Sincerely,  
Thomas A Smithwick



President, Big Spring Watershed Association

DEP CAMBRIA OFFICE

JAN 28 2019