

377 Gum Springs Road

Fairfield, PA 17320

July 30, 2018

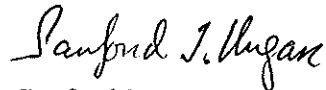
Dear Mr. Sammarco:

I am enclosing a copy of my remarks at the public hearing in Fairfield last Monday night, for the record.

That was an extraordinary moment for our community. Many of us in attendance did not even know each other, but so many people stood up and spoke from their hearts – everyone with a slightly different perspective. I'm sure it was noticed that not a single resident spoke in defense of SGI. That company is ruining our habitat, our environment, and our property values, and it's got to be stopped.

We just hope that this exercise in democracy at the grass roots will prove effective, and that your department will come down on the side of the people it is meant to protect.

Sincerely,



Sanford J. Ungar

SANFORD @ SANFORDUNGBAL.COM

cell phone -

448-562-4382

DEP CAMBRIA OFFICE

AUG 02 2018

Sanford J. Ungar

Statement at a hearing of the

Pennsylvania Department of Environmental Protection

Fairfield, PA

July 23, 2018

Good evening. My name is Sanford Ungar. My wife Beth and I have owned a property on Gum Springs Road in Fairfield for 23 years. Our two children spent large parts of their youth here – learning about the wilderness and the countryside, swimming and fishing in our ponds, hiking and playing badminton and volleyball, bringing friends up so they could all to learn to ski together nearby at Ski Liberty. And now our two little granddaughters, a year-and-a-half and a year old, have just begun being introduced to the same wholesome life style and the all-American values of this community.

We have put our heart and soul into our home here, honoring our commitment to Adams County to keep our property “clean and green” – taking our fresh cool water from a stream that flows into Toms Creek, thinning our woods from time to time to keep them healthy, and never giving a moment’s thought to subdividing or developing our land to exploit its economic potential. We have, however, remodeled and enhanced our home, using locally sourced stone and wood and other materials, employing local craftsmen, and adding to Hamiltonban Township’s tax base.

For years we have been inviting friends to share this paradise with us, to visit for a day or a weekend or more. Typically, we go over to Gettysburg and walk the battlefield together and take them to the wonderful new Visitors Center. I cannot tell you how many times, as we drove back along Pennsylvania Route 116, over the hills and vales and through Fairfield, turning off onto Iron Springs and then Gum Springs Roads, we have speculated about this retreat path taken by General Robert E. Lee and his troops after their loss at Gettysburg, looking to escape back across the Potomac, but stuck first in the smaller battle of Monterey Pass. Many of these friends have returned and brought others and taught their own children about the rich history of this area. They have found themselves among the many bikers, hikers, and reenactors who come here for

DEP CAMBRIA OFFICE

AUG 02 2018

recreation. We have had high hopes of recognition by the National Park Service and other public and private groups of the great significance of this territory.

It is only in the last few years that the calm of daily life here and the vision for the future that we share with many of our neighbors has come to be threatened. Through surreptitious land swaps and purchases and other mysterious goings-on, the mining company now known as SGI has become more and more of a presence – and a menace. The air is often filled with green dust that settles on our porches and our paths. The quality of our pure water is less and less certain. Massive trucks rumble noisily in and out of the neighborhood on narrow country roads ill-suited to support them. Just down the way, at SGI's local headquarters, the night sky has long been harshly illuminated, and we fear that harsh light is getting ever closer to us. The most dramatic symbol of how our peace has been shattered now comes early on many weekday afternoons, when SGI, just behind its "No Trespassing" signs across the road from us, sets off a deafening explosion that shakes our home and others nearby. It is frightening and disruptive.

Now SGI is asking the Department of Environmental Protection to approve a major expansion of its surface, or strip, mining in this area, and we urge you not only to deny this request, but also to place severe restrictions on what the company is already doing to destroy our environment, not to mention our history.

One final thing I would like to mention – a cautionary tale: I was raised in another part of Pennsylvania where, more than 60 years ago, profitable strip mining – in that case, of anthracite coal – was offered up as a source of good jobs and economic salvation. Promises were made to respect and protect the environment, but proved meaningless. Once the coal was used up, as it inevitably was, the scarred land was abandoned and the companies disappeared. Miners with chronic, work-related disease were left to fend for themselves. Economic ruin, and an exodus of families, followed. Property values plunged, and tax revenues dwindled. Many of the small communities that were affected are still struggling to recover, and they are having a hard time attracting young citizens in search of job opportunities and a healthy lifestyle.

Please do not let that begin to happen here.

DEP CAMBRIA OFFICE

AUG 02 2018

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

1 August 2018

Dear Messrs. Sammarco and Martin:

We are requesting that you DISAPPROVE Specialty Granules, LLC's Large Surface Mining Permit application, No. 01180301 and NPDES No. PA0279617 to mine historic Pine Hill.

Concern number 1 - Increased trucking caused by the expansion of SGI's mining operations to Pine Hill.

Heavy, commercial trucks travel primarily on Old Waynesboro pike through Fountaindale, as well as Charmian to Monterey Lane, to access PA Route 16 for travel to factories North and East of here. Both routes involve travel through residential areas. Both routes utilize secondary roads that are not constructed to bear the weight of regular commercial trucking and should be restricted against heavy trucks. SGI should be required to construct a road that directly accesses PA Route 16 which is constructed to handle heavy commercial trucking.

The roads on both routes are narrow and have little or no shoulders. With increased interest in the historic value of the area, specifically the Battle of Monterey Pass, more and more visitors are attracted to the area, hikers and bikers tour the area as well. In addition, local residents walk, jog, and bike on these roads. With trucking from SGI running seven days a week, 14 hours a day, there is no escape from the danger they present to foot traffic and bikers. Clearly regular trucking in this area discourages folks from visiting, walking, bike riding, and many other kinds of recreational activities on or near these roads.

There are enormous costs to allowing this commercial truck traffic to continue on the roads. It discourages tourism, lowers housing values because of the noise and danger, and severely damages these secondary roads which must constantly be resurfaced. Those who bear this cost are the local residents, local businesses, and all tax payers in the townships and counties.

Again, these trucks are running 14 hours a day on our roads, which means Saturday and Sunday as well, so there is never a time when they are not a threat. According to "True Cost Blog," freight trucks cause 99% of wear-and-tear on US roads, but only pay for 35% of the maintenance. One fully loaded 18-wheeler does the same damage to a road as 9600 cars. Even at 10 trucks an hour traveling over Old Waynesboro Pike, Charmian, and Monterey Lane, in terms of damage that is the

same as 96,000 cars an hour! But we bear the bulk of the cost of frequently resurfacing these roads that are not built to handle the weight.

With an expansion of the mining operation to Pine Hill, it will only increase the commercial truck traffic and therefore increase the danger, noise, frequency of operation, loss of revenue and housing values that we are already experiencing. This expansion is not good for the residents of the area or those who would like to come and experience our beautiful and historic location.

Concern number 2 - Asbestos pollution as a by product of mining greenstone.

Greenstone, which is made up of chlorite, various green amphiboles, and actinolite, is being processed near our neighborhoods, transported through our neighborhoods, and used by manufacturers in our roofing shingles. According to the Mesothelioma Center website, actinolite in its fibrous form, the form found most prevalently in the Appalachian Mountains, is asbestos. Not only that, it is a particularly dangerous form of asbestos known as amphibole asbestos. This asbestos is composed of sharp, needle-shaped fibers and it takes much less exposure to this type of asbestos to cause cancer. Even incidental exposure to trace amounts of amphibole asbestos in end products such as roofing shingles is still hazardous enough to cause asbestos related illnesses. Children are particularly vulnerable to this type of asbestos.

All this must have been known to SGI when they purchased the quarry. Here is a quote from a geological report made in the 1940's for Adams County concerning asbestos in South Mountain.

"The best quality of asbestos obtained in the region came from a dike-like band of greenstone which crosses the Corls Ridge a mile north of South Mountain Sanitarium, just west of the county line. This asbestos is cross fibre and fills small gash veins about one-half inch wide in the greenstone. Although the fibre is green and silky, it is so short and interlayered with quartz that it has no commercial value. Other specimens of silky asbestos were obtained from the Baker prospect shaft in the small greenstone area 2 y 2 miles southeast of the Sanitarium, at the western line of the county. Very thin veins of silky asbestos show in the Western Maryland Railroad cut near Charmian, in the southwest corner of the county. This has the appearance of a slip-fibre vein. Although the quality seems good the quantity at these places is very small and not of commercial value. R.W.Stone "Minerals of Pennsylvania"

These asbestos fibers, which are carried by wind and water, can present a hazard within the vicinity of greenstone mining. So we must ask - Are truck surfaces spreading these fibers through our residential streets? Are these asbestos fibers being carried home on the clothing of truckers and mine workers to their families? Is SGI in the Department of Environmental Protection Air Program? If so, what analysis of "fugitive air particles" has ever been done? Have tests been done as part of the approval process for this permit? If so, as a community, we need to know the results. We are concerned for our family and all families who may be exposed to this dangerous form of asbestos. The

threat is real and we believe it to be unconscionable that DEP would allow this mining to continue and, in fact, be expanded. Please disapprove SGI's request for the health and safety of all residents involved!

Sincerely,

Jeffry and Catherine Dull
12530 Monterey Lane
Blue Ridge Summit, Pennsylvania 17214
Mobile - (304) 886-1218

*This is a hand copy of my letter, sent in by email
thank you!*

August 4, 2018

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 Inc. LLC

Dear Messrs. Sammarco and Martin,

My husband and I live at 700 Iron Springs Rd, in Fairfield, PA. We live in a house which contains a stone and log cabin which I understand was here during the retreat of Robert E. Lee's troops along the road in front of our house after the battle of Gettysburg. 900 feet of Tom's Creek flow through the front our property, and a week ago Wednesday we had had so many days of consecutive heavy rain events that Tom's Creek came up to the bottom of our bridge, over its banks and out into the road leaving a foot of flood debris at our mailbox post and silt across our barn floor where the water flowed through. This is the second time in 5 years we have seen this, and the frequency of events like this make us extremely concerned for the long-term health of Tom's Creek.

Too often nowadays polarizations make it hard for us to hear each other's heartfelt concerns, so I thank the PA DEP for holding the July 23, 2018, Public Hearing in Fairfield and creating a space for all our voices to be heard.

[You may consider my following comment to be an angry aside: I am still beyond disappointed that at the Hamiltonban Township's Conditional Use Hearing for this same Pine Hill property to become a mine I was not deemed by the township's solicitor to have "standing" to testify. Only those who owned property contiguous to SGI's newly acquired Pine Hill property were allowed recorded testimony. I LIVE DOWNSTREAM! SGI, the only party to testify, was allowed to testify that they had "great relations" with their neighbors and NO NEIGHBORS OF THEIR CURRENT OPERATION were allowed to speak on the record.]

I thank DEP for listening now, and for your work now to dig into all these concerns in order to protect the environment of Pennsylvania and guard the health and safety of its citizens. I believe that the permit has several glaring deficiencies:

1.) HYDROLOGY Following the public hearing and because of the testimony I heard there I have become most concerned about the hydrology. I wish I had data: Has it ever been done successfully before that a mountain is removed to create a 300' to 700' deep hole and the wetlands and HQ streams and tributaries adjacent are remaining and healthy? This is a complex question which spills over into several other concerns which are nevertheless connected:

- a. Will TOMS CREEK AND ITS TRUBUTARIES still be flowing and HQ or EV during and after the mining?
- b. Will the protected WETLANDS still be wetlands? Where will that wetland water be coming from and going to?
- c. Will the ENDANGERED NODDING TRILIUM have its proper habitat properly watered to insure its survival?
- d. Will the WATER TABLE be recharged properly so that neighbors' wells and springs still have drinking water in them?

2.) CHEMISTRY AND RECLAMATION During the question-and-answer portion of the public hearing I heard a retired chemist challenging the reclamation plans in the permit. Then he never testified, so I want to ask you to investigate the assertion I heard him make. He asserted that the water which will collect in the giant hole after the mining is completed will be "dead" water, containing too much dissolved copper sulfate to support any life. So the impounded water will NOT serve any wildlife or recreation or hydrological purposes. (I also note here that the land is on posted private property belonging to SGI so how they can claim that "recreation" could be happening is a wonderment to me.)

And does calling this mining of Pine Hill – Northern Tract - a continuation of its previous operations delay the reclamation of the now-gigantic scar from the already existing mine? Will we live to see it reclaimed?

3.) CLIMATE CHANGE AND THE FREQUENCY OF STORM EVENTS cause overflow into streams and tributaries. The sedimentation ponds currently in use in the Miney Branch watershed are not adequate to withstand the frequency and severity of storms that we now face. Green sludge overflowed into Miney Branch and onto residents' private property this past week (July, 2018) during consecutive days of heavy rain. How will these sedimentation ponds be sufficient with the added burden of all the water which formerly fell on Pine Hill collected in the new ponds and needing to be pumped over the mountain prior to discharge? Sedimentation pond overflows could happen again and again, into Miney Branch and into the protected Tom's Creek and unnamed tributaries. I question the input data which was used to size these ponds and pumps, now that we are living with more frequent and severe storm events due to climate change.

- 4.) HUMAN ERROR My upstream neighbor, Michelle King Hovis provided me with the story and pictures of her back yard over-run with green sludge after a storm event in May, 2011. Her story makes it clear that this event was caused by HUMAN ERROR in the mine's operation above her house, which had been filling an old mine with the finest of waste-product granules, too fine to be useful as roofing shingle grit. I am attaching her story and her pictures in a pdf file along with this letter.

The green reached the creek and other neighbors took photographs of the water flowing green. Storm events AND HUMAN ERRORS such as these must NOT release green sludge into Tom's Creek. Please send this application back for more attention to these details and for important re-working by SGI.

- 5.) OMISSION OF HISTORICAL IMPORTANCE The Confederate Army retreated from the Battle of Gettysburg along the roads surrounding the base of Pine Hill. This important historical event, which has received national recognition, was not mentioned at all in SGI's permit application. This is a glaring omission.

- 6.) BAT HABITAT AND THADDEUS STEVENS' COPPER MINE. I am aware that bats were found in Thaddeus Stevens' copper mine. Even though none were the endangered Indiana Bat, I remain concerned for the loss of the existing bats' habitat. I wish that SGI was required or self-motivated to provide some alternative bat habitat. All our bat species are declining quickly through disease, habitat loss and dangers in the modern environment such as wind turbines.

- 7.) IS TOM'S CREEK ACCURATELY DESIGNATED HQ OR IS IT ACTUALLY OF EV STATUS? Please review this designation issue. When Friends of Tom's Creek petitioned for it to be elevated to EV status

in 2016 the macro-invertebrates in Toms Creek tested at EV levels, but the data used for "comparable" streams was thrown out due to some sampling site choices by our aquatic biologist.

Could the 2011 green sludge spill event described in paragraph 4 above explain why in 2014 the DEP's macro-invertebrate sampling data did not show Tom's Creek as meriting EV status? Certainly, it would take time for the Creek to recover. The dust-sized particles are killing for water invertebrates, clogging their gills, and this in Tom's Creek where we repeatedly (2016, 2017, 2018 at our annual macro-invertebrate counts) find water life so rare that life-long aquatic biologists assisting us had never seen some of the creatures collected for sampling except as pictures in an ID book

I want DEP to make sure that deficiencies in this permit have been addressed so that if it does go forward our local mine operates with all the best practices – or better than best practices - in place so that Toms Creek remains a HIGH QUALITY or EXCEPTIONAL VALUE COLD WATER FISHERY when they are finished.

Sincerely,

Susan C deVeer and Willard Paul Morrison
700 Iron Springs Rd.
Fairfield, PA 17302

240-367-4403 cell

240-367-4403 cell

These pictures were taken directly behind our house in May 2011.

At the right below the second mine - it was due being marked in or around 1990-1992.

Since then ISP has been living in the mine with used granules.

By 2011 the mine was full to the top and markers right to put the upper markers around the opening of the mine that leads down to our property. When we got the heavy rain and flooding occurred all the green granules that filled the mine overflowed and for 2 days the green gap ran through the woods and down over the bank onto the road. The green colored water was carried down the road towards Mt Hope rd.

I saw ISP workers in the woods behind our home. 20 to 30 men were putting up orange ties to show where the green gap had gone through the woods to the road (Gum Springs rd). I went up and asked what they were doing and I was told clean-up and was not permitted to come onto the land they were cleaning.

A couple of hours later, the GM of the plant was at my door telling me that there had been an accident and they wanted to check our water for contamination. They checked our water 2 hours and sent us a report. We asked for all heavy metals and poisons to be checked but all they checked for were I think (excretion) No chemicals were ever checked.

After the ISP workers had left the area for the evening there are the pictures that I took. This is what was left after the clean up was completed.

We have noise of trucks, back up truck noises, dust + loud, shaking blasts that shake our whole house.

* Warning sound of a blast coming usually everyday at 1.30 pm.

This is a very rough draft of my experience with ISP minerals. I wanted to attend the meeting tonight but I have the flu. Could we schedule another meeting so that I and my husband can attend.

