

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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IN RE: SPECIALTY GRANULES, LLC PERMIT APPLICATION

* * * * *

BEFORE: Rock Martin, Member

Chad Paronish, Member

John Repetz, Member

Dave Thomas, Member

HEARING: Wednesday, July 17, 2019

7:24 p.m.

LOCATION: Fairfield Fire and EMS Building

106 Steelman Street

Fairfield, PA 17320

ORIGINAL

SPEAKERS: Thomas Au, Hazel Keahey, Maggie Heyward,

Peggy Laramie, Sue deVeer, Mona Young,

Dave Swope, Deb Wentling, Sherry Rogers-

Frost, Steve Roy

Reporter: Evan Bingaman

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JUL 31 2019

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DISCUSSION AMONG PARTIES 47

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NONE OFFERED

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JUL 31 2019

P R O C E E D I N G S

MR. REPETZ: We are now officially on
the record.

Good evening, everyone. We will now
begin the public hearing portion of this evening's
event.

My name is John Repetz. I am the
Community Relations Coordinator for DEP's
Southcentral Regional Office located in Harrisburg.
I am joined by Rock Martin, Chad Paronish and Dave
Thomas from DEP's mining staff.

The Pennsylvania Department of
Environmental Protection is conducting this hearing
for the purpose of receiving formal testimony. DEP
staff present will not be responding to comments or
answer questions at this time.

Specialty Granules, LLC has submitted
an application to DEP to renew the NPDES permit for
its Pitts Quarry in Hamiltonban Township. NPDES
stands for National Pollutant Discharge Elimination
Systems. The mine site is located at 1455 Old
Waynesboro Road, Blue Ridge Summit.

The notice of this application, that
it was received, was published in The Pennsylvania

1 Bulletin on June 15th, 2019.

2 The Pitts Quarry permit area is 313.2
3 acres and is situated immediately north of the
4 existing Charmian plant facility. The permit area
5 is located within the Toms Creek watershed.

6 The permit application identifies two
7 outfalls. The NPDES application describes a
8 discharge resulting from a precipitation event
9 greater than the equivalent of a ten year, 24-hour
10 storm event for outfall number one, and greater than
11 the equivalent of a 100 year, 24 hour event for
12 outfall number two, to be discharged to the unnamed
13 tributary to Toms Creek which is designated as high
14 quality cold water fishes and migratory fishes.

15 In July of 2018 and January of this
16 year, 2019, DEP held public information sessions and
17 hearings for the non-coal surface mining permit
18 application and the NPDES permit application for
19 Specialty Granules Northern Tract Quarry. That is a
20 separate issues from the one for which we are
21 gathered here this evening.

22 We ask that those wishing to offer
23 comments tonight will limit their comments to the
24 Pitts Quarry application and not the Northern Tract
25 Quarry applications.

1 All comments will be recorded by a
2 court reporter. The transcript of this proceeding
3 will be created and will become part of the official
4 public record.

5 In addition to tonight's oral
6 testimony, DEP will also accept written comments.
7 They can be sent via mail to Chad Paronish, that's
8 P-A-R-O-N-I-S-H, at the Cambria District Mining
9 Office, located at 286 Industrial Park Road in
10 Ebensburg, Pennsylvania, 15931. Or you can email
11 them to chaparonish@pa.gov - .gov, excuse me. And
12 those comments, written comments, will be accepted
13 for the next two weeks.

14 All comments and concerns expressed
15 orally and in written form will be addressed in a
16 public comment response document. DEP will consider
17 all comments when reviewing this application.

18 We will open up the floor now to
19 anyone wishing to offer oral testimony. We ask that
20 you come forward to the podium one at a time and
21 begin by stating your name and spelling it for the
22 benefit of our court reporter.

23 We ask that the comments be kept to
24 about five minutes. Please remain on topic and be
25 concise to allow time for others to speak.

1 So with that we will open up the
2 floor. And who wishes to be the first speaker
3 tonight?

4 MR. AU: Thank you. My name is Thomas
5 Au. Last name is spelled A-U.

6 COURT REPORTER: Hold the microphone
7 closer to you.

8 MR. AU: I am the conservation chair
9 for the - group, Pennsylvania Sierra Club. And we
10 have over 3,000 members in southcentral
11 Pennsylvania, including Adams County.

12 Sierra Club is concerned about
13 conserving our natural environment in an unspoiled
14 state. Air and water pollution can impair our
15 natural environment unless measures are taken to
16 prevent it.

17 Toms Creek originates in the Michaux
18 State Forest and flows uncontaminated into
19 Fairfield. Toms Creek has been recognized by the
20 DEP as a high quality stream. This offers it legal
21 protections which are intended to keep it from being
22 degraded.

23 One concern raised about this permit
24 is the frequency of flooding and the ability of SGI
25 to prevent stormwater overflows into Toms Creek.

1 As Governor Wolf's office has
2 recognized in a press release two days ago, and I
3 quote, a flood event can take place at any time.
4 And the effects of climate change will continue to
5 make storms more frequent and more intense, making
6 flood preparation and prevention efforts even more
7 critical. This was offered at an open house to
8 outline, how to restore Pennsylvania and to address
9 stream and - and flooding needs.

10 SGI has not - not offered a no
11 discharge alternative for this permit, but has
12 stated that it will not discharge into Toms Creek
13 except in extreme events. Extreme events can be
14 very common.