Nicki Horner

2/17/14





Scanned with CamScanner

01/18/10 10:00 AM



Path of green goup. orange tree is actually
on our property

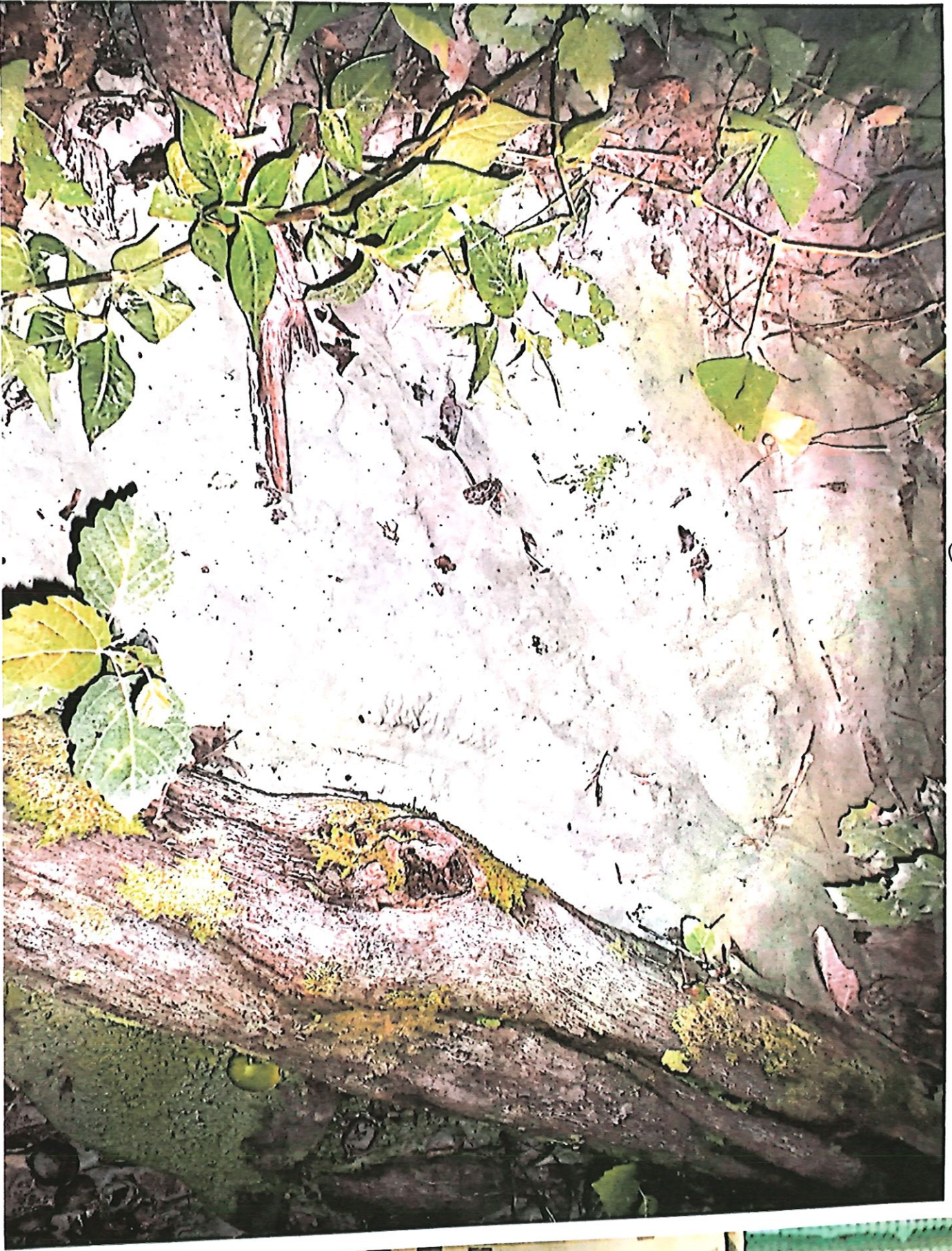
green trail in our driveway

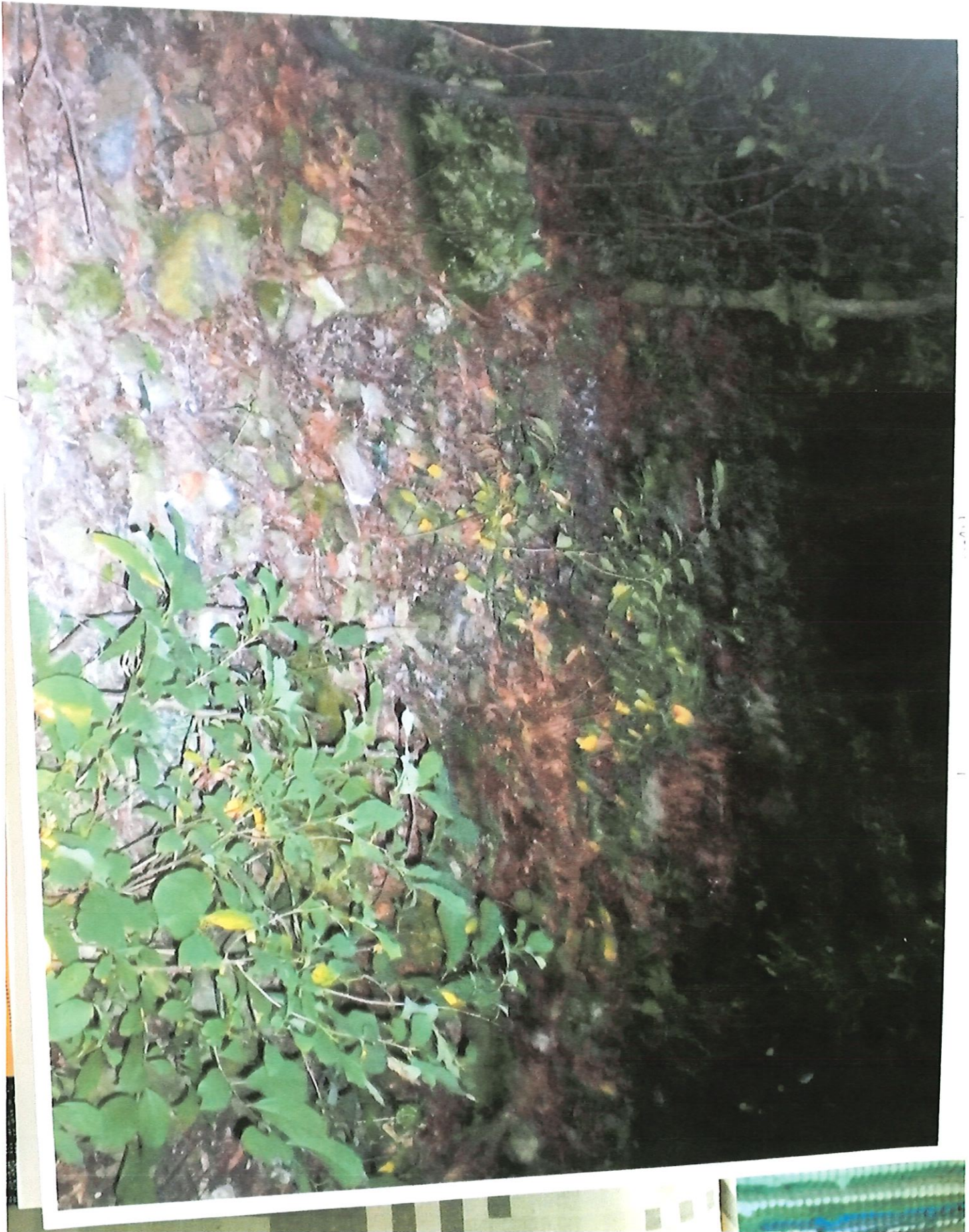




trail of green gup

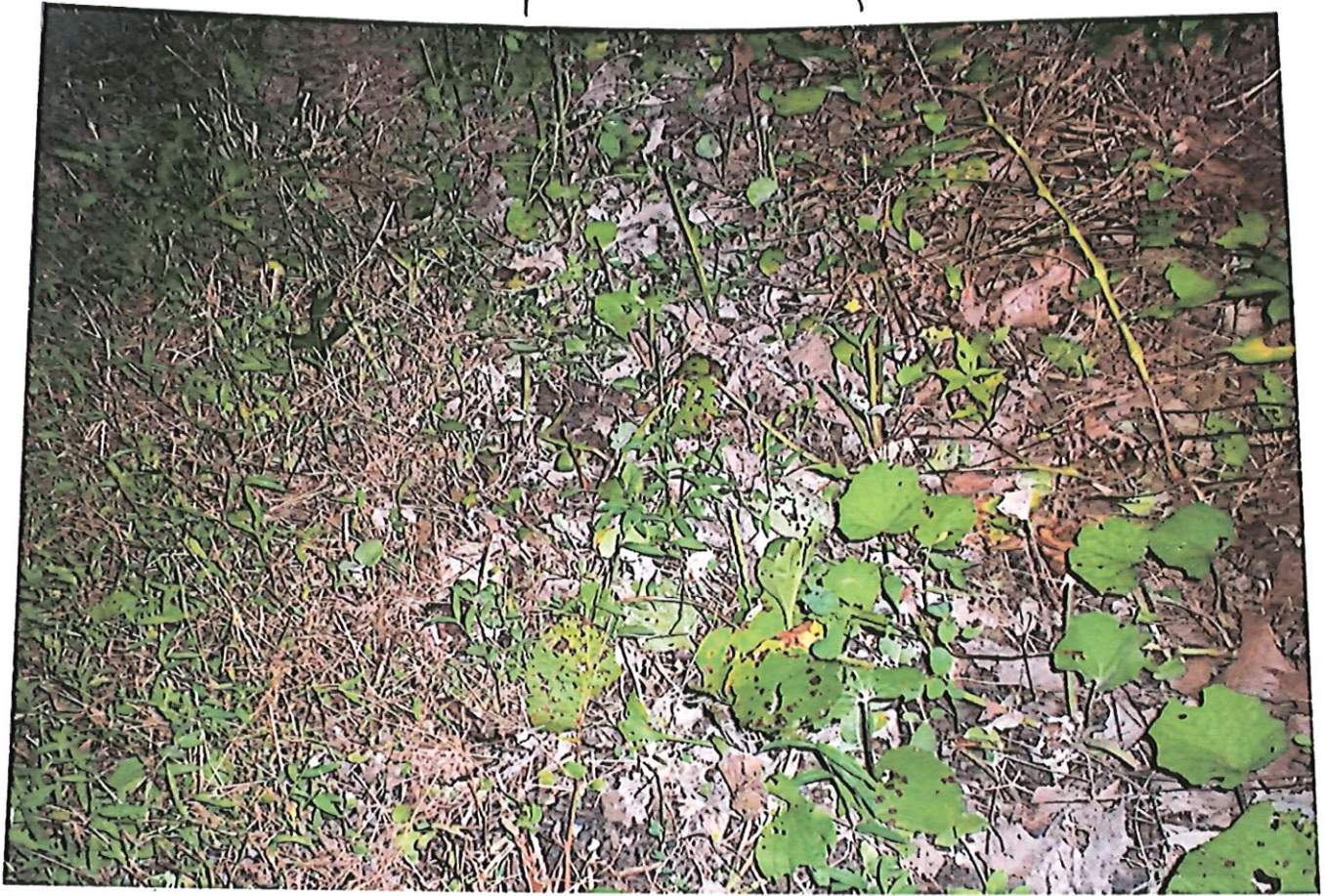
Outside our house looking to the road





CamScanner 08-18-2023 11:12

Scanned with CamScanner



This is the trail of the green
goop right where it traveled onto
Gum Springs rd.

Hazel C. Keahey

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

July 31, 2018

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:

I commented at the July 23, 2018, public hearing which was recorded and made part of the public record. In connection with the informal session, I presented slides and made additional comments. (Attachment 1.) Attendees listening and watching my slides asked that I include their names in support of the points made. As such, this letter is written for myself and my husband, Thomas M. Keahey, M.D., and the Pennsylvania citizens whose signatures are attached. (Attachment 2.)

We oppose the pending application for the reasons that follow, and request our rights be protected as required by Pa. Const. Art. I, § 27, the Environmental Rights Amendment.

Comment 1. Specialty Granules, LLC (SGI) is operating at nuisance levels, and expansion under a new permit will increase the nuisances we endure.

NOISE: From our homes we can hear haul trucks, grinding, and excavation every day and night, 24 hours a day, seven days a week. We are a rural residential community and our homesteads are identified on historic maps of Hamiltonban Township dating back to the 1870s. (Slide 8, Attachment 1.) We have enjoyed for many decades a quiet, country environment. While mining for greenstone began on Pine Mountain 93 years ago, the miners used picks and shovels, not excavators, and stone was moved to market by locomotive, not heavy tonnage trucks that beep loud warnings throughout the night. The dense forests of Pine Mountain also provided protection from excessive noise. But, the dense forests are now gone — having been removed by SGI or a predecessor company — and SGI nuisance noise travels from the massive pits directly into our homes. The current level of SGI operations violates our rights under the Environmental Rights

DEP CAMBRIA OFFICE

AUG 06 2018

Amendment. The application to expand SGI operations onto Pine Hill, the last remaining vestige of Pine Mountain, will increase the nuisance noise we now bear.

BLASTING AND NOXIOUS AIR: Current blasting shakes our homes, rattles windows, and releases toxic dust that settles on our properties. Again, this level of operations violates our rights under the Environmental Rights Amendment and possibly the federal protections guaranteeing clean air. We are particularly concerned that asbestos, which in 1942 was found in greenstone deposits at Charmian, is contaminating our air, water, soil, and homesteads. It is documented that naturally occurring asbestos permeates greenstone. See <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.849.5925&rep=rep1&type=pdf>. Permitting blasting on Pine Hill will increase our exposure to greenstone dust, creates additional safety hazards, especially to traffic on Iron Springs and Gum Springs roads, and will negatively impact recreational pursuits. An independent toxicology study, using current, science-based analysis, is imperative.

NIGHT LIGHT: We are concerned that the bright lights that accompany 24/7 operations, which will likely expand onto Pine Hill, will create a new hazard to humans and animals, particularly animals already persecuted, such as bats, bears, and foxes, known to inhabit Pine Hill. SGI is surrounded by homesteads in all directions, and we are blessed with abundant natural resources, including abundant wildlife, such as screech owls, brown and black bats, black bears, foxes, wild turkeys, and deer. Humans are not nocturnal, and circadian rhythms are disrupted by the bright lights used by SGI to maintain operations around the clock. Nocturnal animals, such as bats, and late evening browsers, like deer and bears, will also be affected by the loss of dark nights. Bright night is pollution and an environmental hazard that violates the Environmental Rights Amendment.

TRUCK TRAFFIC: Increased operations mean increased transport of greenstone to market. Trains are used, but most transport is done by large, heavy tonnage trucks. These trucks travel on country roads — winding through residential areas and through Monterey Historic District — using Old Route 16, Charmian Road, and Monterey Lane before reaching a secondary highway, Highway 16. Monterey Lane is the site of one of the oldest country clubs and golf courses in the country. Monterey Lane bisects the lands owned by Monterey Country Club. Heavy tonnage trucks transporting greenstone present an extreme safety hazard, particularly for children who frequently cross the lane on foot or bicycle to reach the clubhouse, swimming pool, and other recreational activities. Again, the trucks are operating 24/7 and, while SGI may not own the trucking companies, SGI is transporting the product and is responsible for the safety hazards. A new permit should not be approved until a solution is implemented to get these trucks off our residential roads.

Comment 2. SGI operations are degrading Miney Branch Creek, a Migratory Fish stream, and expansion of operations onto Pine Hill will increase degradation of our streams and threatens one of our most

DEP CAMBRIA OFFICE

AUG 06 2018

treasured natural resources, Toms Creek, a High Quality stream, with Exceptional Values, as well as four wetlands that provide critical habitat.

MINEY BRANCH CREEK: Greenstone sediment frequently overflows into Miney Branch Creek, and even occurred on the evening of July 23, 2018, the time of the Public Hearing. Green sediment is not a permitted discharge and violates currently issued permits. While we listened to an SGI representative assure us that stormwater runoff at Pine Hill would be captured and our water sources would be protected, stormwaters overflowed SGI's existing sediment ponds and our water resources were being contaminated by green goop. Pictures taken on July 24, 2018, show the overflow from SGI's sediment ponds and the discharged green "goop". (Attachment 3.) If SGI cannot handle sediment and contaminates under current operations, why would the application to expand onto Pine Hill be considered? And, while SGI might assert the rains were an unusual event, residents have documented multiple, significant discharges of green sediment over the years of surface mining operations. The most significant events occurred in 2010, 2013, and now 2018, and are documented. (Slides 20-23; Attachment 1.) Further support that the degrading of Miney Branch is a frequent occurrence is proven by the depth of greenstone sediment (estimated to be 3 feet) located in a meadow at the crossroads of Raintree Road and Old Route 16, a distance over 2 miles from SGI's sediment pond. There is no other source of this sediment other than from SGI's overflowed impoundment ponds. Under 25 Pa. Code § 77.126(a)(3) SGI's permit application must be denied because SGI failed to demonstrate there is no presumptive evidence of potential pollution of our waters. Under 25 Pa. Code § 77.126(a)(6) SGI's permit application must be denied as SGI has shown a lack of ability to comply with the Surface Mining Conservation and Reclamation Act (52 P. S. § § 1396.1—1396.19b).

TOMS CREEK: Green sediment overflowed from SGI operations in 1996, 2010, and 2011 at Gum Springs and Iron Springs roads. On one occasion residents on Gum Springs Road witnessed green sediment that turned Toms Creek water and surrounding snow a sickly green. These events were documented by residents, but, somehow missed the attention of SGI monitoring! Residents point to degradation of Miney Branch and fear the same thing will happen to Toms Creek. Degradation of Miney Branch and Toms Creek is unacceptable and violates our rights to pure water. The degradation of Miney Branch Creek is presumptive evidence of pollution, and the permit application must be denied under 25 Pa. Code § 77.126(a)(3).

WETLANDS AND RARE SPECIES: There are four wetlands following the contours of Pine Hill, near Gum Springs and Iron Springs Roads. Removal of the mountain top from which surface waters now run, will impact the continued existence of healthy wetlands that are critical habitat for rare flora and fauna. The nodding trillium is an example of fragile flora that depends upon a moist, woodlands habitat. We are informed the colony of nodding trillium on Pine Hill is the largest in the state. This delicate plant is now extinct in Ohio and is considered endangered. We are also concerned that the loss of wetlands habitat will impact the macro and micro invertebrates of Toms Creek.

DEP, CAMBRIA OFFICE

AUG 06 2018

and woodlands turtles, and result in degradation of the exceptional values of the stream. The impact of mountaintop removal on the wetlands and endangered plant life is glossed over in the permit application. The loss of invertebrates, an essential food of fish, is not even considered. Under 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.”

Comment 3. SGI failed to identify two known historic places (Module 10.13) that would be impacted by SGI’s proposed removal of Pine Hill and failed to assess the impacts of expanded surface mining on these two historic places.

MONTEREY HISTORIC DISTRICT: The Monterey Historic District was placed on the National Register of Historic Places in 1976. The District contains approximately 60 structures associated with a late-19th century summer resort community, developed primarily after 1885. The structures, consisting mainly of summer cottages, are aesthetically diverse, but all contribute to the scenic values of the district and are oriented to capture breathtaking mountain views or to capture prevailing winds. The Historic District is located in Franklin County but directly adjoins SGI’s current operations and processing plants. While the Historic District is outside of the perimeter of proposed surface mining activities, SGI failed to identify this historic site and failed to assess the impacts of removing Pine Hill on existing viewsheds. The Environmental Rights Amendment protects not only the people’s right to clean air and pure water but also the preservation of historic values of the environment. Further, many of the residents located within the Historic District were unaware of SGI’s proposal to remove Pine Hill. The “public notice” was published by SGI in the Gettysburg Times advertising section. No notice was published in the Record Herald, the news media most Franklin County residents rely upon for important notices. The permit application demonstrates a disregard of the legal requirements to identify and assess the impacts on historic resources and should be denied. Alternatively, independent surveys of the multiple viewsheds should be conducted and plans adjusted in order to preserve the historic values of the Monterey Historic District. As a final note on the Monterey Historic District, high tonnage trucks should be redirected as these trucks are a nuisance and safety hazard, and have no place within a National Historic District.

July 4-5, 1863 CIVIL WAR RETREAT: SGI’s application fails to identify the 1863 Civil War Retreat which occurred at the base of and around Pine Hill following the Battle of Gettysburg. The retreat path followed Toms Creek along Iron Springs Road and turned at Gum Springs Road into the mountain passages formed by Pine Hill/Pine Mountain, Jacks Mountain, Kepner Knob, and Monterey Peak. See the map of the retreat passage. (Slides 10 and 11, Attachment 1.) Over 15 miles of troops, teamsters, and wagon trains traveled on July 4 and 5, 1863, at the base of (and likely onto) Pine Hill in a desperate attempt to evade Federal Cavalry under the leadership of Major General H. Judson

DEP CAMBRIA OFFICE

AUG 06 2018

Kilpatrick. In 1866, the Edinburgh Times reported that Confederate General Robert E. Lee encamped near "a picturesque little stream" (Toms Creek) at the intersection of Maria Furnace Road (now known as Iron Springs Road) and Furnace Road (now known as Gum Springs Road). On the evening of July 4, 1863, the Federal and Confederate forces clashed at Monterey (near the site of the Monterey Inn and the gates into SGI operations) where they fought the second largest Civil War battle on Pennsylvania soil. In 2000, the Keeper of the National Register, National Park Service, certified places outside the boundaries of the Battle of Gettysburg, including routes to and from the battle, as places eligible for placement on the National Register. The 1863 Retreat path is eligible for independent placement on the National Register. This important historic site is deserving of protection by PA DEP, indeed by all Pennsylvania agencies. This is our historic, scenic heritage and it is protected from destruction by the Pennsylvania Constitution. Pine Hill should be preserved fully intact, as it is impossible to properly tell the interpretive story of the military escape through mountain passes when a mountain is missing. Frankly, the permit under consideration is an insult to the history and heritage of Pennsylvania citizens. Preservation of all the natural contours of Pine Hill, as well as the contours of Iron Springs and Gum Springs roads, is critical to preservation of this historic place, and SGI should partner with preservationists in the effort to save Pine Hill from destruction.

Comment 4. SGI has failed to set forth a concurrent reclamation plan for Pine Hill, and reclamation of existing quarries is wholly inadequate.

Aerial views of SGI's current operations shows vast pits and haul roads that look like a place on the moon. (Slides 6 and 7, Attachment 1.) The Pennsylvania Code requires that reclamation procedures, to the greatest extent possible, occur concurrently with the progression of the proposed operation. 25 Pa. Code § 77.595(a). If past SGI reclamation is indicative of future reclamation, Pennsylvania citizens can expect to see a moonscape for decades. Further, SGI states that it expects mining to continue on Pine Hill for 25 to 30 years. Because the plan would create a pit virtually removing the entire mountain, there would be no possibility of reclamation during active mining for up to 30 years, if at all. There simply will be no concurrent reclaiming of Pine Hill under SGI's plan. The permit under consideration should be denied on that basis alone. Alternatively, the permit should be returned, and granting of the permit should be made contingent upon reclamation of the existing quarries. Reclaiming the nonoperational pits should be given the highest priority by SGI's current workforce or subcontracted immediately to fulfill legal reclamation obligations under existing permits. It should be noted that SGI, operating as a limited liability company, is poised to walk away from its current reclamation obligations. While SGI asserted at the public hearing that it is proud of its 90 year history, the reality is that SGI, LLC has existed less than 8 years and a pattern of recreating the corporate status (ISP to GAF, GAF to SGI, etc.) appears to be motivated by liability exposures.

DEP CAMBRIA OFFICE

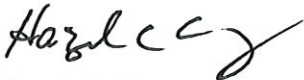
AUG 06 2018

Comment 5. SGI nuisance operations are crowding out healthful pursuits that historically thrived in our mountain setting.

Ninety years ago visitors and daytime tourists flocked to our mountains to enjoy pure mountain air. There were more visitors and tourists traveling to our territory than the number traveling to Coney Island, NY. Camps and sanitoriums sprouted everywhere to take advantage of a climate many thought was a cure or preventive treatment for dreaded lung diseases, such as tuberculosis. It is ironic that the opposite is now happening, as our population seeks to put distance between itself and the noxious surface mining operations that have grown to a size unfathomable 90 years ago. Again, we point to our historic environs, and beg PA DEP to put a stop to SGI activities that focus solely on mountain removal, to the exclusion of concurrent reclamation, and crowd out a diverse economy that supports camps, recreation, and tourism. The baby boomers are retiring in droves and seek a healthful place to live and thrive. Millenials seek balance in life, and actively pursue healthy, wholesome activities. Our community could provide that haven to retirees and millenials seeking a healthy environment. But, the vast, disruptive activities of SGI intrude.

Again, it is our hope that PA DEP will fulfill its mission and preserve the natural, scenic, historic and esthetic values of our unique environs. It is constitutionally our right to enjoy these values, and your fiduciary duty to protect them.

Sincerely yours,



Hazel C. Keahey, Individually, and for

Thomas M. Keahey, M.D., Carla Valore, David Walsh, Karen Jaeger, Chet Andes, Jennifer Andes, Bonnie Braun, Gale Dolly, Marshall Graves, Lana Graves, Mike Bruns, Nancy Bruns, Sharon Gelwicks, Rachel Rogers, Keith Flood, Tracie Flood, Julie Shelton, LeRoy Shelton, Gwen Courtney-Christensen, Linda Williams, Duane Williams, Colonel (Retired) U.S. Army, Cliff Frost, Sherry Frost, Beth Ungar, Sanford J. Ungar, and Marvin Rogers

Attachments: As stated.

Cc: Governor Tom Wolf

Hon. Robert Casey

Hon. Patrick Toomey

Hon. D. Schuster

Hon. Richard Alloway, II

Hon. Dan Moul

DEP CAMBRIA OFFICE

AUG 06 2018

PA Constitution

Environmental Rights Amendment

My name is Hazel Keahey and my family's property is approximately 1,300 feet from SGI's current operations. We hear the grinding; haul trucks, and rock scraping just about every day and night. Once you hear the beeping trucks, you can't unhear it! But, quite frankly, it is impossible to state in 3-4 minutes all the nuisances caused by SGI that nearby residents endure.

DEP CAMBRIA OFFICE

AUG 06 2018

The LAW

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.

2

Under the Law, these are nuisances we should not have to bear. The PA Environmental Rights Amendment states, "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."

These values are being scraped and grinded away everyday, 24/7 by the surface mining "permitted" to SGI.

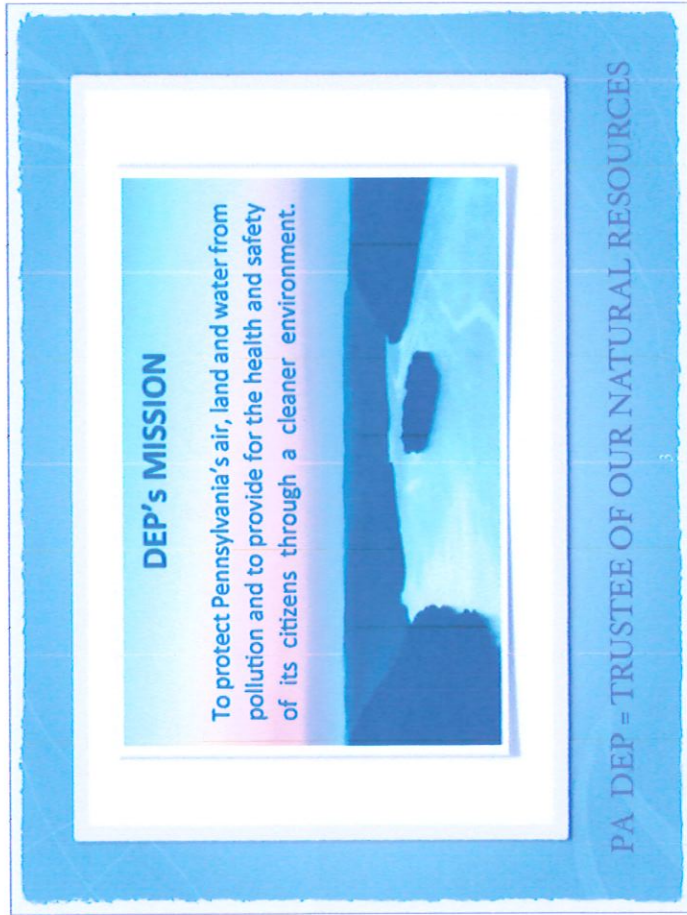
DEP CAMBRIA OFFICE

AUG 06 2018

The LAW

Under the Law, these are nuisances we should not have to bear. The PA Environmental Rights Amendment states, "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."

These values are being scraped and grinded away everyday, 24/7 by the surface mining "permitted" to SGI.



I thank PA DEP for being here today. While required by law, conducting this hearing takes courage as no one wants surface mining in their back yards! But your mission is clearly stated, and it's time to stop the trampling upon of our rights and it's time to stop the issuance of surface mining permits that lack adequate safeguards to protect our natural resources.

PUBLIC NOTICE

PA Department of Environmental Protection (DEP)

Will hold a public meeting/hearing concerning the Non-Coal (Industrial Mineral) surface mine permit application for Specialty Granules, LLC (SGI) "Northern Tract" SMP No. 01180301. This tract is Pine Hill bounded by Gum Springs and Iron Springs roads. Tom's Creek, a high quality cold water trout stream in the Chesapeake Bay watershed, runs through the tract's northern edge.

DATE: ~~MONDAY, JULY 23, 2018~~ *JULY 23, 2018! Please attend.*

LOCATION: FAIRFIELD FIRE HALL, 106 Steelman Street, Fairfield

TIME: 6:30 PM. (6:30-7PM FOR INFORMAL Q&A, 7 PM FOR FORMAL RECORDED HEARING)

ALL interested parties are encouraged to attend! This is your last chance to have input to the permit decision process. BRING YOUR QUESTIONS AND COMMENTS, and any written statements you want to give to the DEP.

Written statements can also be submitted to DEP before Aug 6, 2018. Write c/ Daniel Sammarco, PADEP Bureau of District Mining Operations, 286 Industrial Park Road, Edensburg, PA 15931

Bonus: You will also learn something not widely known about the CIVIL WAR

+

I highlight the lack of transparency in the permitting process. Many of my neighbors are here because of this "Public Notice". But, this notice did not issue from SGI or PA DEP. It came from concerned citizens gathered around my dining room table. Nothing was posted on PA DEP's website, as is normally done. And, SGI's notice was buried in the advertising section of the Gburg Times. Nothing was posted in the Record Herald, the newspaper most read by Franklin County residents who live in the shadow of SGI operations. This fails to satisfy minimum legal notice... And, it shows a lack of transparency and reveals SGI's goal: total mountain removal.

DEP CAMBRIA OFFICE

AUG 06 2018



So, ladies and gentlemen, I want to share aerial views of SGI's goal.

This may be a beautiful picture to SGI, it's proudly posted on its website. But, to me this is a tragedy... a mountain gone!



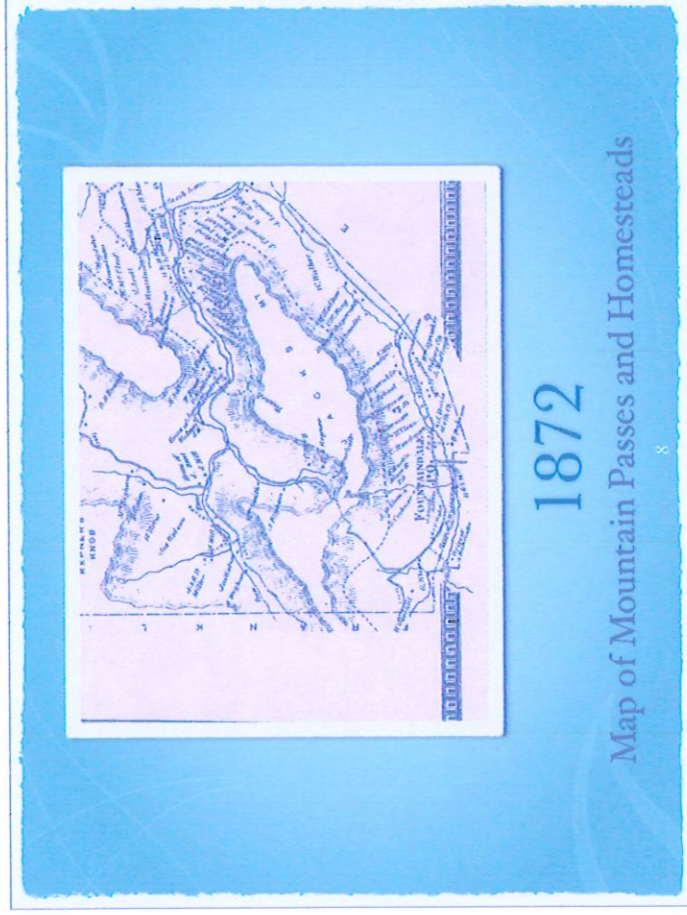
The largest operating pit. Again, SGI, may be proud of this engineering feat, but what I see from Google Earth looks more like the moon!



And, SGI's target... Pine Hill... is the last standing vestige of a mountain.

And for those of you who say SGI came first....

The tiny dots surrounding the moon scene are family homesteads going back to the early 1800's.



Here's an 1872 map of the territory... long before SGI, LLC.

You can see the mountain passes and the family homesteads that settled along Toms Creek, Iron Springs, and Gum Springs. These are familiar names: Watson, Miller, Shank, Benschoff, to name a few.

The way of life of these pioneering families still exists today, and it is the clean, country, rural life and HISTORY which attracted my husband and me to this territory over twenty years ago.

90 years ago, when the Charmian Plant first opened, more visitors were flocking to our mountains than the number of visitors to Coney Island, NY

90 years ago, miners at Charmian used picks and shovels, not huge excavators, and the rocks were moved to the market on "locamotives", not the heavy tonnage trucks used today.

DEPT. OF AGRICULTURE
BUREAU OF LAND OFFICE

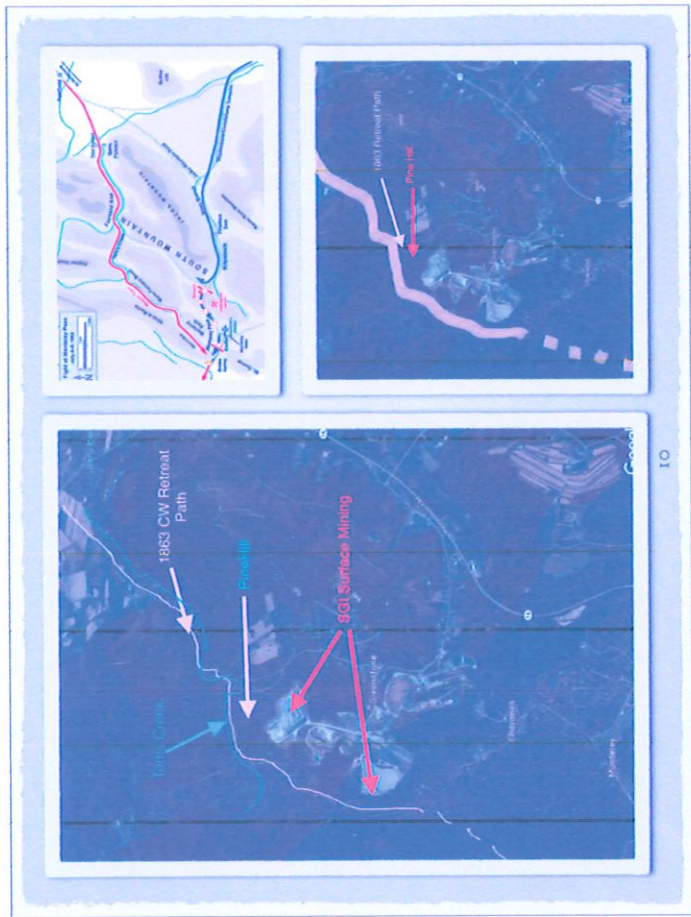
AUG 06 2018

July 4-5, 1863

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.

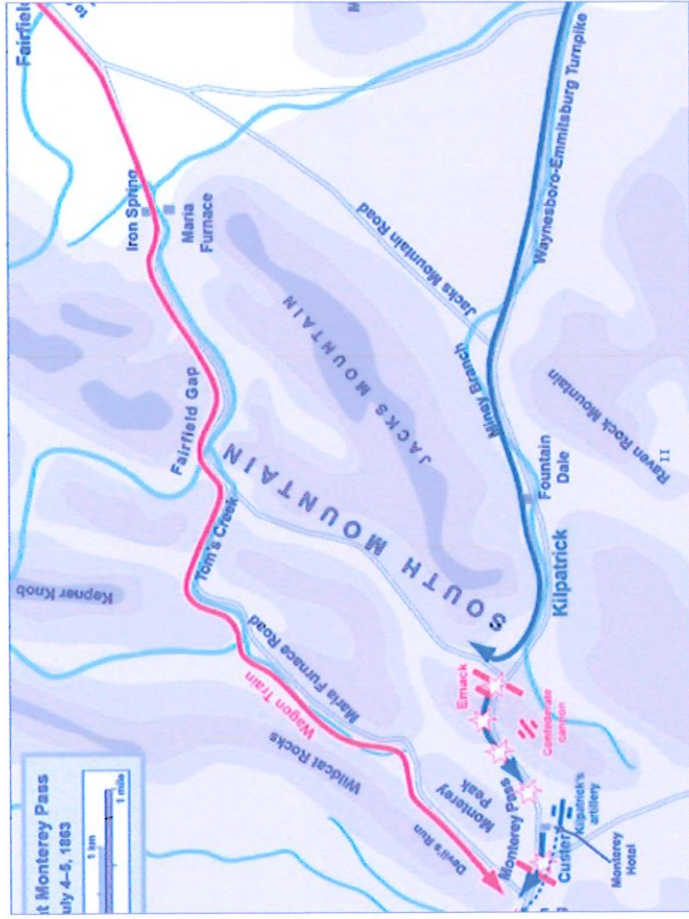
9

Step back to July 4 and 5, in 1863. History was made on our country roads when over 15 miles of Confederate troops and teamsters scrambled through our mountain passes in a daring and dangerous attempt to escape Federal Calvary.



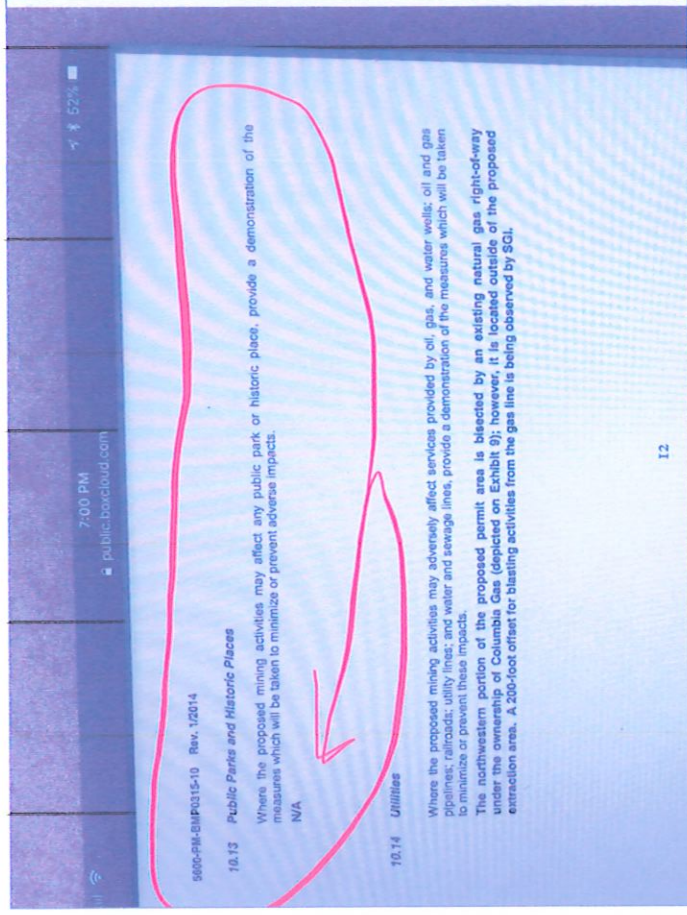
Pine Hill stood as a 1400 foot obstacle to the progress of the 1863 Civil War Retreat.

There were no asphalt roadways, merely country passages, and you can be sure ... in this bold, yet desperate military retreat...no one was marching in single file! They were scrambling through our mountain crags and crevices.



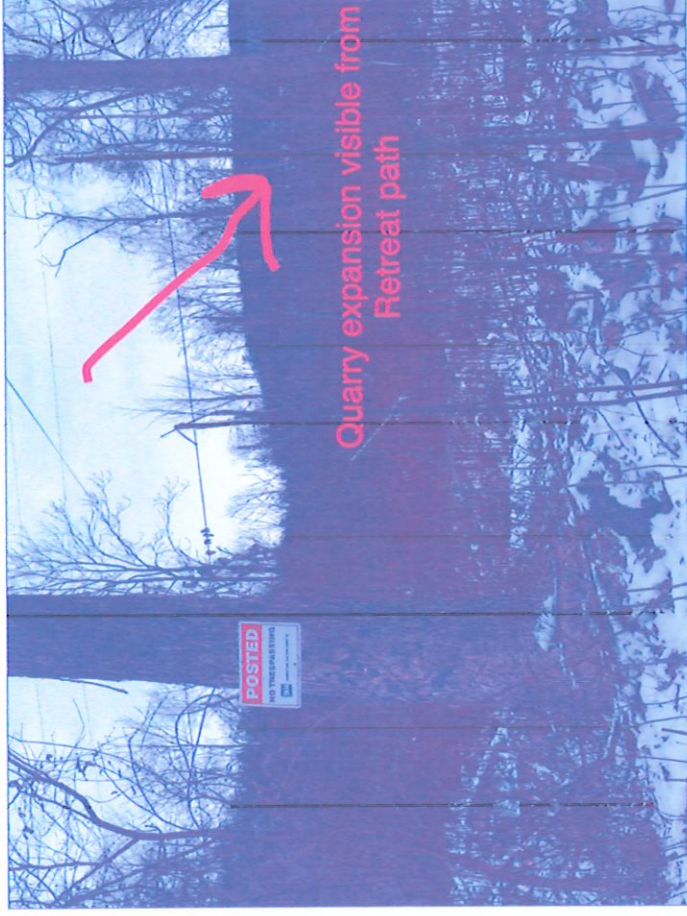
In 2000, the Keeper of the National Register of Historic Places certified a Nomination of multiple places located outside the recognized boundaries of the Battle of Gettysburg, including marches to and from the battle.

The 1863 Retreat Path from Gettysburg, through our passes, is eligible and deserving of independent placement on the National Register.



Yet, SGI has ignored this important history in its permit application.

While the Application includes a letter from the PA Historical Office, nothing is said in that letter about 1863 and the impacts the removal of Pine Hill will have on the watershed or the interpretive story of that remarkable history.



Ignoring history is a pattern with SGI, and the mountain — at the base of which thousands of soldiers marched — is at risk of being lost. Pine Hill is the only remaining vestige and it's worth saving!



View of Toms Creek from intersection of Iron Springs and Gum Springs Roads.

“A picturesque little stream”

Edinburgh Times, 1866

PA DEP should reject the application to remove Pine Hill for many reasons: to ensure the pure water of Toms Creek and Miney Branch Creek , to save critical wetlands, to protect persecuted animals, including bats, bear, and fox, to preserve endangered plants, like the beautiful Nodding Trillium, and to preserve our historical environment.



History is a gift. Mountains, and the life they support are a gift. We can choose to capitalize upon these gifts, by promoting educational programs, tourism, and healthful pursuits like hiking, biking, and camping.

In summary, Surface mining is incompatible with a healthful, sustainable economy, and approving this permit violates our rights!

We expect PA DEP to fulfill its mission and protect our constitutional rights so that we see beautiful Pine Hill for many generations to come.