15 Heavy rainfall events have been much
16 more common with every passing year due to climate
17 change. Indeed, last Sunday's Harrisburg Patriot
18 News reported that the past four years have been the
19 wettest on record in Pennsylvania.

20 And SGI bases what - they call it the
21 improbability of discharges into Toms Creek based on
22 calculations of capacities of holding ponds to
23 contain stormwater in the event of 500 and 1,000
24 year rain events and pumping of holding ponds away
25 from Toms Creek into Pitts Quarry and the Lower Mill

1 Ponds system, as well as a reduction in the drainage
2 area.

3 If a permit to discharge is granted by
4 DEP, these kinds of commitments need to be included
5 as conditions in a permit that can be enforced. A
6 permitted discharge based on a ten year, 24-hour
7 rainfall event is totally inadequate.

8 In conclusion, we - I ask DEP to take
9 a hard look at the information submitted to be sure
10 that the company has offered real solutions to the
11 problems identified. Thank you.

12 MR. REPETZ: Thank you, Thomas. Next?

13 MS. KEAHEY: Hi, everybody. I'm Hazel
14 Keahey. My last name is spelled K-E-A-H-E-Y. I'm a
15 resident of the Monterey Historic District and a
16 Board Member of Friends of Toms Creek.

17 It's for the best that I am speaking
18 now because my computer is about to go down. So
19 here are my notes that I'd like to share with you.

20 Water has been called mining's most
21 common casualty. This was said by James Lyon, who
22 is a member of the Mineral Policy Center in
23 Washington, D.C.

24 According to the website of the
25 Mineral Policy Center, once a mine is in operation,

1 water protection must remain the highest goal of the
2 company and our water regulators, even if it means
3 reduced mineral productivity.

4 Today I question whether mineral
5 productivity is SGI's highest goal and water
6 discharge merely a means to that goal.

7 So why are we here? There are many
8 reasons why I personally opposed SGI operations.
9 Multiple nuisances and the negative economic impacts
10 on the local community are high on that personal
11 list.

12 But today the focus is on water,
13 specifically the renewal of a NPDES permit, short
14 for National Pollution Discharge Elimination System.
15 That permitting process has been delegated by
16 National EPA to PADEP. And all eyes are on PADEP to
17 protect our critical water resources.

18 The NPDES permit under consideration
19 today was first issued in 1994 and has been
20 periodically renewed over 25 years. I strongly
21 suspect that past renewals have been rubberstamped,
22 with little regard for changing demographics,
23 exponential expansion of SGI operations, including
24 the advent of dyeing to create colorful roofs,
25 changing weather patterns and the degradation of

1 surface waters. And more importantly, the impact on
2 groundwater, the primary source for drinkable water
3 in Fairfield and surrounding communities.

4 PADEP may be poised to rubberstamp
5 this pending application. I hope not. After all,
6 SGI has made extraordinary efforts to reassure us
7 that surface waters of Toms Creek and its unnamed
8 tributaries will be protected from degradation.

9 The efforts include an elaborate -
10 excuse me - an elaborate engineered pumping system
11 that transports contaminated wastewater from the
12 Pitts Quarry and the proposed expansion onto Pine
13 Hill, all the way to southern sediment ponds.

14 But history and current conditions
15 show that southern Miney Branch Creek is a degraded
16 mess. Will PADEP now permit northern pristine
17 waters to be degraded?

18 This permit application raises several
19 serious concerns and questions in my mind. Why is
20 it okay to degrade Miney Branch? Why are any
21 discharges into Toms Creek and its tributaries
22 allowed or even necessary?

23 SGI operates on 800 acres, maybe more.
24 So why are there any outfalls? My guess is outfalls
25 enhance mineral extraction and corporate profits.

1 But with over 800 acres, it is reasonable to deny
2 outfalls of contaminated wastewater to the fullest
3 extent possible. It is reasonable to require SGI to
4 contain its flood wastewater and direct its
5 stormwaters within its interior.

6 If there is a demonstrated need for
7 outfall of contaminated wastewater, i.e., a
8 legitimate need not tied to corporate profits, why
9 would the outfall be allowed within an area that has
10 been designated by the Adams County Planning
11 Commission and approved by Hamiltonban supervisors
12 as a specially protected watershed?

13 Adopting a bright line that excludes
14 all waste charges into a specially protected
15 watershed is the only way to ensure that SGI Mining
16 does not Toms Creek and its watershed into a
17 poisoned stream and source of polluted groundwater.
18 It is the only way to ensure that our groundwater,
19 the source of drinking water, is protected from
20 harmful mining contaminants.

21 Elaborate engineering goes only so
22 far. And I must project into the future. What
23 happens when the elaborate engineering fails or when
24 the pumping stops? Presumably, the groundwater will
25 leach back into the pits and combine with the waste

1 tailings.

2 We know with certainty that long term,
3 large scale mining like SGI's modifies the
4 circulation of air and water and may damage or
5 destroy streamside habitats and groundwater
6 resources many miles from the actual mine site.

7 Protecting pristine surface waters of
8 Toms Creek, its tributaries, wetlands and fragile
9 ecosystems, are all important. But what independent
10 studies have been done to test the long term impact
11 of this permit on surface waters? And what
12 independent studies have been done to protect
13 precious groundwater resources?