DEP CAMBRIA OFFICE

AUG 06 2018



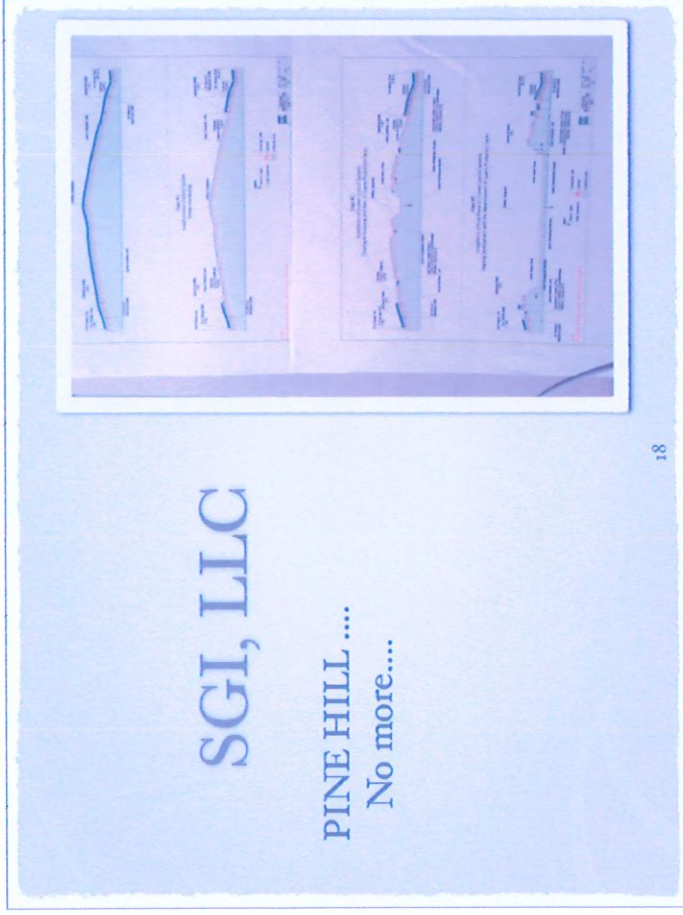
Save Pine Hill

FriendsOfTomsCreek.org

16



SGL's proposed buffers are inadequate to protect wetlands and historic site (1863 Civil War Retreat).



SGI's plan = mountain removal.



MonaYoung's complaint was closed by DEP. She was told the green grit in her meadow was not caused by SGI!

DEP CAMBRIA OFFICE

AUG 06 2018



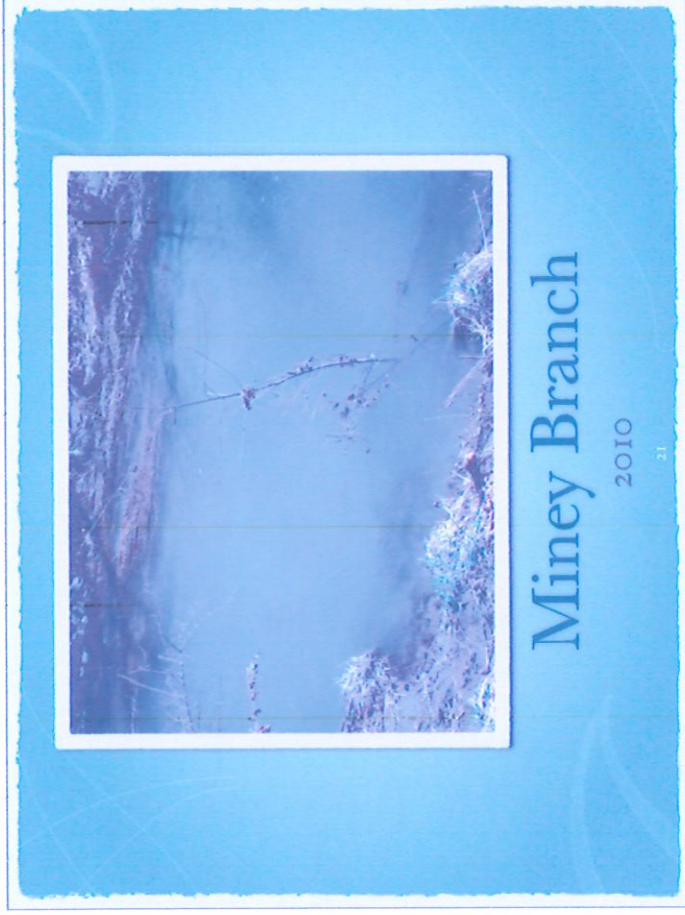
20

Green Miney Branch Creek 2010

DEP CAMBRIA OFFICE

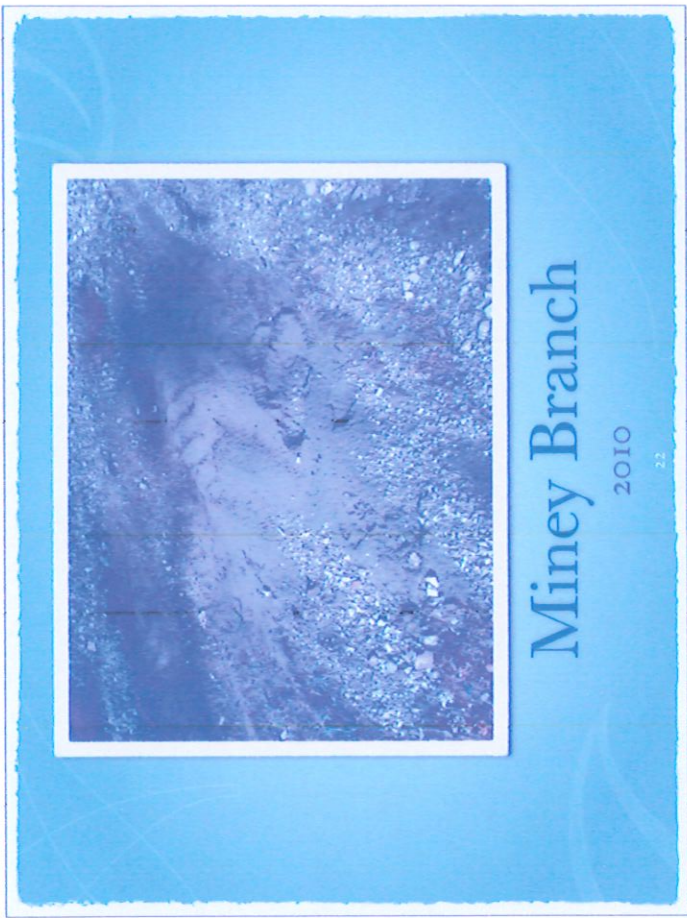
AUG 06 2018

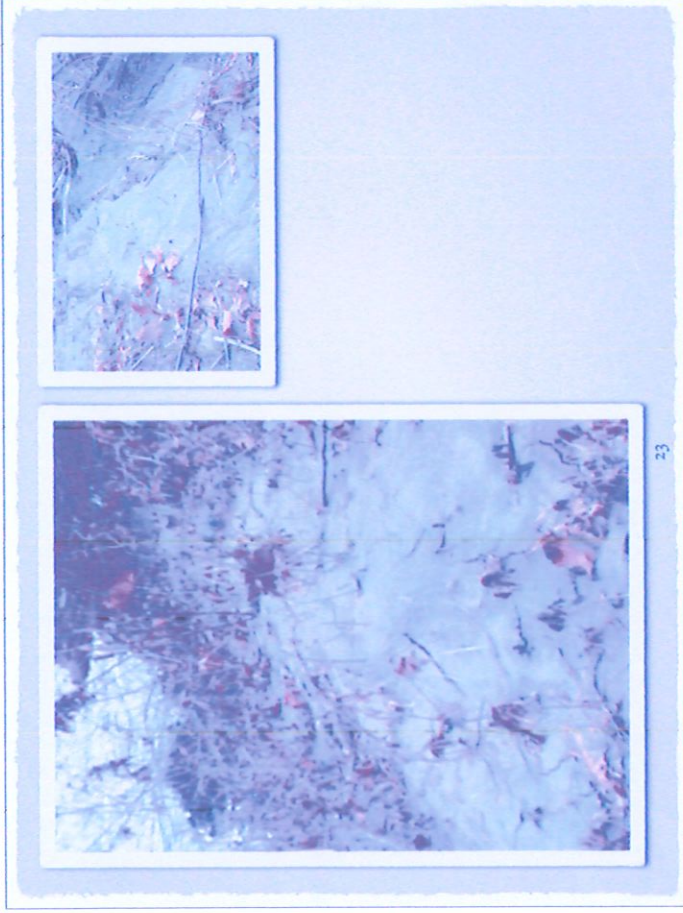
20



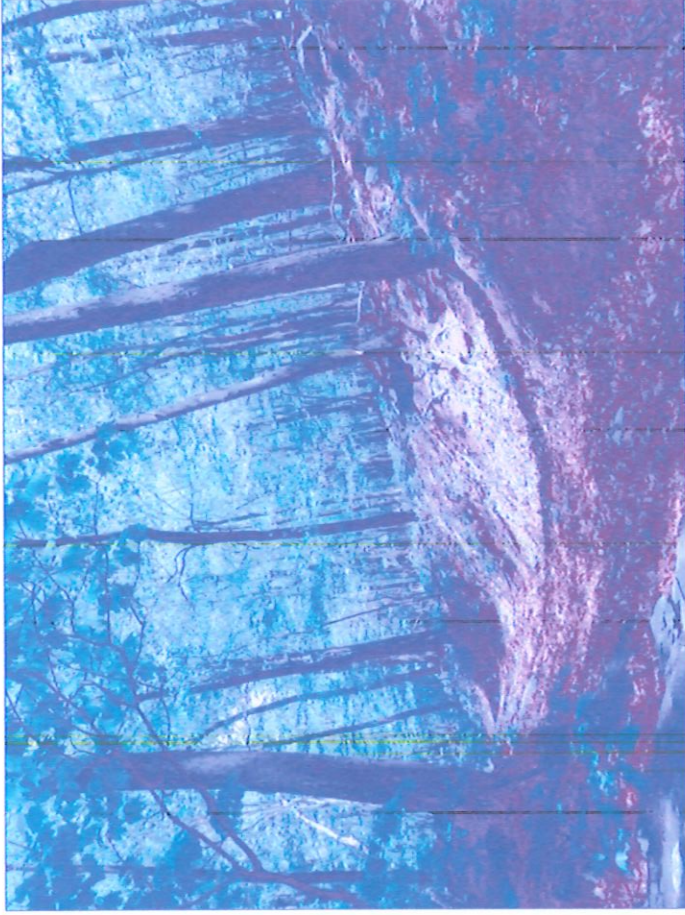
DEP CAMBRIA OFFICE

AUG 06 2018

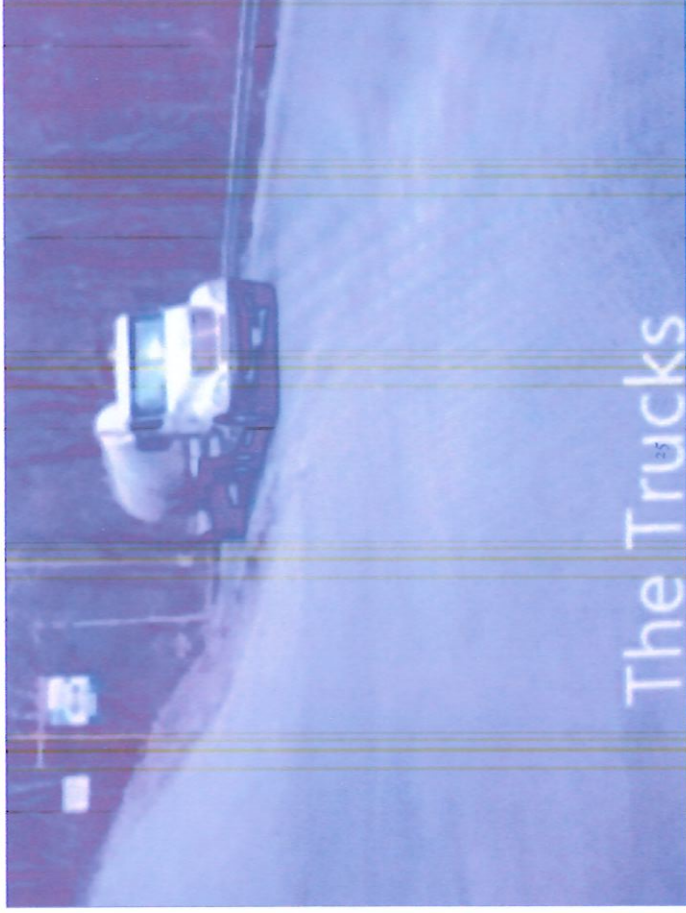




When flooding waters receded, a field of green grit was left behind.



The mountain pass leading to Monterey Pass Battlefield. History is a gift. Our mountains are a gift. These gifts are at risk of being lost.



The trucks....The equivalent of 96,000 cars rumble through our residential streets and through the Monterey Historic District, a historic place consisting of approximately 60 architecturally distinct structures built between 1890 and 1920 to capture beautiful mountain views or prevailing winds.



SGI crowds out tourism and healthful pursuits, reduces our property values, and makes our territory a less attractive place to live and thrive. Contrast this to the booming economy in the 1890s when more visitors and day tourists traveled to our mountains than the number of visitors and day tourists traveling to Coney Island, NY.



The nodding trillium colony thriving on Pine Hill is the largest colony in Pennsylvania. This beautiful native plant is on the endangered species list and is now extinct in Ohio. Pine Hill has unique characteristics, and is the remaining vestige of a vast mountain removed by SGI. Pine Hill is worth saving.

JUL 25 2018

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.").

DEP CAMBRIA OFFICE

JUL 25 2018

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.

DEP CAMBRIA OFFICE

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. Environ. 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).

DEP CAMBRIA OFFICE

JUL 25 2018

JUL 25 2018

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

DEP CAMBRIA OFFICE

JUL 25 2018

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.¹ 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. Environ. 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

¹ 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.

DEP CAMBRIA OFFICE

JUL 25 2018

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

DEP CAMBRIA OFFICE

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).

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

DEP CAMBRIA OFFICE

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

DEP CAMBRIA OFFICE

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 levels²

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.

² 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. 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 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.

DEP CAMBRIA OFFICE

JUL 25 2018

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,

DEP CAMBRIA OFFICE

JUL 25 2018



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

DEP CAMBRIA OFFICE

JUL 25 2018

Scott Merryman
1682 Iron Springs Road
Fairfield, PA 17320
717-315-5409
shm71@outlook.com

July 27, 2018

Daniel Sammarco
PADEP Bureau of District Mining Operations
286 Industrial Park Road
Edensburg, PA 15931
dsammarco@pa.gov

ref: surface mine permit No. 01180301

Dear Mr. Sammarco:

This letter is to officially request that you deny the above-referenced permit application for surface mining, submitted by Specialty Granules, LLC (SGI), or at the very least postpone said approval until all of our submitted questions can be answered fully and show that SGI is in full compliance with state and federal laws.

My wife Dayna and I live directly adjacent to the intersection of Iron Springs and Lower Gum Springs roads, in Hamiltonban Township. As SGI's current operation affects our property adversely, we fully expect said affects to worsen the closer blasting and other operations come to our property line. Please provide us with answers to the following questions, which should be addressed to ascertain whether the PADEP has requested, required, or mandated the permit applicant (SGI) to supply documentation regarding each specific concern, whether or not the PADEP is in possession of said documentation, and if these satisfy local, state, and federal environmental regulations.

With regards to water:

1. What is being done and has been done to prevent leachates from the current and anticipated quarry operations from leaking to other adjoining properties?
2. How are the settling ponds monitored and how and when is the affluent released to existing streams and water courses?
3. Are specimens for silt collection made, and what is there status?
4. What is the nature of residential well and stream contamination? How has this been addressed?
5. Have any hydrogeological reports been prepared by SGI that show any effects on the water table? Is there any scientific monitoring on the water table depletion and direct relationship between quarrying and water table depletion? Have these been verified by PADEP?

DEP CAMBRIA OFFICE

JUL 30 2018

With regards to the natural environment:

6. Are there any designated wetlands on SGI's property?
7. Has a study been issued revealing the presence of any endangered animal or plant species on SGI's property?
8. What ecologically sensitive studies have been done about the mining operations affect on the living environments of animals, amphibians, reptiles, trees, fauna, flora, natural heritage plants, and endangered species?
9. The Department of Conservation and Natural Resources (DCNR), under Natural Resources, Article 18, Title 17, Chapter 45 is responsible for plotting properties for threatened, rare or endangered species. Have they received a report from SGI?
10. What reports have been made about noise pollution; specifically, about noise pollution from blasting and their measured decibels with regards to mandated regulations?
11. What are the allowable level of decibels for blasting that must be adhered to and who monitors the blasting? Are there blasting reports available and seismograph recording available for daily blasting and the strength of such blasting?
12. What other vibration studies have been conducted and submitted to the PADEP?

With regards to air quality:

13. What reports are available showing the friable materials that are admitted to the air and their contents?
14. How are the friable materials kept on site and not permitted to escape onto adjoining properties?
15. Has there been any bacteriological contamination (i.e., road, dust, friable) testing done, are reports available, and has the PADEP received and reviewed them?

With regards to SGI traffic:

16. How will the trucks be monitored for emissions compliance on a daily basis? Has the existing quarry been required to do same? Who monitors and waters down or cleans streets affected by heavy traffic?
17. What is required during rain to keep any residue on the roads for adjoining property owners?
18. Why are there no signs leading to and from the quarry advising the community of the truck traffic?
19. How many trucks will the DOT permit on any given day?
20. Has a traffic study ever been done?
21. Has there been an estimate of the increase to SGI traffic if the proposed mining goes forth?

Permits and licenses:

22. Did SGI file an Environmental Impact Statement? Did it satisfy local, state, and federal regulations?

DEP CAMBRIA OFFICE

JUL 30 2018₂

23. Has the PADEP accepted said Environmental Impact Statement as satisfactory proof that the proposed mining operations would not constitute violations to any local, state, and federal environmental statutes?
24. Have there been any air quality reports regarding asbestos and other friable materials, that have led to special environmental licensure?

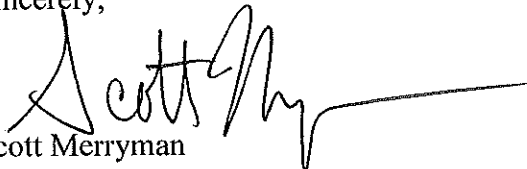
Other:

25. How have SGI and PADEP addressed economic losses incurred by private landowners whose property adjoins that of SGI?
26. How have SGI and PADEP addressed any health-related complaints from neighboring landowners and the community in general?
27. Will the existing quarry operations be conducted at the same time as the proposed mining?
28. What monitoring will be in effect throughout operations, by SGI and PADEP? Frequency of said monitoring?
29. Why was there no notice for the public meeting held on July 23, 2018, on the PADEP's website?
30. With regards to all existing permits for SGI's operation at the current location in Hamiltonban township Adams county PA: are there any "grandfathered permits", licenses, or out of date licenses/permits that were reissued and/or have precedence over existing regulations? In other words, do any of SGI's current operations and/or proposed operations allow them to conduct operations outside of existing regulations?

We request constructive answers to these questions and assurance that the laws and regulations pertaining to the environment, landowner rights, and good business practices are upheld. We expect that the PADEP's answers to each of these questions will not be simply "comments noted" or "comments under consideration".

My wife and I have been deeply disturbed by the daily earthquakes that result from SGI's blasting. Our home and land have endured structural damage as a result. As a disabled veteran of our nation's armed forces, I purchased this home more than two years ago hoping to live a peaceful and quiet existence. SGI's current operations have made that difficult. If you grant them the permission to undertake mining operations on the proposed tract of land, those disturbances will be consistently closer to our home, and more damaging. We respectfully ask that you stop that from happening.

Sincerely,



Scott Merryman

cc: Specialty Granules Industries LLC
Governor Tom Wolf
United States Environmental Protection Agency
Hamiltonban Township

DEP CAMBRIA OFFICE

JUL 30 2018

Salzmann & Hughes, P.C., Attorneys at Law
State Representative Dan Moul
State Senator Richard Alloway II
Mr. Randy Phiel, Adams County Commissioner

DEP CAMBRIA OFFICE

JUL 30 2018

dep

Scott Merryman
1682 Iron Springs Road
Fairfield, PA 17320
717-315-5409
shm71@outlook.com

July 27, 2018

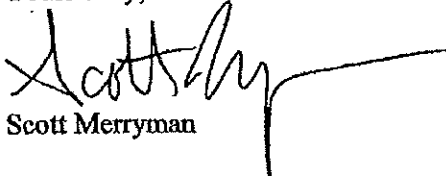
The Honorable Tom Wolf, Governor of Pennsylvania
Office of the Governor
508 Main Capitol Building
Harrisburg, PA 17120

ref: Pennsylvania surface mine permit No. 01180301

Dear Governor Wolf:

Please find attached a copy of a letter sent to the Pennsylvania Department of Environmental Protection, concerning a recent application for surface mining operations. My property has been affected by the mine's current operation, and stands to be drastically affected if the proposed application is approved. There are those of us in the local community who fear that Specialty Granules, LLC has been allowed to pollute the natural resources surrounding its facility, disregard special estuaries, and show a lack of concern for its neighboring landowners. Our property quakes daily from the blasting that occurs and is being damaged. We are asking that the permit not be granted until some serious questions can be answered. Feel free to contact me with any questions or concerns.

Yours truly,



Scott Merryman

Scott Merryman
1682 Iron Springs Road
Fairfield, PA 17320
717-315-5409
shm71@outlook.com

July 27, 2018

Daniel Sammarco
PADEP Bureau of District Mining Operations
286 Industrial Park Road
Edensburg, PA 15931
dsammarco@pa.gov

ref: surface mine permit No. 01180301

Dear Mr. Sammarco:

This letter is to officially request that you deny the above-referenced permit application for surface mining, submitted by Specialty Granules, LLC (SGI), or at the very least postpone said approval until all of our submitted questions can be answered fully and show that SGI is in full compliance with state and federal laws.

My wife Dayna and I live directly adjacent to the intersection of Iron Springs and Lower Gum Springs roads, in Hamiltonban Township. As SGI's current operation affects our property adversely, we fully expect said affects to worsen the closer blasting and other operations come to our property line. Please provide us with answers to the following questions, which should be addressed to ascertain whether the PADEP has requested, required, or mandated the permit applicant (SGI) to supply documentation regarding each specific concern, whether or not the PADEP is in possession of said documentation, and if these satisfy local, state, and federal environmental regulations.

With regards to water:

1. What is being done and has been done to prevent leachates from the current and anticipated quarry operations from leaking to other adjoining properties?
2. How are the settling ponds monitored and how and when is the affluent released to existing streams and water courses?
3. Are specimens for silt collection made, and what is there status?
4. What is the nature of residential well and stream contamination? How has this been addressed?
5. Have any hydrogeological reports been prepared by SGI that show any effects on the water table? Is there any scientific monitoring on the water table depletion and direct relationship between quarrying and water table depletion? Have these been verified by PADEP?

With regards to the natural environment:

6. Are there any designated wetlands on SGI's property?
7. Has a study been issued revealing the presence of any endangered animal or plant species on SGI's property?
8. What ecologically sensitive studies have been done about the mining operations affect on the living environments of animals, amphibians, reptiles, trees, fauna, flora, natural heritage plants, and endangered species?
9. The Department of Conservation and Natural Resources (DCNR), under Natural Resources, Article 18, Title 17, Chapter 45 is responsible for plotting properties for threatened, rare or endangered species. Have they received a report from SGI?
10. What reports have been made about noise pollution; specifically, about noise pollution from blasting and their measured decibels with regards to mandated regulations?
11. What are the allowable level of decibels for blasting that must be adhered to and who monitors the blasting? Are there blasting reports available and seismograph recording available for daily blasting and the strength of such blasting?
12. What other vibration studies have been conducted and submitted to the PADEP?

With regards to air quality:

13. What reports are available showing the friable materials that are admitted to the air and their contents?
14. How are the friable materials kept on site and not permitted to escape onto adjoining properties?
15. Has there been any bacteriological contamination (i.e., road, dust, friable) testing done, are reports available, and has the PADEP received and reviewed them?

With regards to SGI traffic:

16. How will the trucks be monitored for emissions compliance on a daily basis? Has the existing quarry been required to do same? Who monitors and waters down or cleans streets affected by heavy traffic?
17. What is required during rain to keep any residue on the roads for adjoining property owners?
18. Why are there no signs leading to and from the quarry advising the community of the truck traffic?
19. How many trucks will the DOT permit on any given day?
20. Has a traffic study ever been done?
21. Has there been an estimate of the increase to SGI traffic if the proposed mining goes forth?

Permits and licenses:

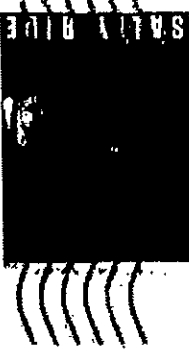
22. Did SGI file an Environmental Impact Statement? Did it satisfy local, state, and federal regulations?

Salzmann & Hughes, P.C., Attorneys at Law
State Representative Dan Moul
State Senator Richard Alloway II
Mr. Randy Phiel, Adams County Commissioner

Scott Merryman
1682 Iron Springs Rd.
Fairfield, PA 17320

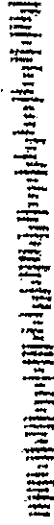
HARRISBURG PA 171

28 JUL 2018 PM 2.1



The Honorable Tom Wolf, Governor of Pennsylvania
Office of the Governor
508 Main Capitol Building
Harrisburg, PA 17120

17120-002208



July 27, 2018

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. We would like to echo the sentiments that the people expressed during that hearing.

Our property is directly across from the proposed project location. We are concerned about how this project will affect our property and the surrounding area.

1. Some neighbors have indicated that the well water quality has declined over the years. In the four years that we have lived here, we have also noticed this decline. This new project will further diminish the quality of our water.
2. We currently hear trucks and equipment from the existing mine throughout the day and evening. This mining expansion will produce even more noise disruption. The constant truck traffic will also destroy our roads because these roads are not built to handle the volume. The maintenance and upkeep of these roads will fall on the taxpayers.
3. 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.
4. If SGI is allowed to strip the mountain, the wildlife that lives there will be forced out of their habitats. This could pose a threat to both animals and homeowners as these animals are pushed closer to residential areas.
5. Stripping Pine Hill would create a huge crater where the beautiful wooded area is now. This will greatly reduce the value of our property.
6. Pine Hill also has significant historical value with respect to the Civil War. This area should be preserved with the same care as the Gettysburg battlefields.

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,

Rachel Rogers & Marvin Rogers

Marvin and Rachel Rogers

515 Gum Springs Rd Fairfield, PA 17320

717-319-2827 or 814-599-7767

Rachel-rogers@live.com or marvin-rogers@live.com

DEP CAMBRIA OFFICE
AUG 02 2018

Bonnie Braun

2655 Pumping Station Road, Fairfield PA 17320

July 30, 2018

District Mining Office, District Mining Operations
Department of Environmental Protection Commonwealth of Pennsylvania
Attn: Daniel Sammarco, P.E., District Mining Manager and 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, LLCI

Dear Mr. Sammarco and Mr. Martin,

I attended the public hearing held on July 23 in Fairfield regarding the Speciality Granules, LLCI application for an expansion of their mining operation. I looked at the visuals and listened carefully to all who spoke, both informally before the hearing and during the hearing. I left concerned about several matters that I believe the Pennsylvania Department of Environmental Protection should address before approval of the application.

1. Increasingly, weather is an unexpected factor in well-laid plans. As rain damage continued to mount while we met in Fairfield, my concern about how to handle storm water runoff increased. There are other communities across our nation that had containment plans in place for the 100 year flood only to experience that type of flowing almost back to back and the waters were not contained. I ask:
 - a) Is there sufficient evidence that the runoff can be contained?
 - b) Is there sufficient evidence that Tom's Creek and Miney Creek and surrounding areas will not be damaged by water discharge practices of Speciality Granules, LLCI?
 - c) Is there sufficient evidence that the drinking water of residents who rely on wells will not be impacted by this mining operation?

If not, I recommend that the company rethink its plans and applications and be held to higher standards. I expect no less of your department.

2. I have traveled the retreat trail of the Confederate Army and learned about the challenges of rain on their pathway and the challenges to the Union Army. I often recommend that guests go into Fairfield and follow the trail so they better understand the post-Battle of Gettysburg. I ask:
 - a) How could the application show an NA response to the historic factor?
 - b) What are the standards regarding historic environmental preservation?
 - c) Is there sufficient evidence that the historic environmental preservation clause of the constitution does not apply to this requested expansion?

If not, I recommend that the company reexamine the historic value of the land over which the retreat occurred and that the DEP also reconsider the historic factor in their decision-making.

DEP CAMBRIA OFFICE
AUG 02 2018

3. As a person who is highly sensitive to particulates in the air, I listened with concern as the issue to air quality was highlighted. Part of why my husband and I purchased our farm was to be able to be outside and not be affected by air-borne particulates.

I ask:

- a) Is there sufficient evidence about airborne particulates in relation to current operations of the mine?
- b) Is there sufficient evidence that air quality will not be affected by expanded operations?

If not, I recommend that additional investigation be conducted by the DEP and the company be held to the highest standard of air quality.

4. Finally, I know of a case where mining was proposed on a mountain in Colorado. While citizens raised concerns and conducted an extensive investigation and campaign, the market for the intended mining product collapsed. I ask,

- a) Did the company address the long-term projections for the market for the type of stone they sell for shingles?
- b) Is there sufficient evidence that the market for that type of singles will continue to be there once the company is permitted to expand?

If not, I recommend that a market analysis be conducted with evidence that market conditions provide sufficient evidence for the expansion.

One of Pennsylvania's major assets is its natural resource; another is its contribution to U.S. history. The people of state have acknowledged those assets through our constitution. Here in Southwest Adams County, the Department has an opportunity to preserve and protect not only the natural resources of our area but our historic environment as well as the quality of living of our residents. I am counting on all of you to do so.

Sincerely,



DEP CAMBRIA OFFICE

AUG 02 2018

July 30, 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, PA 15931

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

Dear Messrs. Sammarco and Martin,

We are three generations of one family and we are writing in opposition to the permit application of Specialty Granules Inc. LLC. (SGI) to mine Pine Hill (which they call "the Northern Tract").

We own property on Wilderness Lane in Fairfield PA, less than five miles as the crow flies from Pine Hill. Our 140 acres have been in our family since 1964. Three generations of our family have lived here and have enjoyed its beauty and tranquility. It is a very special place. More rare than anything is the silence surrounding us and the beauty of the abundant fresh water (we drink spring water from a spring that has never gone dry). The land where our mountain farm was built has been marked on maps since the 1790s. It was farmed at the time of the Civil War and surely heard the cannons and guns of the Battle of Gettysburg. The natural acoustics of this region (ridges and hollows) carry sound for many miles.

DEP CAMBRIA OFFICE

AUG 03 2018

For decades, we have known about the "grit mill", and many of our neighbors have worked there. We didn't pay much attention to the mine as it was "over there" and didn't seem to occupy much of the landscape around us. In the last twenty years or so, however, the operation has grown exponentially in scale and in commensurate noise, pollution, degradation of the clean air and water we treasure, devastation of the ancient mountains that are now pits, and elimination of the much-needed dark skies at night that people and non-nocturnal creatures need for sleep. Recently we have begun to hear truck noise in the middle of the night when all else is quiet (remember the acoustics of the ridges and hollows?). At the same time, the isolated area once occupied by the "grit mill" is now a residential area on all sides of the industrial site.

We were made aware of the secret deal between then-ISP (now SGI) and DCNR to acquire Pine Hill back in 2011. The circumstances of this land swap were kept under wraps until members of the public (taxpayers who paid for the land in question, thinking it would be conserved as part of Michaux State Forest) read about it in a newspaper. The lack of transparency surrounding the deal and continuing impression that "the fix is in" has been stunning. Community members who stand to be directly affected by the mine's operations were not allowed to give testimony on the record at the Conditional Use hearing. Only SGI's testimony was on the record. Many members of the local community have seen no communications from DEP, DCNR or the local supervisors regarding the events unfolding along Gum Springs Road and Iron Springs Road at Pine Hill. Private citizens came together to send out public notices to residents in Hamiltonban Township and nearby Franklin County regarding the hearing this past week because official notice of the hearing was lacking. Members of the community are also the ones monitoring the water quality in Tom's Creek and petitioning to get it upgraded to Exceptional Value status (which it is – along with its sister streams, Middle Creek and Swamp Creek). Tom's Creek

DEP CAMBRIA OFFICE

AUG 03 2018

(and Miney Branch) are important natural resources that should be protected and monitored by the state.

DEP now has the task of fulfilling its mandate to protect the environment of Pennsylvania and to guard the health and safety of its citizens. We are asking you to deny the permit to mine Pine Hill because there are glaring deficiencies:

- There are serious questions regarding the hydrology on Pine Hill, given that there are sensitive wetlands and a first class trout stream at the edge of the site that would be negatively affected by the removal of the mountain. People are concerned about their drinking water supplies as well.
- The fact that mining operations go on 24 hours a day/7 days a week in a residential area is unacceptable. The massive industrial operation that SGI has become has to adapt to the fact that there are now neighborhoods surrounding it.
- The current sedimentation ponds are not adequate to withstand the frequency and severity of storms that we now face. Green sludge overflowed into Miney Branch and onto residents' private property this past week during consecutive days of heavy rain. There is no assurance that the same thing will not happen again and again. Green sludge might, indeed, flow into Tom's Creek which contains such sensitive and rare macroinvertebrates that aquatic biologists have never seen them before except in books.
- We have seen no health studies regarding the effects on area residents of breathing silica and naturally occurring asbestos in the greenstone dust from the mine. Now our roads are paved with greenstone as well, covering our houses and cars with the same dust. These air quality and health studies must be done.
- We know next to nothing about the reclamation plans for the 800-plus acres that SGI is mining. Has anything been reclaimed? If so, to what effect? The devastation has crept to the point where it is huge. SGI's site can be seen from space thanks to Google Earth. When will it end? Have they posted a performance bond? What happens if their business declines to the point where they simply walk away from this operation? SGI (formerly GAF/ISP) has changed hands at least four times since

DEP CAMBRIA OFFICE

AUG 08 2018

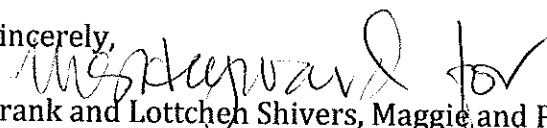
2010 (ISP, SGI, then a subsidiary of Ashland Corporation, then a subsidiary of a holding company called Standard Industries).

-The Confederate Army retreated from the Battle of Gettysburg along the roads surrounding the base of Pine Hill. This important historical event, which has received national recognition, was not mentioned at all in SGI's permit application. This is a glaring omission.

Nobody wants a large surface mine in their back yard. We did not have a choice this time because the deal was done before anyone could object. Please take into consideration the important mandate that you have to guarantee the citizens of Pennsylvania clean air and clean water under the state constitution.

The ancient Appalachian Mountains (said to be the oldest mountains on earth) have been there for approximately 500 million years. Let these beautiful "sleeping giants" lie. Do not issue the permit to SGI to mine Pine Hill.

Sincerely,


Frank and Lottchen Shivers, Maggie and Peter Heyward, Catherine Heyward, James Heyward, Philip Heyward, Annie Heyward, Natalie Shivers and Fred Jacobs, Lottchen Shivers and Donald Rothschild, Sam Rothschild, Gideon Rothschild, and Phil Shivers
300 Wilderness Lane, Fairfield PA 17320
pmh3220@aol.com

DEP CAMBRIA OFFICE

AUG 03 2018

Martin, Rock

From: Gorman John <john.gorman@volvo.com>
Sent: Thursday, August 2, 2018 11:47 AM
To: Martin, Rock
Subject: Pine Mountain Permit, Charmain, Pa

8/2/18

Subject: SGI Minerals "Northern Tract" Pine Hill expansion

Dear Mr. Martin:

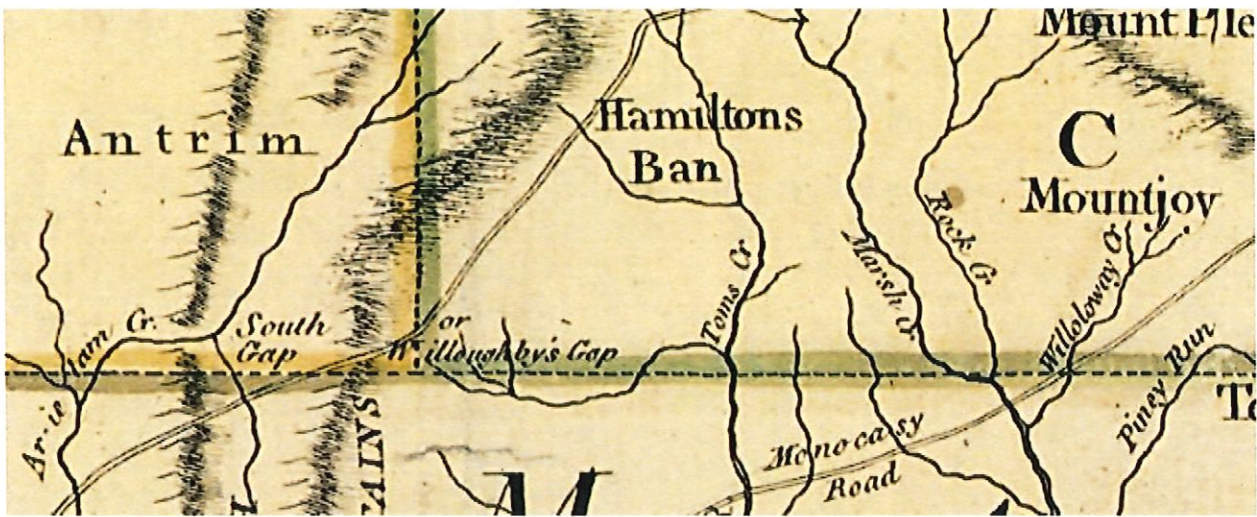
This letter is to ask that you require the Applicant for the Charmian Pa plant's Northern Tract expansion extend their buffer along the Gum Springs Road and Iron Springs Road from 100 feet to a minimum of 300 feet, and require a forest buffer be planted 10 years before mining starts. This will be to protect the viewshed along Gum Springs Road.

Gum Springs Road is presently undergoing review by various Citizens groups to designate it as a State Historic Road. This road is part of the original Great Philadelphia Wagon Road that played a major part in our Nation's westward expansion. Constructed in 1752-1754, the Wagon Road went from Philadelphia to North Carolina, crossing South Mountain at Fairfield Gap and Monterey Pass. It was the first major road west of the Susquehanna River. Gum Springs Road is one of the few original and remaining sections of this historic and important part of our Nation's history.

The intersection of Gum Springs and Iron Springs road was the site of Confederate General R.E. Lee's headquarters on the night of July 5 during his retreat from Gettysburg, and was used by half of his Army's wagon train and most of his infantry during the retreat. Most communities along the retreat route from Gettysburg through Falling Waters, WV, are banding together to tell a broader story of the Battle of Gettysburg by focusing on the activities of the two opposing Army's during this pivotal time of our History. Protecting the Gum Springs view shed is essential if our Communities are going to be successful in attracting people interested in this part of our History. We feel the long term economic benefits of this Historical Tourism far exceeds any short term benefit made by expanding the present mining operation to within 100 feet of Gum Springs Road. People need to experience, to the greatest extent possible, conditions faced by our Nations earliest pioneers and by Civil War Armies. The mining operation along Gum Springs will degrade that experience, resulting in the loss of an ongoing stream of revenue for our local communities.

Thank you for taking the time to read this, and hopefully you understand the need to protect to the greatest extent possible the view shed along the Gum Springs Road.

With Best regards,
John Gorman
12894 Monterey Lane
Blue Ridge Summit, Pa. 17214



1770 view of Gum Springs Road, before the incorporation of the towns of Gettysburg and Fairfield, Pa.

"Perhaps the best way to portray the development of a road network would be to here quote some of the "Early Roads of Hamiltonban Township - York County" records to describe the petitions of the settlers for improvements in their roads.

"April 30, 1751 - Inhabitants of Hamilton Bane and Cumberland Twp ask for a road from 'Williby's Gap' [later caller 'Nichols Gap', then 'Monterey Gap,' the gap in South Mountain where highway PA-16 goes through the borough of Blue Ridge Summit] to the head branches of Rock Creek and then to intersection with the road from John Musshet's(?) to Yorktown. "April 28, 1752 - Petition from Hamilton's Bann, Cumberland, Manallen and Straban etc., asks for a road from John Steel's "the nearest and best way the ground will admit of two Yorktown."

This email message and any attachments may contain confidential information and may be privileged. If you are not the intended recipient or otherwise not authorized to receive this message, you are prohibited to use, copy, disclose or take any action based on this email or any information contained herein. If you are not the intended recipient, please advise the sender immediately by replying to this email and permanently delete this message and any attachments from your system.

The intersection of Gum Springs and Iron Springs road was the site of Confederate General R.E. Lee's headquarters on the night of July 5 during his retreat from Gettysburg, and was used by half of his Army's wagon train and most of his infantry during the retreat. Most communities along the retreat route from Gettysburg through Falling Waters, WV, are banding together to tell a broader story of the Battle of Gettysburg by focusing on the activities of the two opposing Army's during this pivotal time of our History. Protecting the Gum Springs view shed is essential if our Communities are going to be successful in attracting people interested in this part of our History. We feel the long term economic benefits of this Historical Tourism far exceeds any short term benefit made by expanding the present mining operation to within 100 feet of Gum Springs Road. People need to experience, to the greatest extent possible, conditions faced by our Nations earliest pioneers and by Civil War Armies. The mining operation along Gum Springs will degrade that experience, resulting in the loss of an ongoing stream of revenue for our local communities.