14 I stress the word independent. It is
15 not sufficient to accept SGI's projected impacts.
16 These impacts must be independently studied by
17 PADEP. It's been 25 years since the NPDES permit
18 was first issued. It's past time for a hydrogeology
19 study, a study of Toms Creek's high quality
20 classification. Many believe it satisfies all the
21 requirements for EV status. And if the surface
22 waters are not elevated to EV status, we need an
23 updated social and economic justification.

24 SGI seeks to expand mining operations
25 directly atop the aquifer that supplies drinking

1 water to Fairfield and other communities. A 1999
2 hydrogeology report by the U.S. Department of
3 Interior indicates that the Blue Ridge Aquifer is
4 recharged in part by surface waters of Toms Creek
5 and its multiple tributaries.

6 The recharge happens apparently over
7 many, many years. Notably, the Fairfield municipal
8 well identified as Well Number AD-754 of the study,
9 appears to be less than five miles away from the
10 point at which - points at which SGI seeks a permit
11 to discharge pollutants. It is sheer folly to risk
12 the purity of our drinking water to mining
13 discharge.

14 More than 500 Pennsylvania citizens,
15 many of whom live in the shadow of SGI operations,
16 have petitioned Governor Wolf to stop intrusion of
17 SGI Mining into our special protection watershed.

18 The Adams County water plan describes
19 four important groundwater resources. In our area,
20 the most important aquifer is located in the Blue
21 Ridge region right below our feet. That aquifer is
22 threatened by mineral extraction and processing.

23 Our community leaders have identified
24 the boundaries that must be, quote, specially
25 protected, closed quote. The lines are very clear.

1 This permit renewal must be denied to
2 prevent pollution migration into our groundwater.
3 Please respect the boundaries of our special
4 protection watershed.

5 In summary, we must recognize that in
6 some places mining should not be allowed to proceed
7 because the identified risks to other resources such
8 as water are simply too great. That is the point of
9 designated a specially protected watershed.

10 Thank you for listening to my
11 comments.

12 MR. REPETZ: Thank you. Next?

13 MS. HEYWARD: Good evening. My name
14 is Maggie Heyward, H-E-Y-W-A-R-D. Thank you for the
15 opportunity to speak for Toms Creek.

16 My family has owned a home and
17 property on the Green Ridge of South Mountain since
18 1964. It occupies a very special place in the
19 hearts of three generations of my family. We are
20 located about three miles northeast of Toms Creek as
21 the crow flies. Some of the headwaters of Middle
22 Creek, an exceptional value sister stream to Toms
23 Creek, are located on our lands.

24 We drink the spring water from a
25 spring next to our house that has never run dry.

1 Abundant clean water is the most precious resource
2 we have on our property. The upper Toms Creek
3 watershed, which is where Specialty Granules, Inc.,
4 SGI, proposes to release stormwater and sediments
5 under this NPDES stormwater discharge permit
6 application is classified as a priority conservation
7 watershed.

8 This designation is reserved for
9 stretches of streams and watersheds that are
10 undisturbed and have a significant conservation
11 priority based on its water quality, biological
12 assemblages and habitat types.

13 The designation of priority
14 conservation watershed is a category under the
15 Pennsylvania Natural Heritage Program, which is a
16 partnership between the Pennsylvania Department of
17 Conservation and Natural Resources, the Western
18 Pennsylvania Conservancy, the Pennsylvania Game
19 Commission and the Pennsylvania Fish and Boat
20 Commission.

21 Toms Creek and the upper section of
22 its watershed where its high quality has
23 macroinvertebrates or aquatic insects, plants and
24 animals that are only seen in the most pristine
25 conditions. This is an extremely sensitive and

1 environmentally important area for people who live
2 downstream as well as those who live in and around
3 upper Toms Creek. It deserves the highest level of
4 protection from the state of Pennsylvania.

5 Those seeking permits to discharge
6 stormwater and sediment into Toms Creek and its
7 tributaries must be held to the highest standard.
8 And their justifications for discharge must be
9 scrutinized carefully.

10 Times have changed since SGI first
11 received their permit to discharge to a tributary of
12 Toms Creek. The area occupied by the quarry has
13 expanded significantly and the frequency and
14 intensity of storms has increased dramatically in
15 recent years. We had record-setting amounts of
16 precipitation in the past year.

17 In deciding whether to renew this
18 permit, I ask the Department of Environmental
19 Protection to take into account changing weather
20 patterns, increased population in the watershed, a
21 large area being mined by SGI and the well
22 documented environmental significance and
23 sensitivity of the upper Toms Creek watershed.

24 Hamiltonban Township and neighboring
25 townships can no longer be viewed as remote rural

1 backwaters from which natural resources can be
2 extracted without consequence or objection. We are
3 awake and aware and we are objecting.

4 The State of Pennsylvania has
5 recognized the value of Toms Creek as a high quality
6 stream and as a natural resource meriting priority
7 conservation.

8 DEP, please give meaning to that
9 designation and deny SGI's permit application to
10 discharge to Toms Creek. Thank you.

11 MR. REPETZ: Thank you, Maggie. Next?

12 MS. LARAMIE: Thank you. Good
13 evening. My name is Peggy Laramie, L-A-R-A-M-I-E,
14 like Wyoming, but we're in Fairfield, Pennsylvania.

15 My husband and I own property on Toms
16 Creek and we're very proud to be here tonight. We
17 thank Specialty Granules for coming. We know that
18 you're a business and you're trying to make a living
19 and we appreciate that.