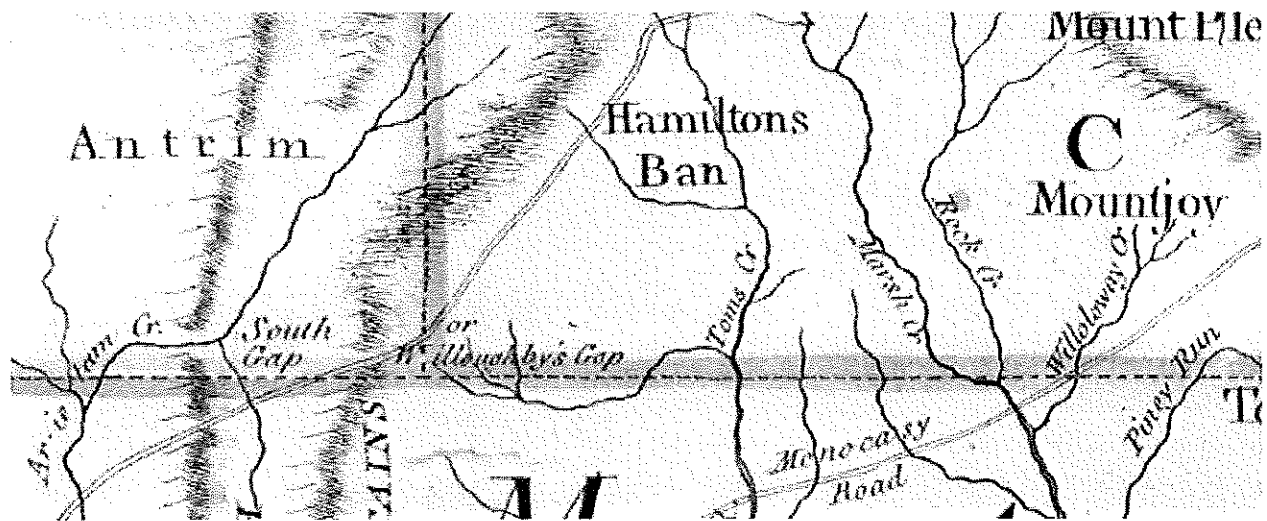
Thank you for taking the time to read this, and hopefully you understand the need to protect to the greatest extent possible the view shed along the Gum Springs Road.

With Best regards,

John Gorman

12894 Monterey Lane

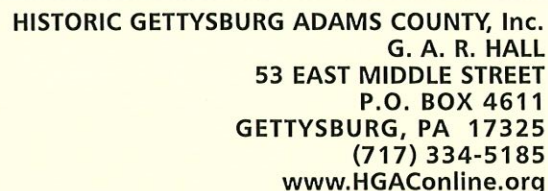
Blue Ridge Summit, Pa. 17214



1770 view of Gum Springs Road, before the incorporation of the towns of Gettysburg and Fairfield, Pa.

"Perhaps the best way to portray the development of a road network would be to here quote some of the "Early Roads of Hamiltonban Township - York County" records to describe the petitions of the settlers for improvements in their roads.

"April 30, 1751 - Inhabitants of Hamilton Bane and Cumberland Twp ask for a road from 'Williby's Gap' [later caller 'Nichols Gap', then 'Monterey Gap,' the gap in South Mountain where highway PA-16 goes through the borough of Blue Ridge Summit] to the head branches of Rock Creek and then to intersection with the road from John Musshet's(?) to Yorktown. "April 28, 1752 - Petition from Hamilton's Bann, Cumberland, Manallen and Straban etc., asks for a road from John Steel's "the nearest and best way the ground will admit of two Yorktown."



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

Dear Mr. Sammarco and Mr. Martin,

Pennsylvania’s Constitution guarantees the right to clean air, pure water, and to the preservation of the natural, *scenic*, *historic* and esthetic values of the environment. It is the right to scenic and historic aspects of the environment that is of particular interest to the Historic Gettysburg Adams County Preservation Society. Our Articles of Incorporation state that our purpose is to “foster and participate in the preservation, interpretation and welfare of the *historic*, architectural, *scenic* and culturally significant areas, districts, sites, structures, objectives and activities....:

We are aware of the proposed expansion of surface mining sought by Specialty Granuels, LLC. That expansion would remove the surface of the remaining mountain known as Pine Hill in Southwest Adams County. The expansion could threaten what were historic routes over the mountain. The Great Wagon Way was a major route of Colonial migration and of supplies during the Revolutionary War. The route was also used as the Confederate retreat during the Civil War.

We are concerned that the SGI application for expansion did not adequately address the impact on the scenic and historic environment through which these routes traversed. The Department has an opportunity to preserve and protect this environment. We ask that the Department delay acceptance of the application until an archeological evaluation is conducted and evidence presented regarding the scenic and historic impact. Finally, we ask that the review and results be made public with sufficient time for a response.

Sincerely,

Anne S. Zabawa
Anne Zabawa, President
HGAC, Inc.

[illegible]

Bruce Kimball

2391 Iron Springs Road


Fairfield, pa. 17320

Dear Mister Sammarcco,

I am writing on behalf of myself and the Friends of Tom Creek concerning the permitting
Of the Pine Hill Tract of land for mining by SGI.

My question is about what becomes of the trees that will be harvested if the permit
Is granted in the near future. I remember that DCNR was to get the proceeds from any
Timbering of this land required to do the mining. As a special request, I would offer to
Make a monumental table from one of the largest pines to be cut. This I would donate to
The citizens of Adams County to be used either in one of their schools or public buildings.
I am an accomplished cabinet maker and have made two fairly large tables from an
ancient pine Tree that fell several years ago at the side of the road directly below
this site.

This, I imagine, is beyond your area of jurisdiction, but please consider forwarding
This request to someone within DCNR who does have the ability to make something like
This happen.

Thank You,

Bruce Kimball

kimballbruce@yahoo.com

717-794-2619

Date: August 4, 2018

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:

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 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 Trilliums, 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 mining.

Sincerely yours,

Dana A. Kimball

PHONE

ADDRESS

EMAIL

Sherry Rogers-Frost
Clifford W. Frost
301 Mount Hope Rd
Fairfield, PA 17320

August 5, 2018

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 Inc. LLC

Dear Messrs. Sammarco and Martin,

Since I have run out of time I'm going to condense all my comments into a vaguely academic format. Trying to use the application modules was just too cumbersome, although it was tempting since so many mistakes/miss spoken statements were made by SGI in their responses. If you want any references to things I've stated below please contact me. My email is s.rogersfrost@gmail.com Phone No. 717-642-2220

Major Point I (this dog won't hunt):

The permits referenced above cannot be approved in their current form without transgressing important environmental laws and our proud Pennsylvania Constitutional Right to a healthy place to live. This proposed site for a new SGI mine is surrounded almost completely on three sides by Tom's Creek and its Un-Named Tributary (UNT), both designated High Quality (HQ). When SGI speaks of extending their operation out to a natural curve; they are right: that curve was carved through the Blue Ridge Mountains by Tom's Creek, over a period of hundreds of years, which is why it surrounds the land point where SGI wants to tear down another Blue Ridge Mountain. SGI, by trying to avoid direct discharge into the HQ waterway which created their "natural curve" (the "Northern Tract") is proposing a plan which creates other serious environmental problems.

Issues:

- 1) By essentially impounding and removing any natural rainfall using ponds and ditches, this plan would upset the hydrological balance of the watershed, prevent water from getting to the trees, plants, wetlands and streams on all sides, and prevent any groundwater recharge within the 85 acre operational area. There are relatively large wetland areas and documented vernal pools both to the north and the southeast of the operational site which would be deprived of the water they need to survive (these are not nourished by springs or subsurface aquifers and are very fragile.) Also, Tom's Creek and its UNT would experience less flow, and diverting flow from HQ streams over a period of decades is prohibited.
- 2) The very rare plant, **Nodding Trillium**, could not survive in such a parched environment. If you look at the map provided by the biologist showing where these special plants exist, you will see that their colony surrounds the bottom of the mountain. This is where water naturally collects and provides the continually moist and rich habitat necessary for the Nodding Trillium. The colony is described by the biologist as the **largest in the state**. Nodding Trillium also requires heavy shade so merely fencing them off will also kill them unless enough forest buffer is allowed to remain. Attachment (i) of Biologist Map.
- 3) Discharging more water, (the Green Water that we have all seen and photographed), into Miney Branch would harm that Tier 1 (EPA system) stream. (Somehow I do not believe SGI when it claims that no more water will go into Miney Branch than does presently when more land surface will be drained into it.) Attachment (ii) of Green Water in Miney Branch, July 25, 2018
- 4) Kepner's Knob, a mountain right across from Pine Hill (SGI's Northern Tract) to the northwest is a designated rare species area. If it weren't for the closeness of the Pitts quarry it is very possible Pine Hill could also be in this category. (No rattlesnakes or bats are going to hang around all that blasting, crushing and bright lights.) Attachment (iii) of NAI Kepner Knob area.

Conclusion:

Specialty Granules needs to find a different alternative to direct point discharge into the HQ waters of Tom's Creek and its UNT, since the system of pumping and piping water

for almost a mile to the lower ponds will be breaking environmental regulations and thus is in essence illegal itself. Possibly, if SGI would apply for a modest expansion of the Pitts Quarry, that could be a solution. But this would have to be an expansion on the west side only, away from the streams and wetlands *The other option is choosing another site which isn't surrounded by fragile environmental areas.* SGI not only owns the properties it currently uses for mining (675 acres) but also around two hundred acres of the surrounding land. In addition, Specialty Granules has *county recorded mining rights* on most of the larger parcels in the area, whether their own, or those of other people, so they have many other sites to turn into a moonscape which would have fewer environmental limitations.

Major Point II (Social & Economic Justification (SEJ)):

Contrary to DEP regulations, you have not only received but *approved (!)* the Anti-Degradation and Social and Economic Justification submissions from Specialty Granules without official notification and without public participation. These documents are required to be submitted and held up to the light of public inquiry **prior** to the submission of the mining permit. If DEP had followed its own regulations it would be in a much better position to fulfill its responsibilities both in protecting the natural environment and protecting the citizens of Pennsylvania because it would understand that statements by Specialty Granules cannot be trusted.

Issues:

- 1) SGI claims they have to mine the Pine Hill location because of the metabasalt existing in that location. Greenstone metabasalt exists as a base layer under most of the Blue Ridge Mountains, but the belt they are mining is in the Catoctin Formation, the same formation which is known to contain Naturally Occurring Asbestos (NOA) and which Virginia has regulations which forbid disturbing it. Next they will insist they have to follow the metabasalt into the Michaux State Forest. Will DEP allow that expansion?. Where does it stop? Where do environmental issues (our future), health, and quality of life for the local community get to say STOP against such greed? Attachment (iv) of Catoctin Formation Metabasalt with asbestos veins.

Asbestos was mined in the 1940's right where the original "Grit Mill" existed.
Attachment (v) from Minerals of Pennsylvania, R.F. Stone

- 2) SGI has a deceitful way of claiming that they have been mining at the Pitts Quarry location for 90 years, so people living near it should be accustomed to mining disruption. The "Grit Mill" did begin around 1923 in Hamiltonban Township. It was a local company called **Funkhouser's Mill**. It mined on **58 acres** for many years and had only increased to about 200 acres by the time it was bought by Ruberoid in 1959, and it was still that size when Ruberoid merged with GAF 1967. It was located where the supposedly reclaimed (being reclaimed?) West Ridge quarry exists now right off of Old Waynesboro Road, a mile from where SGI is are blasting now. The technology was simple. It did not create the pollution we now live with - not the noise, dust, bright 24 hr lighting, nor dangerously increased water contamination. Attachment (vi-a) Funkhouser's Mill.

It has only been since GAF/ISP/SGI came in with private equity investors (SGI is owned by Standard Industries) that the 24/7 mining and vast expansion has occurred (this started in the late 1900's), but has accelerated rapidly since the turn of the century. The massive equipment and 18- wheel trucks of the 21st century have completely changed the impact of mining on the community. The Pitts Quarry land they are actively mining now wasn't even bought by GAF from Stanley Pitts until 1985 - and the quarry only developed later. Moving the mining operation so much farther north meant it moved into what was and still is, a residential community.

Attachment (vi-b): current zoning map

- 3) It is the scale of the operation which has turned the quarry into a monster for the community as well as the move north away from the highway and into a residential area. **And now they want to make it bigger and move it farther north!**
- 4) The only benefit which can be balanced against all this environmental and social harm is the economic contribution Specialty Granules claims to make. SGI's contribution is not much. Specialty Granules employs about 150 people. They are 44 on the list of 50 largest companies in Adams County. There are at least three larger employers right in Hamiltonban Township: Ski Liberty, Knouse Foods, World Color Graphics. I'm sure SGI does not buy their equipment or related requirements locally, since these are speciality items for the mining industry. If any businesses are frequented by their employees those would be toward Blue Ridge Summit and Waynesboro. There may be around 20 people

from Hamiltonban Township who actually work at the mill. Only 2% of Hamiltonban Township residents work in the category of Agriculture/Earth Moving/Mining. Before believing any of what SGI says in its SEJ statement facts must be checked. Ask how many people from Hamiltonban Township actually work there. Ask SGI what they actually pay in **local** taxes (and no inflating with the unknowable sales tax.) The idea that if they shut down their operations that somehow the local economy would collapse is just laughable, but has always been used to blackmail the Hamiltonban Township to get variances. The main taxes they pay are income taxes to the State, taxes on their \$100-\$200 million profit. All of their property other than active mining sites is recorded as Clean and Green, thus avoiding property taxes. Most people who live in Hamiltonban Township work in sales, administration, management or health care. The economic contribution SGI makes to the community is small and **in no way compensates for the removal of Blue Ridge Mountains, the general environmental destruction and the harm to the quality of life and health of the local community.**

- 5) I have read every page of the Adams County Comprehensive Plan and could find nothing about mining - it is not there, the **County Comprehensive Plan does not support SGI in any way.** The planner who signed off on the request to the County about compatibility to the Comprehensive Plan, Rob Thealer, is known to be less than conscientious. There is also nothing about mining in the Hamiltonban Township Comprehensive Plan. Both plans are all about preserving farms and our natural resources. The Adams County Greenways Plan has a greenway planned for Iron Springs and Lower Gum Springs Road. When SGI quotes the Hamiltonban Township Zoning Plan as supporting mining, they are again being typically deceptive. The quote they use is about Industry in general, by which the Zoning Code means light Industry. Mining is only considered a Conditional Use. **And I think you know that the Hamiltonban Township only changed the Pine Hill site to Industrial (with many conditions) from Woodland Conservation under the threat of SGI closing down, as well as immense political pressure from Harrisburg.**
- 6) The Health of the community is threatened by the heavy dust (probably laced with asbestos) and definitely laced with very fine silica, both of which caused a friend's grandfather to die of Mesothelioma because he worked at the Grit Mill before they required masks. The employees now have to wear special sealed masks so as not to breathe in any of the air and it is recommended by the company to change clothes and shoes, before leaving. However, this is **not**

required, and we know for a fact that many employees do not change before leaving work and end up taking this killing dust home to small children. SGI has not been honest about the dangers of dust, nor diligent about watering to keep it down and has never warned the public about it. And never admitted the problem to any state or federal agency.

- 7) Why isn't there an Air Quality Permit required? Will it come later? See attached records concerning particulate matter by company. Attachments (vii & viii) of Particulate Emissions, <2.5 microns and <10 microns.
- 8) Property values have been and continue to be depressed by SGI's current operations in the area around the quarry. No, people don't accept that the quarry is already priced into their real estate. Anyone who has owned property around there for more than 25 years has seen their property lose value because of the mining expansion and usually have a very hard time selling it, except to SGI itself. The shift north and enlargement of the operation from West Ridge up to the Pitts Quarry along with all the huge new equipment has ruined the rural quality and beauty of the region. **Please don't let that happen again!** See attachment (ix) for a map showing the density of the community, the shift in operations north.

Conclusion:

The lack of public participation in the permit process has left DEP almost completely ignorant of all the harm caused Hamiltonban Township (and Washington Township, Franklin County) residents by SGI's current operation, and it cannot be the judge of the Economic and Social Justification narrative submitted by SGI for this new permit until it has put some real numbers behind what SGI claims as economic benefit.

Major Point III (Dereliction of Duty to date by DEP)

DEP has discredited themselves by the lack of oversight they have shown in this permit process. They will have failed in their statutory responsibility to uphold environmental law and regulations and failed to protect Pennsylvania citizens from harm if this current version of the permit is approved.

Issues:

- 1) DEP has failed to provide adequate notification of permit steps and invite public participation. There was essentially no mention of the July 23, 2018 permit hearing on DEP's web site (for one example.) The published announcement was printed in the smallest readable font as an advertisement, not as a Public Notice. It contained no Permit or NPDES number. Public participation was supposed to occur when the permit plans were first submitted and this did not happen
- 2) DEP's failure to establish base level values for the HQ streams, wetlands, and Miney Branch indicates DEP is not taking seriously the environmental concerns of residents of the area and is failing to live up to their obligations under their own regulations as well as the PA Environmental Rights Act. Baseline monitoring of these natural resources should be established by monitoring during all seasonal shifts. One time evaluation of the wetlands by SGI does not comply with the law.
- 3) An amazing and almost criminal willingness to allow the corporate entity of SGI (Standard Industries) to misinform DEP and to rely on the applicant's monitoring data and general narrative. Accepting again and again opinion for fact in their application. Allowing SGI to just not answer some questions!
- 4) DEP's lack of diligence in following up with other agencies such as PHMC when they make recommendations for further investigation. The historical nature of the area around Pine Hill (the ~20 mile long wagon train of confederates retreating from Gettysburg through the narrow Fairfield Gap) was not known by PHMC, but they recommended archaeological investigation which would probably have found the remains of the wagons which when broken were just pushed off the Retreat Trail.
- 5) I was told by an SGI representative at the July 23rd hearing that they had applied for a new mining permit because there is a limitation on how large one mine can be. SGI couldn't simply expand since they would become too large. This seems like transparent gaming of the system to bypass the law! Why is DEP allowing this?
- 6) Why is DEP not requiring SGI to completely reclaim the West Ridge Quarry before going forward with a permit process for a new quarry? And why is DEP not requiring concurrent reclamation of the Pitts Quarry? If SGI is establishing a new quarry this should not be allowed until they have finished reclaiming an

Sherry Rogers-Frost
Clifford W. Frost
301 Mount Hope Rd
Fairfield, PA 17320

inactive one. If the "Northern Tract" is not a new mine, then they are illegally expanding an existing mine.

Conclusion:

DEP **must do better** now that they have information from the public. DEP must completely review the SGI application for the Northern Tract quarry and view it as their responsibility to uphold environmental law - *both in fact and intent*. I am too cynical to expect a Pennsylvania agency to actually stand up to political pressure and say "this dog won't hunt", but a very serious modification of SGI's plans need to be made.

Sincerely,

Sherry M. Rogers-Frost

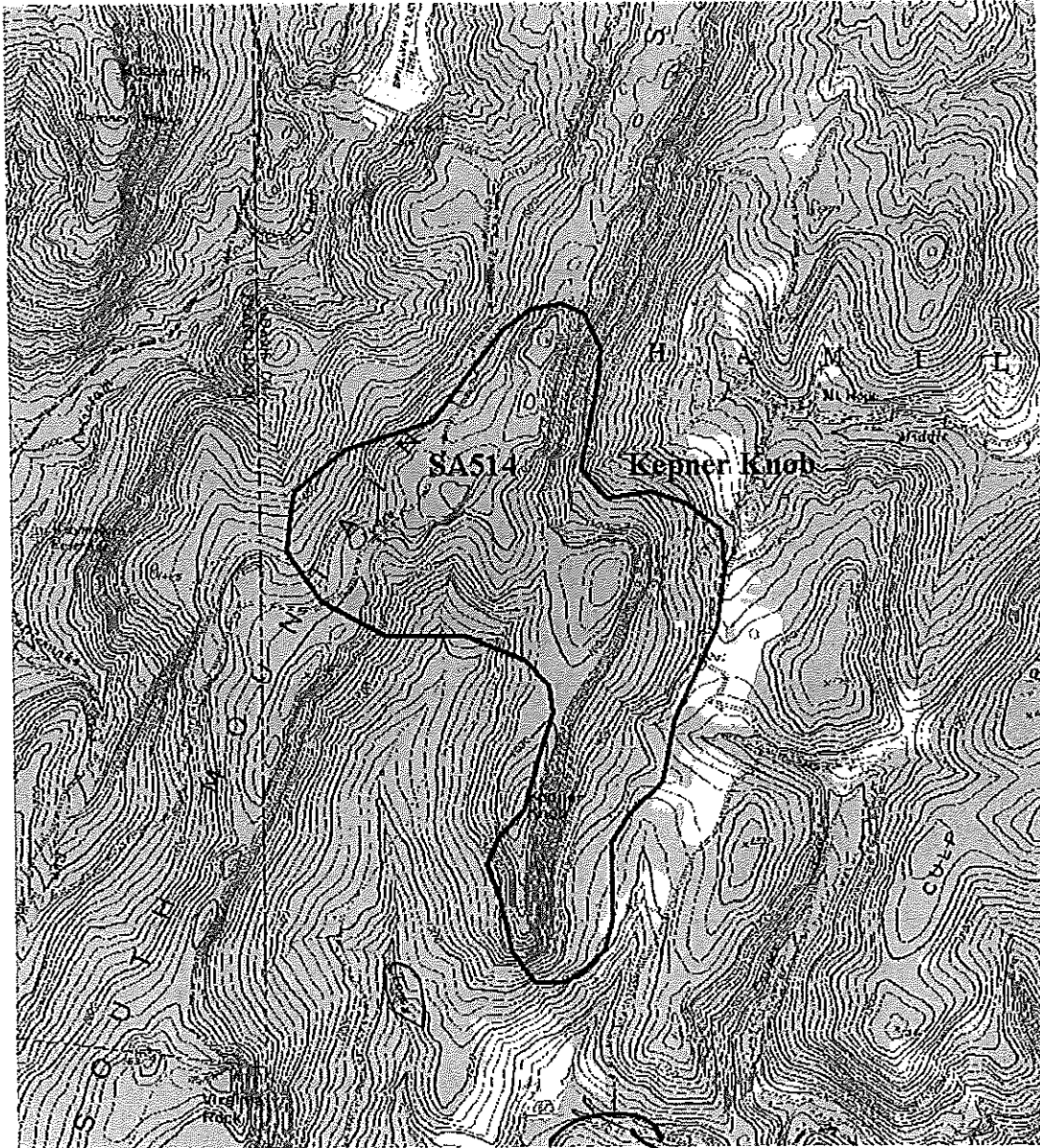
Clifford W. Frost

Sherry Rogers-Frost
Clifford W. Frost
301 Mount Hope Rd
Fairfield, PA 17320

Attachment (ii) of Green Water in Miney Branch, July 25, 2018



Sherry Rogers-Frost
Clifford W. Frost
301 Mount Hope Rd
Fairfield, PA 17320

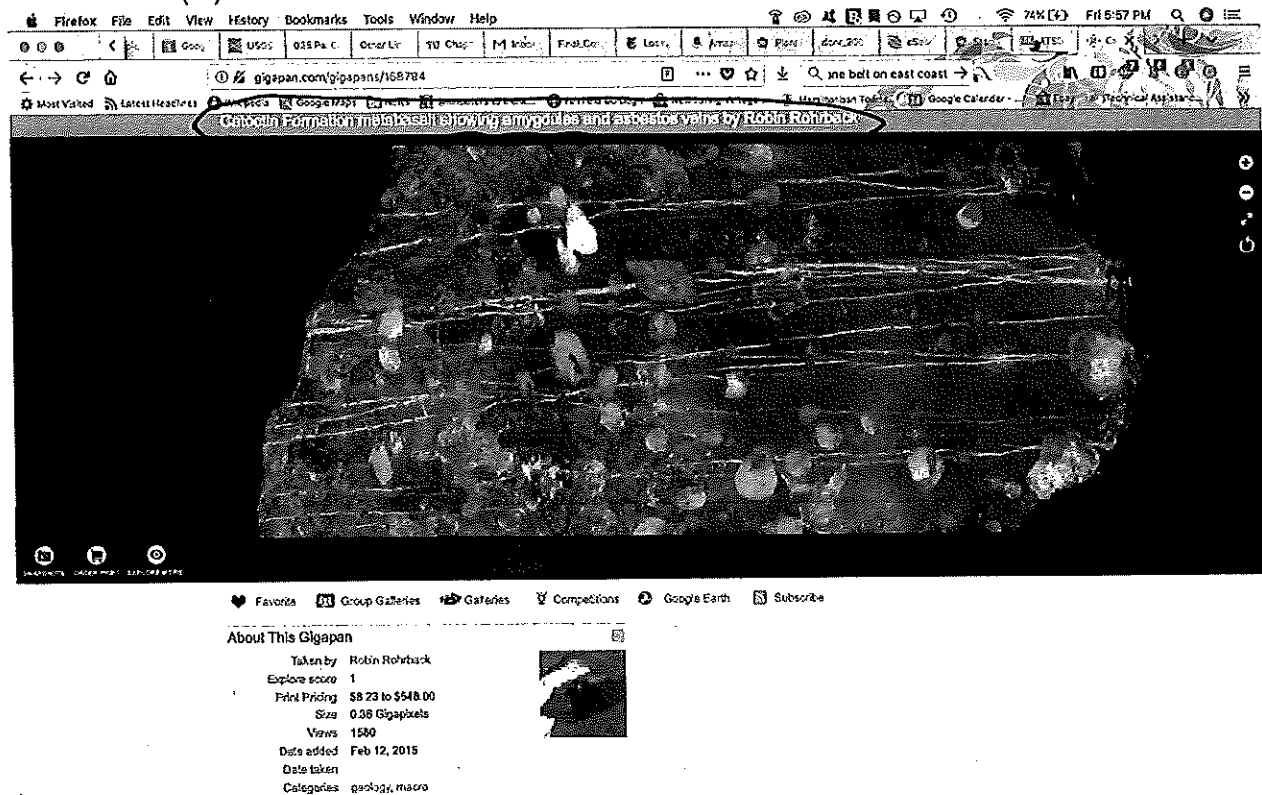


Iron Springs Quadrangle *PINE HILL*
Kepner Knob (New)

Scale 1:33,978

Sherry Rogers-Frost
Clifford W. Frost
301 Mount Hope Rd
Fairfield, PA 17320

Attachment (iv) of Catoctin Formation Metabasalt with asbestos veins



Attachment (v) Quote from Minerals of Pennsylvania, R.F.Stone
Adams County. Concerning asbestos in South
Mountain, Adams
County, Stone 1 says :

The best quality of asbestos obtained in the region came from a dike-like band of greenstone which crosses the Corls Ridge a mile north of South Mountain Sanitarium, just west of the county line.

This asbestos is cross fibre and fills small gash veins about one-half inch wide in the greenstone. Although the fibre is green and silky, it is so short and interlayered with quartz that it has no commercial value. Other specimens of silky asbestos were obtained from the Baker prospect shaft in the small greenstone area 2 y 2 miles southeast of the Sanitarium, at the western line of the county. Very thin veins of silky asbestos show in the **Western Maryland Railroad cut near Charmian**, in the southwest corner of the county. This has the appearance of a slip-fibre vein. Although the quality seems good the quantity at these places is very small and not of commercial value.

R.W.Stone "Minerals of Pennsylvania"

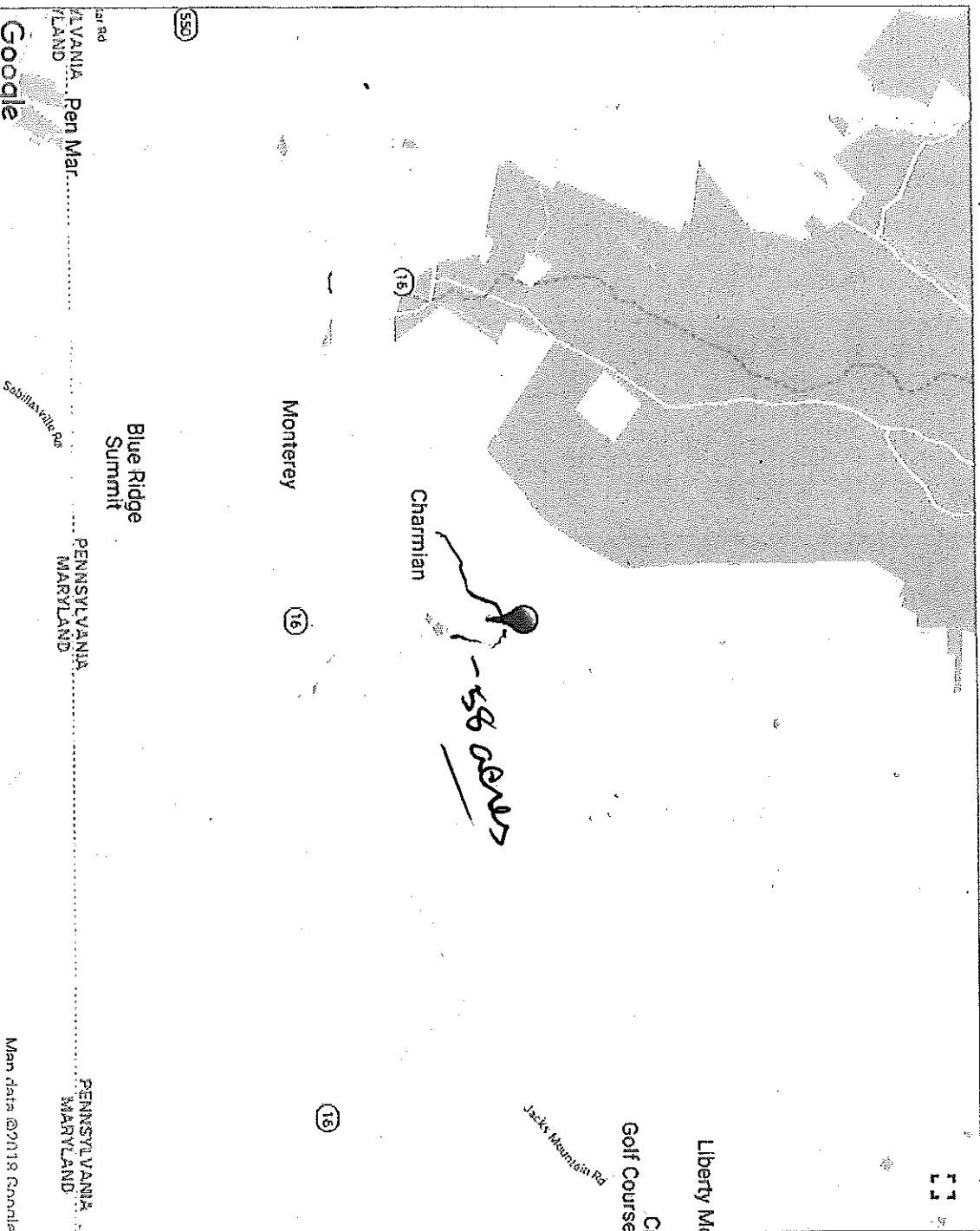
Placekeeper

Log In | Join

Find more than 2 million

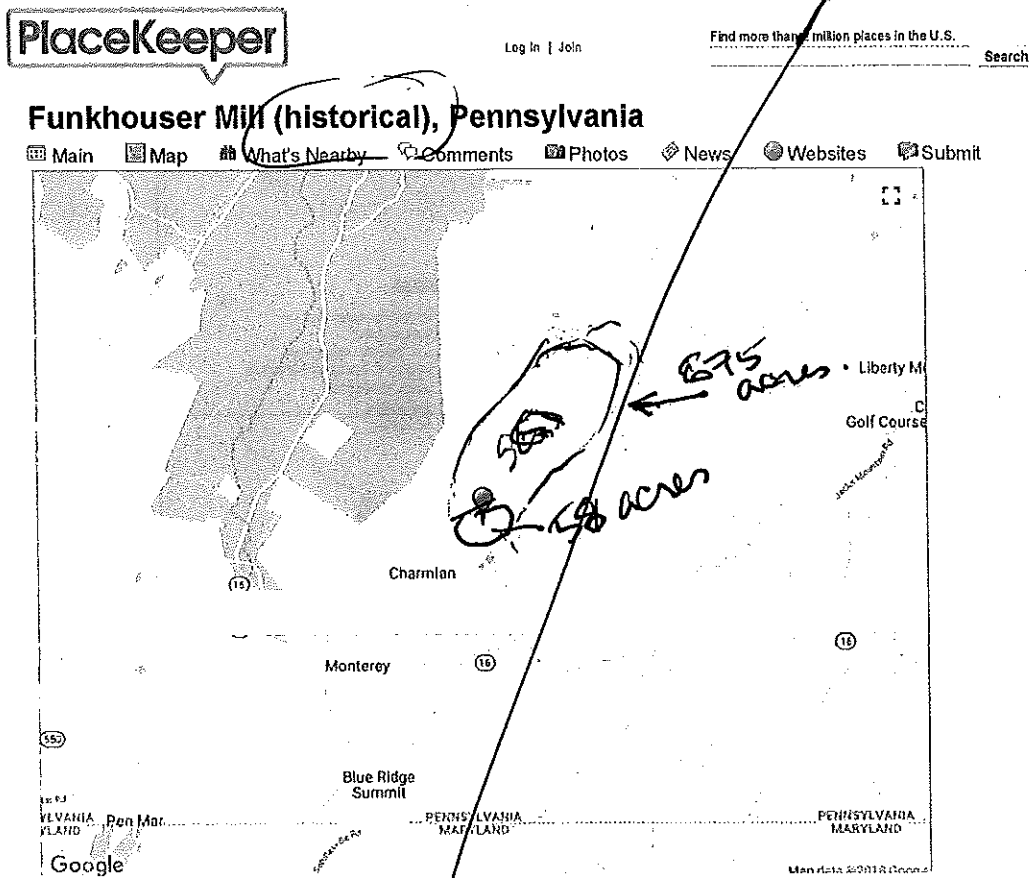
Funkhouser Mill (historical), Pennsylvania

Main Map What's Nearby Comments Photos News Websites Su



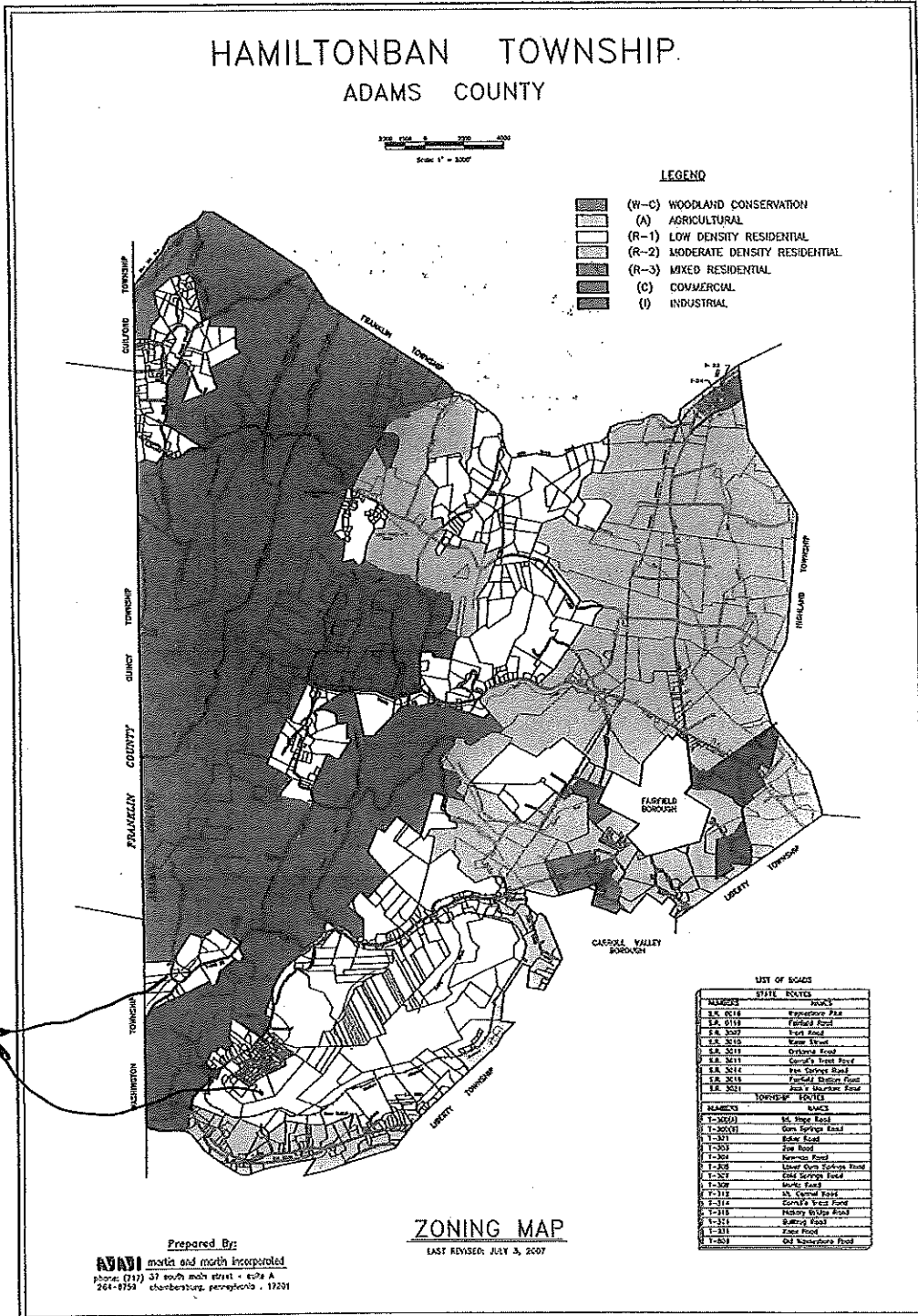
P-15 substitution
~~P-16~~

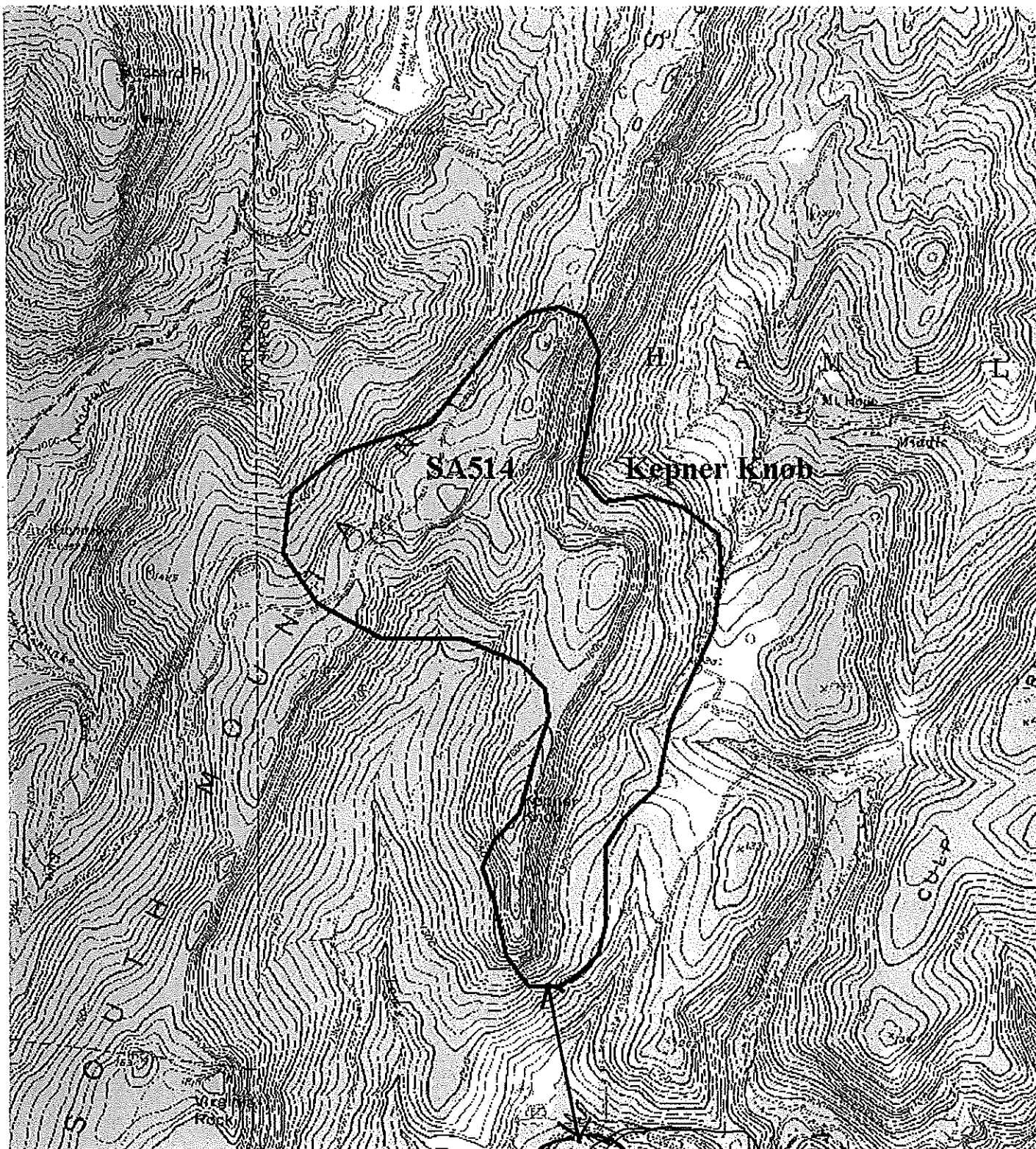
Attachment (vi-a) Funkhouser's Mill



Attachment (vi-b): current zoning map

Yellow district is Low Density Residential





Iron Springs Quadrangle

Kepner Knob (New)

Scale 1:33,978

607787.8 275 20140 01/07/02

August 6, 2018

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,

I am writing this on behalf of myself and the Shank family to express our support of the efforts of the Friends of Toms Creek and our opposition to the approval of the permit to extend the mining operation of SGI.