20 We particularly appreciate the state
21 officials for being here because you're taxpayer
22 supported and you're the ones standing between us
23 and degradation of our beautiful environment. So
24 thank you very much for coming tonight. We've had
25 many hearings here and we appreciate your fortitude

1 in coming again as part of our democracy.

2 I want to give a little historical
3 perspective on Toms Creek. I recently read a
4 biography of Mother Elizabeth Seton, the first
5 native born American saint.

6 One of the reasons why she was drawn
7 to Emmittsburg and one of the reasons why Mount St.
8 Mary's was there was the beauty of Toms Creek and
9 the beauty of our scenery.

10 There's a very spiritual aspect to
11 Toms Creek that I think many of us appreciate.
12 There's also a recreational aspect.

13 There are three beautiful lakes here
14 in Fairfield, Lake May, Lake Carroll and - I forget
15 the other one - Lake Kay, where people fish. You
16 can eat the fish that actually come from the lake,
17 which is important to so many people. You can boat.
18 Children can swim. It's a beautiful part of our
19 community. They're fed by the beauty of Toms Creek.

20 In addition, there's a very strong
21 economic development here. We have - thanks to
22 Liberty Mountain, a very vibrant ski mountain and a
23 golf course, which are not only beneficial to the
24 community, they're big employers.

25 So with all due respect to Specialt

1 Granules, they employ about 150 people. Liberty
2 Mountain employs about 1,500 people in the winter
3 season. They also employ about 400 people in the
4 golf season.

5 So the direct economic impact in our
6 community that's fed and nurtured by Toms Creek is
7 far greater than SGI's.

8 So for spiritual reasons, for
9 recreational reasons, for economic reasons, we call
10 upon the state to stiffen their spine, to deny the
11 renewal of the permit pending a review that would
12 call upon the company to reconsider the way that
13 they discharge their - their poisoned waters.

14 Based on what Thomas and Hazel said,
15 if they have 800 acres on a beautiful piece of
16 property, let's have them - I know they can do it.
17 I used to work in the natural gas industry. There's
18 a right way to do fracking. There's a wrong way to
19 do fracking.

20 This company is a very bright and
21 capable company. There are ways that they can
22 contain that wastewater so that it not poison Toms
23 Creek. I know they can do it, and we call upon the
24 state to make it happen. Thank you very much.

25 MR. REPETZ: Thank you, Peggy. Next?

1 MS. DEVEER: Good evening. My name is
2 Sue DeVeer. That's spelled small D-E, capital
3 V-E-E-R. I live beside a beautiful stretch of Toms
4 Creek here in Fairfield.

5 The upper portion of Toms Creek up
6 above where I live - the upper portion of the Toms
7 Creek watershed is listed as a priority conservation
8 watershed by the Pennsylvania Natural Heritage
9 Program, which is a partnership between the
10 Department of Conservation and Natural Resources,
11 the Western Pennsylvania Conservancy, the
12 Pennsylvania Game Commission and the Pennsylvania
13 Fish and Boat Commission.

14 This designation, priority
15 conservation watershed, is a recognition that the
16 watershed is a significant conservation priority
17 based on its water quality, the biology and the
18 habitat types represented here.

19 I am a Board member of the Friends of
20 Toms Creek because the preservation of its water
21 quality matters so much to me.

22 Besides the creek downstream from SGI
23 and the permitted stormwater outfalls discussed in
24 this permit renewal.

25 I take my stewardship duties seriously.

1 here. I've said this before. All our water starts
2 here in Adams County. No water flows in. We in
3 this community are the stewards of these headwaters
4 for all the communities downstream. We must speak
5 for the creek.

6 I read with interest on the SGI's
7 website their posted responses to comments and
8 questions the community here had expressed about the
9 proposed mining of Pine Hill, which they're calling
10 their Northern Tract expansion.

11 The following statement by them makes
12 me seriously wonder about the need to renew the
13 NPDES permit that we are discussing here today. And
14 this is a quote. Another point explained in the SGI
15 first responses and elsewhere is that the NT,
16 Northern Tract, ponds, are not the only features
17 being used to store stormwater and avoid discharges
18 to Toms Creek.

19 As indicated in the SGI first
20 responses, Page 24, although Pitts Quarry is
21 currently operational, SGI can use and has used the
22 lower level of that quarry to temporary - for
23 temporary storage of stormwater.

24 As the Northern Tract Quarry comes
25 online, the quarry will become available for

1 stormwater storage, providing even greater capacity
2 should the need arise, end quote.

3 That is found on SGI responses to
4 public comments, second round, 7/3/2019, and the PDF
5 pages 16 and 17.

6 So my question is, why are we even
7 talking about renewal of this NPDES permit? What is
8 the operational need which justifies even unlikely
9 discharge of stormwater to this priority
10 conservation watershed, to an HQ water or perhaps a
11 not yet properly classified EV water?

12 If stormwater can be stored in the
13 bottom of the quarry, why is this not the plan?
14 Thank you.

15 MR. REPETZ: Thank you. Next?

16 MS. YOUNG: Hi, everybody. My name is
17 Mona Young. The last name is Y-O-U-N-G.

18 My husband and I live in Fairfield and
19 a portion of Miney Branch runs through our property,
20 which is part of our landscape.

21 And currently, with Toms Creek, it has
22 a lot of aquatic nature. It has fish. It has
23 special places. It still has clean water. Ours
24 does not.

25 Ours has been trashed. The grit mill

1 has blatantly dumped into Miney Branch. So who is
2 to say that Toms Creek is not going to turn out the
3 same way?