My father-in law, Ken Shank (deceased), and family have been property owners of 201 Gum Springs Road since the early 1970's and have taken great care in protecting and improving the land and water (Toms Creek flows through the property) not just for the present, but for generations to come. Four generations of the Shank family have been able to enjoy the property to date, but the noise, blasting and scarring of the mountain are now a permanent part of the landscape.

I encourage you to re-read the mission statement of the DEP, and I challenge you to answer truthfully whether the approval of this permit would provide pollution free resources and a safe and healthy environment for area citizens.

In addition to the detrimental impact on the Shank family property, the natural and historical value of the entire surrounding area is not only in jeopardy, but could be lost forever through large surface mining operations.

I implore you to consider:

1-The exceptional cold water fishery of Toms Creek and it's vast aquatic ecosystem and the restoration of the degraded Miney Branch Creek, as well as the impact to the Chesapeake Bay watershed.

Regulations outlined in the federal Clean Water Act and Pennsylvania's Clean Streams Law must be adhered to.

2-The rich history of the 1863 Civil War Retreat through the mountains and valleys including the slopes of Pine Hill, through which thousands of soldiers, teamsters, and wagons traversed July 4-5, 1863.

3-The wetlands of Pine Hill which support fragile flora and fauna and an endangered colony of Nodding Trilliums.

4-The quiet, mountain heritage which Blue Ridge Summit and surrounding areas have been known for, including clean mountain air and water which was enjoyed for generations, prior to the effects of more recent mining disruptions.

I encourage you to deeply consider the lasting impact that approval of this mining expansion permit would cause to the landscape and citizens, and to measure the value of the mountain - not just by the value of what it holds inside, but by what current and future generations will see in the lasting scar that surface mining would leave behind.

In the words of Theodore Roosevelt, who led the conservation efforts of this country:

“Our duty to the whole, including the unborn generations, bids us to restrain an unprincipled present-day minority from wasting the heritage of these unborn generations. The movement for the conservation of wildlife and the larger movement for the conservation of all our natural resources are essentially democratic in spirit, purpose, and method.”

I urge DEP to hear the many voices of concerned area citizens and to NOT approve this mining permit application, as any approval would be the DEP granting permission for SGI to further damage and literally “strip” the immeasurable value of the natural resources, heritage and history from this land. Please preserve the mountain’s value, for all generations to come.

Sincerely,

Chet Andes, on behalf of Ken Shank and family

Jennifer (Shank) Andes

M. Patricia Shank

Christopher Shank



October 17, 2018

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

Senior Administration

William W. Sellers
President & CEO

Board of Trustees

Chuck Ledsinger, Chairman
Chairman, Sunbridge Capital

Kathleen Kilpatrick, Co-Vice Chair
(Retired) Executive Director,
Capitol Square Preservation Council

Jim Campi, Secretary
Chief Policy and Communications Officer,
American Battlefield Trust

Christopher Miller, Treasurer
President, Piedmont Environmental Council

Ed W. Clark (Ex Officio)
National Park Service

Peter Friedman
Partner, O'Melveny & Myers LLP

Elizabeth von Hassell
Executive Director,
National Sporting Library and Museum

Gertraud Hechl
Consultant and Representative,
Bonham's Auctioneers and Appraisers

Elizabeth Merritt
Deputy General Counsel,
National Trust for Historic Preservation

Jim Moorman

Christopher R. Wall
Partner, Pillsbury Winthrop Shaw Pittman LLP

David R. Williams
Retired Partner, Calverley,
Wickham & Telford LLP

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

Dear Mr. Sammarco,

As President of the Journey Through Hallowed Ground National Heritage Area, I am writing to support the efforts to stop the destruction of the route that General Robert E. Lee and the Confederate Army followed as they retreated from Gettysburg in July 1863.

This historically significant roadway (as described in the nomination to the National Register for the area: https://npgallery.nps.gov/NRHP/GetAsset/NRHP/64500520_text) remains today much as it did in 1863 and was also probably the site of Lee's Encampment on July 5. It is integral to the understanding of the course of the Battle of Gettysburg and subsequent military actions, including the nearby Battle of Monterey Pass. The roadway was also part of the "Great Wagon Road" and leading abolitionist Thaddeus Stevens owned the property that Specialty Granules, LLC wants to mine. The site will be obliterated if Specialty Granules is given permission to expand its mining on Pine Hill near Blue Ridge Summit, Pennsylvania.

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.

As the Pennsylvania Department of Environmental Protection considers Specialty Granules' permit application, please work with the Pennsylvania State Historic Preservation Office, National Park Service's American Battlefield Protection Program and local organizations and historians to ensure that invaluable resources are not lost.

As you consider this issue, I would be happy to discuss it further. I can be reached at bill@jthg.org or 540-882-4929.

Sincerely,

William W. Sellers
President & CEO

DEP CAMBRIA OFFICE

OCT 19 2018



Martin, Rock

From: Sammarco, Daniel
Sent: Wednesday, July 25, 2018 10:45 AM
To: Martin, Rock; Welte, Daniel; Thomas, David D.
Subject: FW: 7-23-18 Stormwater at SGI

Daniel Sammarco, P.E. | District Mining Manager
Department of Environmental Protection | Cambria District Mining Office
286 Industrial Park Road | Ebensburg, PA 15931
Phone: 814.472.1900 | Fax: 814.472.1898
www.dep.pa.gov

PRIVILEGED AND CONFIDENTIAL COMMUNICATION

The information transmitted 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. Unintended transmissions shall not constitute waiver of the attorney-client or any other privilege.

From: Juliann Desjardins [mailto:edaplus@icloud.com]
Sent: Tuesday, July 24, 2018 6:17 PM
To: Sammarco, Daniel <dsammarco@pa.gov>
Subject: Re: 7-23-18 Stormwater at SGI

Daniel

I take it you have no intent to actually answer these questions.

Perhaps you forgot your requirements that we would need further information for this can become part of the record.

Here it is:

David DesJardins, 12744 Monterey Ln., Blue Ridge Summit Pennsylvania, 17214

Telephone number 202-460-5286

On Jul 24, 2018, at 3:13 PM, Sammarco, Daniel <dsammarco@pa.gov> wrote:

Mr. DesJardins,

Thank you for your questions. This email is in receipt of your written comments and will become part of the comment and response document.

Daniel Sammarco, P.E. | District Mining Manager
Department of Environmental Protection | Cambria District Mining Office
286 Industrial Park Road | Ebensburg, PA 15931
Phone: 814.472.1900 | Fax: 814.472.1898
www.dep.pa.gov

PRIVILEGED AND CONFIDENTIAL COMMUNICATION

The information transmitted 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. Unintended transmissions shall not constitute waiver of the attorney-client or any other privilege.

From: Juliann Desjardins [<mailto:edaplus@icloud.com>]
Sent: Tuesday, July 24, 2018 11:49 AM
To: Welte, Daniel <dawelte@pa.gov>
Cc: Sammarco, Daniel <dsammarco@pa.gov>
Subject: Re: 7-23-18 Stormwater at SGI

Dan

I guess you lent a deaf ear to the testimony that was submitted at the hearing of the folks who live down stream from SGI's "retention" facility!

There have not only been numerous outflows from it, but of such an extent that SGI has sent documented recovery teams to mitigate the damage downstream.

This is a supremely poorly engineered retention facility -- which I calculate would need to be increased for volume of retaining ponds by a factor of 10 to accommodate the rainfalls such we are currently witnessing -- yes, 10 times the capacity for retaining the torrent of water that flows off of the mountain. So much for the claims of it being able to handle 100 year floods!

Simple question, if this is such a wonderful retaining facility, why is it hidden behind no trespassing fences from the general public?

Simple question number two: why was nothing said about the capability of this retaining facility once you double the size -- runoff footprint -- of the SGI operations? No way that you will handle the more and more frequent overflow of contaminated water down stream.

Simple question number three: why were you so reluctant to actually meet with me there today to actually witness the supposed retention of the outflow from the SGI facility!

Simple question number four: A number of questions were raised in testimony at the meeting about the concerns for the giant pit that will be part of the new operations -- and the subsequent affect on the water level of the surrounding territory. Any geologist would tell you of the tortured substructure of the rocks in this area due to the past history of movement of the crust that formed our mountain. Certainly, SGI has abundant information concerning the substructure of the rocks in this area. If you were really doing your job why was there no geological maps and testimony submitted addressing these concerns.

Please answer these questions for the record.

PS

I would point out that fracking is currently condemned in your neighbor states -- Maryland and New York.

The history of your agency reveals that you are more concerned with cleaning up after a disaster -- rather than preventing them in the first place.

Dave DesJardins
Sent from my iPhone

On Jul 24, 2018, at 6:48 AM, Welte, Daniel <dawelte@pa.gov> wrote:

Dear Dave DesJardins:

I am including those pictures that you and I looked at yesterday at the public hearing. The photo of the emergency spillway is where I took the water sample. Water was flowing out of the 'weep' holes in the spillway. That water leads to the Miney Branch. The main discharge was shut off and water was allowed to rise up higher for more 'detention time'. The other photos are the emergency outfalls that lead to Toms Creek. They were both shut off and 'dry' yesterday. The photo that you were showing us was not the Miney Branch, but a picture of the artificial channel for sediment and stormwater from the plant and Pitts Quarry. This is the 'dirty' water that leads into the 3 "Mill Ponds" for treatment and settling.

I will copy you on the sample results that come back from the DEP lab. Please send me your address and a phone number that you can be reached at. This is standard protocol for a complaint and can be kept confidential. Thank you.

Dan Welte
DEP, SMCI
814-242-8958

<Em Spillway 7-23-18.jpg>
<(Old Outfall - 001).jpg>
<New Outfall (002).jpg>

Date: 8-1-2018, 2018

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:

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 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 Trilliums, 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 mining.

Sincerely yours,

Chi Pham
Chyl

PHONE

7177942619

ADDRESS

2391 Iron Springs Rd
Fairfield Pa 17326

EMAIL

c.pham@live.com

Date: 1 AUG, 2018

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:

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 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 Trilliums, 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 mining.

Sincerely yours,

Constance S. Albrecht

My family has lived here
since 1860, long before this
mining started & its creeps
closer with noise & air
pollution, destroying property
values & a quiet life.

PHONE

ADDRESS

EMAIL

717 642 6291 18 YANKEE MT. LN
FAIRFIELD, PA. 17320
(1345 IRON SPRINGS RD)

August 5, 2018

Cambria District Mining Office

District Mining Operations

Department of Environmental Protection, Commonwealth of Pennsylvania

Attn: Daniel Sammarco, P.E., District Mining, Rock Martin, P.G.

Permit Chief

286 Industrial Park Road Edensburg, Pennsylvania 15931

Dear Messrs. Sammarco and Martin:

I am writing to support the efforts of Friends of Toms Creek and my concerned neighbors and friends throughout Adams and Franklin counties to preserve:

1. The exceptional values of Tom's Creek and pure subsurface waters, and the restoration of the severely 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 traveled July 4-5, 1863;
3. The wetlands of Pine Hill which support fragile flora and fauna, including owls, bats, and foxes known to inhabit the dense forests of Pine Hill, and an endangered colony of Nodding Trilliums, 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 mining.

I grew up in Blue Ridge Summit, PA and am now raising the third generation of a Blue Ridge Summit, PA family that has loved and respected this region since the mid 1900s.

I attended the SGI/DEP meeting in Fairfield, PA on Monday, July 24, 2018 and was alarmed to find that DEP did not bring a toxicologist or epidemiologist who could clearly articulate the safe levels of actinolite with asbestos are in the water we drink and bathe in and in the air we breathe since SGI has been mining and plans to continue to mine actinolite at the Pine Hill mine at their Hamiltonban mine.

My expectation is that DEP, which works for the citizens and land owners of Pennsylvania, will protect not just the environment but human health which it has not done in its oversight and regulation of SGI's mine in Hamiltonban.. The citizens of Adams and Franklin Counties' lives are depending on DEP to hold SGI accountable. Please conduct a thorough toxicology study of

the environment surrounding SGI's min in Hamiltonban and share those results with all Adams and Franklin County residents as soon as possible. Please do not allow SGI to expand mining efforts until you can assure Adams and Franklin County residents that SGI is not exposing us to asbestos. Please let me know if you have any questions.

Sincerely, Audrey Young

Home Owner:

12664 Monterey Lane

Blue Ridge Summit, PA 17214

Audrey.young@hklaw.com

202-256-4521

Mailing address:

2230 Abbotsford Drive

Vienna, VA 22181

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:

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

*A valuable piece of our country's history, as well as a valuable environment that supports recreation and tourism.

With the planned destruction of Pine Hill, a critical piece of Civil War history will be destroyed. To allow this destruction, and therefor alter and destroy this crucial piece of American history, would deny the very history that coming generations need for an understanding of our nation's past and its importance to the future. Now that the Monterey Pass Battlefield Museum is open, along with newly restored Monterey retreat trails and a parking area for tour buses, Gettysburg (and the Smithsonian) are running tours along the battle's retreat route which passes next to Pine Mountain.

Also, having just had a nice outdoor dinner at Liberty Resort, and watched the crowds of conference-goers enjoying the quiet countryside and fresh air, I recognized (again) the growing importance of the local recreational community and the many jobs required to support it. This increasingly popular mountain environment needs to be preserved and cared for, and alterations to it (such as increased mining activities) should not be permitted to adversely impact its environmental and scenic quality.

*The exceptional values of Toms Creek and pure surface and subsurface waters, and the restoration of degraded Miney Branch Creek.

*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 Trilliums, a plant now extinct in Ohio.

Once a piece of the country's history is obliterated, its heroes and its lessons die forever. Once a unique environmental asset is destroyed, both it - and the activities and people it supports - cannot be reclaimed. It is up to Pennsylvania's Department of *Environmental Protection* to *protect* what is indeed a unique asset, both for the preservation of the nation's history and for the health of the area's environment and the recreational activities it supports.



Emily Sturtevant, Blue Ridge Summit, Pennsylvania – August 1, 2018

Martin, Rock

From: Jane Simchak <janefsimchak@gmail.com>
Sent: Sunday, August 5, 2018 7:45 PM
To: Martin, Rock
Subject: Decision to permit the mining of Pine Hill by SGI, LLC

To: Rock Martin
Chief, Permits and Technical Services
The Department of Environmental Protection, PA
From: Jane Simchak
Concerned Neighbor on Monterey Circle, Blue Ridge Summit, PA

Dear Mr. Martin:

I was very glad to be among the audience at the Fairfield Fire Station on Monday, July 23. It was heartening to note the crowd of neighbors who came together with the goal of influencing DEP's decision to allow SGI to mine Pine Hill -- a huge expansion of SGI's mining operation. At that meeting, eleven neighbors spoke eloquently. All of them offered important arguments making it clear that your office should deny SGI's request for a permit to extend their strip mining operation.

Although I am deeply concerned about the negative impact the the surface mining plan will have on the environment near our home, I am also well aware that this work will destroy an important historical site -- one that has already been designated appropriate for inclusion on the the National Register of Historic Places.

The area's role in the Confederate Army's retreat from Gettysburg has been well-documented, for example, in Kent Masterson Brown's book *Retreat from Gettysburg* and John A. Miller's *The Battle of Monterey Pass*. The retreating Confederate wagon trains and soldiers who traversed Pine Hill, Gum Springs Road and the Maria Furnace Road on their long journey to Virginia met up with Union Calvary under General Judson Kilpatrick at Monterey Pass. Historic topographical maps illustrate "Pine Mountain's" close relationship to the second largest battle in the state of Pennsylvania on July 4 - 5, 1863.

Once SGI is permitted to mine this area, the environment will no longer give historians the chance to explore the path of the retreat in its current undisturbed state. Interest in the retreat and the battle is growing, as our local historical society recognized a couple of years ago when it built a new museum nearby that focuses on the Battle of Monterey Pass.

Please recognize the importance of Pine Hill --called "Pine Mountain" in the past -- and deny SGI its permit to destroy a historic legacy precious to Pennsylvanians and all Civil War historians.

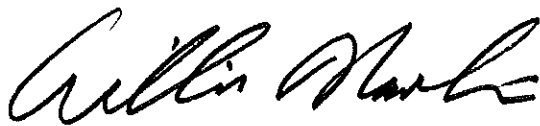
Sincerely, Jane Simchak

2)

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."

I urge you to align yourself with the protectors of our environment, not its destructors. Don't let this travesty take place.

Respectfully yours,

A handwritten signature in black ink, appearing to read "William Newlin". The signature is fluid and cursive, with the first name "William" being more prominent than the last name "Newlin".

William Newlin

-

Friends of Toms Creek

PO BOX 611
Fairfield, PA
717-794-0088
Info@friendsoftomscreek.org

October 4, 2018

Pennsylvania Department of Environmental Protection
Cambria District Mining Office
286 Industrial Park Road
Ebensburg, PA. 15931

ATTN: Daniel Sammarco, P.E.
Acting Director, Bureau of District Mining Operations

Re: Permit Application No. 01180301, Specialty Granules, Inc., LLC

Dear Director Sammarco:

Friends of Toms Creek is grateful for your letter dated September 13, 2018, which responds to our August 30 letter to Governor Tom Wolf. We wish to comment on your response.

With respect to review of the Specialty Granules, Inc., LLC (SGI) application, we respectfully request an independent hydrologic testing of Toms Creek and the tributaries that flow into Toms Creek. We request that this testing be conducted at the earliest opportunity, and most important, before any action is taken on the application.

During the most recent, catastrophic storm events in our area, we noted the low flow of Toms Creek. Nearby Middle Creek and Copper Run Creek, overflowed banks, destroyed roads and bridges, and remained at dangerous levels for weeks. In contrast, the waters of nearby Toms Creek — at the cross roads of Iron Springs and Gum Springs Roads — rose, then rapidly receded. Nearby residents believe this change of historic flow is attributable to SGI current operations. There is no alternative water source in the area SGI seeks to blast, and we believe maintaining the aquifer should be highest priority.

Regarding asbestos, we respectfully request an independent investigation be conducted by Pa DEP and that this most serious investigation not be delegated to SGI. Again, with all due respect, "findings of SGI" simply will not satisfy the public's right to know whether asbestos might be or has been disturbed. The existence of asbestos at Charmian was documented in 1942 and was mined. We believe SGI workers are adequately protected from asbestos exposure. But, there is no protection for the public if asbestos is disturbed, and then finds its way into our homes, air, and water.

DEP CAMBRIA OFFICE

OCT 09 2018

With respect to protection of the Nodding Trillium, we are satisfied that DCNR will do everything it can to protect this rare and beautiful species. We do suggest, however, that DCNR take a second look at SGI's mitigation proposal in light of the climate changes we are experiencing, and which DCNR recently announced will be recurring events.

We are most grateful that you forwarded the significant public comments on the 1863 Retreat Path to the PHMC. We are confident that PHMC will agree with the Keeper of the National Register, Dept. of Interior, Adams County, American Battlefield Trust, Historic Gettysburg - Adams County, and the undersigned, that the 1863 Retreat Path is eligible for placement on the National Register. By law, members of the public have a voice when federal actions, including permitting authority delegated to the states, may affect properties that qualify for the National Register of Historic Places, the nation's official list of historic properties. Once a historic site is identified, a section 106 review is required and mitigation of adverse impacts should be undertaken. We will coalesce on this important issue to ensure the scenic and historic values of the 1863 Retreat Path are protected from degradation by SGI.

The fact that SGI failed to identify this historic resource is deeply disturbing. To be clear, we believe the failure of SGI to identify this resource is flouting the federal laws protecting history and should be treated as a violation. Informally we are advised that SGI may argue it is necessary to obtain National Register status or recognition by the National Park Service before a Section 106 Review is conducted. That is an incorrect reading of the law, and if applied, would put historical assets at high risk of being lost. We will greatly appreciate whatever you can do to ensure remaining history is protected, including undertaking a review of SGI's existing permits.

Finally, we look forward to the second public conference. We anticipate the opportunity for public input on the outdated Social and Economic Justification that has permitted large surface mining by SGI to overtake our rural environment, to the exclusion of healthy economic pursuits.

Sincerely yours,

/s/ Susan C. deVeer

Susan C. deVeer

For Friends of Toms Creek

Cc: Sam Robinson, Deputy Chief of Staff, Offices of Governor Tom Wolf

Brent Walls, Upper Potomac Riverkeeper

Anne Zabawa, Historic Gettysburg - Adams County

Allen Gillenwater, American Battlefield Trust

DEP CAMBRIA OFFICE

OCT 09 2018