4 The last 25 years, it has just really
5 gone downhill. We've lost four feet of depth in the
6 creek. It has shifted behind the house nine feet,
7 to the other side nine feet. We have boulders in
8 the bank that are exposed. We're losing the rest of
9 the trees there.

10 We have no fish. We have no aquatic
11 nature down in those waters. We used to have a
12 muskrat. We have no clue where he went to, but we
13 know it's probably to better water.

14 We have seen schools of goldfish.
15 We've seen all kinds of different fish in Miney
16 Branch, but it's been a long time since that's
17 happened.

18 I know for a fact that there was a
19 major issue on our property in 2008. January 2nd, I
20 contacted DEP. And one would think that they would
21 hold themselves to a higher quality and a higher
22 standard, but that doesn't happen.

23 It took three months for someone to
24 finally make contact with me. And the only reason
25 that they showed up on my property was to check the

1 flocculent level in the water. And that is a
2 chemical that is put into what they're pumping so
3 that the particles connect. The chemical connects
4 to the particles. It weights it down so that it
5 settles to the bottom of the creek.

6 We have four foot of that in our
7 creek. We don't even let our dogs in that water. We
8 don't know if it is even fit for an animal to drink.
9 How do we know that flocculent is something that can
10 be ingested and not cause issues down the way?
11 Nobody's ever done any testing on that. You
12 shouldn't have to go to the level that you have to
13 fill the water with flocculent so that you can empty
14 a sediment pond blatantly into a creek. That should
15 never happen.

16 And they're telling us that they have
17 a filtration system they're putting in place in
18 order to protect Toms Creek. That's just to appease
19 people. It takes more than just one facility to
20 purify water of that magnitude before you can let it
21 drizzle into a stream. You don't need to blatantly
22 pump it into a stream. There are other ways to
23 maneuver and shift and transport water away than to
24 just take it and turn it right into a stream.

25 I was quite unhappy with the service

1 that I had gotten from DEP. So then again I started
2 calling again. And the following month a supervisor
3 showed up at my house.

4 And so I wanted to go over the
5 pictures that I had from all of the damage from a
6 lot of the runoff, a lot of the heavy rain and from
7 the pumping into the creek. And he informed me he
8 was not there to look at my pictures. He was just
9 there to humor me. So that's not a very high
10 standard coming from the Department of Environmental
11 Protection. We should be able to depend on them.

12 The grit mill, SGI, they pay their
13 fines whenever they receive written notice for
14 infractions on the property. They pay those fines.
15 That's okay. But nobody ever follows through to
16 make sure that the problems and the situations are
17 taken care of. They just continually go on.

18 And now we still have that continual
19 problem on our property, so how do we know Toms
20 Creek is not going to turn into the very same thing?

21 My money is on Toms Creek being
22 trashed because we - we've never really been shown
23 and there's never really been any testing to say,
24 hey, it's going to be protected. It's going to take
25 more than one facility.

1 I do permitting for Luck Stone in
2 Loudoun County, Virginia. And that is a mining
3 operation that is phenomenal. You can actually
4 drink the water in some of their quarries the way
5 they go through their processes and for how many
6 times it's filtered before it hits those quarries.

7 And one thing they do is they protect
8 the areas around. And it doesn't take three months
9 or four months if there's an issue to take care of a
10 problem. One phone call, they're all over it. It
11 looks like ants on a sugar cube taking care of a
12 problem.

13 So they don't even get to the point
14 where they have to get a monetary fine because you
15 did this and you shouldn't have. And we shouldn't
16 have to expect that with what we go through either.

17 So my money is denying the renewal of
18 a permit until we have ample proof that you can
19 purify, filter water, before it even makes it to the
20 point of Toms Creek or Toms Creek will be another
21 lower Miney Branch. Thank you.

22 MR. REPETZ: Thank you, Mona. Next?
23 Anyone?

24 MR. SWOPE: Good evening. My name is
25 Dave Swope, S-W-O-P-E.

1 As president of Adams County Travel,
2 Unlimited for four terms, currently the treasurer
3 and involved with Pennsylvania Fish and Boat
4 Commission for 43 years in their stocking program.
5 I'm also the cooperative nursery manager behind the
6 Fairfield High School and McSherrystown Fish and
7 Game.

8 We raise 4,600 trout annually. We
9 started in 1975, and since 1976 we've been stocking
10 Toms Creek.

11 Toms Creek annually from the Fish and
12 Boat Commission gets 2,000 trout and they're mostly
13 brook trout. Brook trout is the most susceptible
14 fish to disease, pollution and something you may not
15 know, warm water.

16 If that temperature in the water
17 reaches 70 degrees the fish starts suffocating.
18 Then the Fish and Boat Commission is called in to
19 figure out why the fish are dying. It's very
20 important to keep cold water in Toms Creek the way
21 it is now.

22 Those tributaries are cold water
23 tributaries that enter Toms Creek. Once they hit a
24 warm temperature that's facing 70 degrees they will
25 suffocate. Thank you.

1 MR. REPETZ: Thank you. Next?

2 MS. WENTLING: My name is Deb
3 Wentling. Spelled W-E-N-T-L-I-N-G.

4 Last summer I dug a trench behind our
5 garage, past the side yard and through some
6 shrubbery because the garage had started flooding
7 more and more frequently. And our flower gardens
8 had begun to wash away as the amount of rainfall
9 increased.

10 How does my story relate to why we're
11 gathered here tonight? DEP is considering renewing
12 SGI's existing surface mining permit, which includes
13 a provision allowing their release of stormwater and
14 sediment, and for that overflow and runoff to flow
15 into Toms Creek watershed when rainfall amounts
16 reach totals commensurate with 10 year/24 hour
17 storms.

18 These standards were set in 1994. The
19 permit requirements don't reflect what all of us who
20 garden or farm or fish or just enjoy the outdoors
21 know about new weather patterns. What was happening
22 in 1994 doesn't reflect what is happening now.

23 According to NOAA, from May 2014 to
24 April 2019 Pennsylvania experienced its wettest
25 period since 2008. The DEP website projects a 40

1 percent increase in annual precipitation in
2 Pennsylvania.

3 Consequently, the mining permit SGI is
4 seeking to renew is obsolete. It's time for the
5 permit requirements to be changed to reflect the
6 reality of the changes in climate.

7 Could SGI comply with more
8 environmentally stringent requirements? In SGI's
9 response to comments from last January's hearing
10 they write that a design could be formulated that
11 would make discharge into Toms Creek highly
12 improbable. However, there is no indication that
13 SGI is planning to take these steps.

14 And how does DEP figure into all of
15 this? I think that DEP walks a thin line in these
16 matters. Do they have the power and the mandate
17 from the state government to be a reliable protector
18 of our environment?

19 Recent actions by the state
20 legislature as they continue to cut DEP's staff
21 indicate otherwise. Are members of the state
22 legislature bound by corporate donations with which
23 no individual citizen can hope to compete?

24 DEP is the only safeguard that stands
25 between us and environmental degradation. But can

1 they risk upsetting powerful corporations with very
2 deep pockets? This is a scary question for all of
3 us.

4 Degrading our environment has a social
5 and economic impact too. Anglers travel to fish in
6 our trout streams. All of us, tourists and locals
7 alike, who enjoy walking or horseback riding in
8 Michaux, all of us who enjoy fishing in Toms Creek
9 are very worried about what's happening to our
10 wilderness areas and streams.

11 My last point is heart driven and not
12 so quantifiable, but it is no less important. I
13 doubt that there's a single person in this room who
14 is not thankful for the valuable gifts the Earth
15 provides.

16 For many, however, that value is
17 derived solely from how beneficially it is to us
18 humans. The natural world is merely a natural
19 resource to many.

20 What about the inherent value of the
21 rest of the Earth's inhabitants? In Genesis, God
22 said what he created was good before we arrived on
23 the scene. The Earth teems with life and we have no
24 right to cavalierly discount its value because we
25 think the only thing that's worth preserving is what

1 we find useful.

2 As long as we cling to this view, we
3 will continue to accept the destruction of other
4 species until finally we will have done ourselves
5 in.

6 SGI directly provides jobs to about
7 145 people. And that's important. I don't want
8 these folks to lose their jobs. But SGI has a
9 responsibility not only to them, but to everyone
10 affected by their actions. SGI can and must do more
11 to take their environmental responsibilities
12 seriously.

13 We have reached a tipping point. What
14 we do as a species will determine our children's
15 future and the future of every other living thing on
16 the planet.

17 Let's draw the line here and do two
18 things, insist that SGI's license reflect climate
19 change realities and hold SGI accountable in a
20 meaningful way when they fail to take seriously the
21 detrimental effect they have on our watershed.

22 MR. REPETZ: Thank you, Deb. Next?

23 MS. ROGERS-FROST: Hi. I'm Sherry
24 Rogers-Frost. I live on Mount Hope Road in
25 Fairfield and care very much about preserving the

1 natural resources in Adams County because they are
2 unique in my experience.

3 I hate actually talking after the last
4 speaker because she was able to express the
5 importance to our lives in a broad spiritual sense,
6 as well as economic - that is life worth living if
7 you've killed everything around you, if it's so hot
8 that the temperatures are rising and the Earth is
9 doomed? I mean, what do you tell your grandchildren
10 about the future?

11 But I can't do that as well as she
12 did, so what I'm going to talk about is an
13 experience I had during the break. First, I
14 listened to DEP for a while and overheard a
15 conversation about why they can't do the correct
16 kind of water testing, which is macroinvertebrate
17 testing. Apparently, this is just not done by their
18 regulations.

19 So then I went to - because he seemed
20 free - the inspector who is here. And I asked the
21 inspector what they do to test the water, to test
22 the mine in general for its environmental impact.
23 And he said, okay. We come four - you know, four
24 times a year, each quarter.

25 And I said, all right. What do you

1 check? And he said, well, we check the water. And
2 I asked him how. And he said, well, we just grab a
3 sample of chemicals which is well known - and
4 certainly the DEP and certainly all of the people in
5 conservation to be a useless test because it's like
6 grabbing a piece of air. I mean, does that tell you
7 what the air is like? No.

8 I asked him if they looked around for
9 pollution. And he was equivocal on that. I asked
10 him if he had noticed that Miney Creek looked like
11 pea soup during the last few years? And he said,
12 no. And I said, well, we have lots of pictures and
13 lots of people who've seen it. So it's so cloudy
14 you wouldn't know it was water.

15 And I explained this does not give me
16 confidence in DEP's ability to enforce pollution and
17 water quality regulations that they supposedly are
18 following.

19 He said, this is all we're required to
20 do. These are the regulations. We're not even
21 allowed to look into things that we might notice
22 because that's not part of the regulations. And I
23 thought, huh, this doesn't get us very far.

24 So then from there I wandered down to
25 talk to SGI. And SGI showed me the map of what

1 their Pitts Quarry is, how it's set up and where the
2 outfalls are and where the ponds are. And I asked,
3 okay, why do you have the ponds? Because there's a
4 big pit right next to the ponds. Why can't the
5 stormwater go into the pit?

6 And it was explained to me that, okay,
7 there - the stormwater - DEP regulations are
8 concerned about apparently is the water that drains
9 off the roads, the working roads that they built
10 originally in 1994. Sorry. And they needed ponds
11 for that at the time.

12 And now there's still kind of a high
13 point, apparently as much as 150 feet - high point -
14 a kind of ridge around the pit quarry which doesn't
15 allow that water to be directed toward the pit.

16 And I said, well, you know, you're in
17 the engineering business. This is the kind of thing
18 that you're really good at. Why can't you make a
19 connection between the storm runoff on the road and
20 the pit?

21 And it was explained to me that they
22 can't. Because they - their permit from DEP doesn't
23 allow them to extend past the area they currently
24 are.

25 So yes, if DEP would allow them to

1 extend the quarry as far as where the road
2 stormwater collects then that would happen. But
3 they're not allowed to do that. Okay.

4 This is where I got - this reminds me
5 of something. I don't know how many of you are
6 familiar with the - a movie called Kafka. But it's
7 very bizarre that okay - SGI claims they can't do
8 the right thing because of DEP regulations. DEP is
9 telling us that they can't do the right thing
10 because of legislative regulations.

11 I was told that the only thing that we
12 could do apparently is have the legislative laws
13 changed in order to get that stormwater from that
14 working road into a pit, which is maybe 200 feet
15 away.

16 I asked people who are here if this
17 makes any sense whatsoever and if we're not
18 operating within an entirely crazy environment? And
19 it seems like the only way we can protect our water
20 is to go to Harrisburg and have the legislation
21 changed so that DEP can extend the size of the
22 quarry and so that the inspectors can do more than
23 the very minimum things they are required to do.

24 So I'm not blaming anybody in this.
25 I'm saying the whole thing is nuts. And I'm hoping

1 DEP can use their influence upward within the
2 agency. I'm hoping SGI and DEP could maybe get
3 together and try to do the right thing in terms of
4 the stormwater. Because according to SGI this is
5 really what they want to do.

6 They say, oh, we'll never put
7 stormwater there. And that's totally unnecessary
8 because we'll never do it. But we can't make that
9 connection over to the quarry because of DEP. Is
10 that not what you said?

11 MR. THOMAS: I can't respond.

12 MS. ROGERS-FROST: Okay.

13 MR. THOMAS: If I have to, I'll
14 explain it again after.

15 MS. ROGERS-FROST: All right. So it
16 was very interesting and it left me feeling pretty
17 hopeless.

18 So it's not under what citizens can do
19 who want to protect the future of their natural
20 environment or even their present environment for
21 their children and grandchildren. Thank you.

22 MR. REPETZ: Thank you, Sherry.
23 Anyone else?

24 MR. ROY: Yeah, my name is Steve Roy
25 and I live Carroll Valley.

1 And at the last meeting, at the last
2 hearing, I raised some objections to the bog turtle
3 survey that's been - and I was kind of surprised to
4 find online irregularities that have occurred in
5 this process. I've got letters obtained - just
6 putting in the record now so the public can actually
7 see them now, an important - a bog turtle sighting
8 in the record by the Pennsylvania Fish and Boat
9 Commission.

10 And this - it appears - here's the
11 letter. It's the February 21st, 2019 referring back
12 to UGI - or SGI. In 2017 you submitted your project
13 review request. The 2016 bog turtle record was not
14 yet included in the state's PNDI system. In
15 addition, the wetland in question was not included
16 in the December 16, 2015 phase one survey report
17 conducted by Skelly and Loy, therefore, the
18 service's conclusion in the January 2000
19 correspondence regarding bog turtles may not be
20 accurate.

21 It goes down further to say, in order
22 to determine if your project may affect bog turtles,
23 more information regarding the project and
24 hydrological connection to the wetland is necessary.

25 In light of the new information, the

1 2016 bog turtle occurrence record, the service would
2 like to request a field visit of the site in order
3 to better understand possible impacts of the
4 wetland's hydrology.

5 This was apparently not just put into
6 the record. February 21st, 2019 is the date on
7 that.

8 The objection previously filed was - I
9 don't know. A written objection into the record was
10 based on the bog turtle survey with Skelly and Loy
11 that was performed back in December 8, 2015. And at
12 the time was then over two years old. And on its
13 face states that it's invalid if has - if it's old -
14 if it's more than two years old. And yet it's still
15 permitted to be filed into the record.

16 We've actually had an occurrence in
17 the upper Toms Creek watershed. And why this wasn't
18 - why even bother with a survey now? Because the
19 survey - the phase one survey only indicates the
20 presence of a potential habitat. It's not to
21 determine presence.

22 You've had a sighting up above the
23 quarry, the proposed tract, and this current permit
24 also - because I understand this to be a discharge -
25 a stormwater discharge permit into Toms Creek.

1 You've had a sighting down below reported. I
2 reported that at the last hearing.

3 A lot of the more recent research
4 into bog turtle habitat has shown we should be
5 looking along undercut streams, as well as stream
6 banks, as well as adjacent areas, because they're
7 being found in surprising areas because of the loss
8 of habitat, substantial loss of habitat previously.

9 And I'll submit the sites for the
10 research and the statements also. I want to submit
11 a written record on that following this.

12 I wanted to raise another objection
13 because we did a site visit up last weekend - up to
14 where the outfalls from - the Pitts Quarry, which I
15 understand this is that permit.

16 There's a lot of sedimentation washing
17 down from the hillside there. The roadside is
18 almost right next to their property. There's very
19 little berm there. And actually there's a drainage
20 shield and that is it between the fence and roadway.

21 On the other side, there's a culvert
22 coming off - I think it's the upper outfall -
23 because I can't fix them precisely that - because I
24 checked through the GPS coordinates. They both
25 looked to be on site in the middle of the tract.

1 And I don't trespass.

2 But the one - there's a small
3 tributary coming off their property from that - one
4 of the outfalls comes down through the culvert. It
5 passes under the Springs Road.

6 On the left side of the culver,
7 there's a lot of sedimentation that's been washed
8 down through and coating the rocks, there's a good
9 layer of muck coating the rocks coming off site from
10 that. And this is the same outfalls we're talking
11 about, you know, going into Toms Creek where it goes
12 up above Mount Hope Road and Michaux State Forest.

13 Because if you follow the branch,
14 it'll take a - little south along Springs Road along
15 the quarry, you see the signs and metal markers on
16 the trees the whole way down through that way.

17 If you go up through - down Mount Hope
18 Road along Springs Road to the north side, there's
19 part of the forest in there and then Toms Creek is
20 over 50 to 100 feet within the forest.

21 And the - the other note I wanted to
22 make - and again, I want to file a written comment
23 into this but it's high quality. It's classed as
24 high quality water now. And why isn't this being
25 now - with the PFC - PFBC occurrence of a bog turtle

1 record - why isn't this being considered for
2 exceptional water, exceptional value water? Which
3 it also through another provision makes it - what's
4 the term - exceptional value ecological.

5 It has exceptional ecological value as
6 one of the criteria under exceptional water because
7 of the presence of an endangered species, the bog
8 turtle.

9 And the other note I wanted to make, I
10 saw they did a test for fibers in the water. And of
11 course, you know, they didn't find - but this has
12 been a lot of emerging paradigm in the testing of
13 non asbestos form fibers from dust as being just as
14 hazardous to human health as the asbestos form
15 fibers.

16 Asbestos is not a rock substance
17 itself. It's not a specific rock itself. There's
18 like six different types of rocks that are actually
19 considered the - it's the shape and size of the
20 fiber.

21 And a non-asbestos form fibers, some
22 of them are smaller than what they consider to be
23 asbestos. So - and it's the size of the fiber.

24 There's been a lot of research shown
25 out there - the crushing of rock and what they call

1 cracker dust, is extremely toxic. And the long term
2 health hazard, OSHA currently has an exception for
3 that. But that regulation they're under - right now
4 they're doing - whether to add that to the
5 potential.

6 Again, meanwhile, when you see the
7 dust going and it's not really considered toxic, but
8 it can be just as deadly as asbestos, which is a
9 very serious concern both occupationally and to the
10 public.

11 Then on the note - I heard the comment
12 earlier about DEP - DEP losing personnel and
13 everything. And I want to submit something also
14 concerning U.S. Fish and Wildlife Service, because
15 I'm doing some research.

16 I ran across their annual conference
17 down in Norfolk, Virginia - because they had one of
18 the workshops on the bog turtle, on some of the
19 latest research and stuff.

20 And some of the comments they made was
21 that because of staff reductions and budgets cuts
22 they had been prioritized. What bog turtle sites
23 and areas they would be - have to protect, I think
24 they were going to be up to about 150 in the one
25 statement. I mean, there's a transcript. And for

1 the record, I want to submit that also, just because
2 of the irregularities and how they - they sign off
3 on the one letter for the PNDI and the failure to
4 register the bog turtle survey time.

5 Again you've had the study. Again
6 site one is not - that's only habitat, potential
7 habitat. That's not present. We have presence. We
8 actually have a record stating we have a presence,
9 the Fish and Boat Commission. Their action plan, I
10 think, requires them to do more than they have done
11 here.

12 But I have the documents. I won't
13 take up more time here and let other people comment.
14 I'll be - I just wanted the opportunity to file a
15 written statement.

16 Okay. Thank you.

17 MR. REPETZ: Thank you, Steve. Anyone
18 else?

19 NO RESPONSE

20 MR. REPETZ: Last chance.

21 NO RESPONSE

22 MR. REPETZ: Seeing none, then that
23 brings this public hearing to a close.

24 On behalf of DEP, I want to thank you
25 for taking the time and making the effort to come

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and take part in this public participation process
this evening.

Thank you again and have a safe
journey home. Good night.

* * * * *

HEARING CONCLUDED AT 8:28 P.M.

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DEPT. OF CAMBRIA OFFICE
JUL 31 2019

CERTIFICATE

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I hereby certify that the foregoing proceedings was reported by me on 07/17/19 and that I, Evan Bingaman, read this transcript, and that I attest that this transcript is a true and accurate record of the proceeding.

Dated the 26th day of July, 2019



Evan Bingaman,
Court Reporter

REC. CAMERA OFFICE
JUL 31 2019