



# **EAST ROCKHILL TOWNSHIP**

## **BOARD OF SUPERVISORS**

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May 1, 2019

Via Electronic Mail

Michael Kutney, P.G.  
Chief, Permits & Technical Section  
Department of Environmental Protection  
Pottsville District Mining Office  
5 West Laurel Boulevard  
Pottsville, PA 17901

RE: ROCK HILL QUARRY  
QUALITATIVE GEOLOGIC SURVEY SAMPLING PLAN DATED APRIL 3, 2019

Dear Mr. Kutney:

I write on behalf of East Rockhill Township ("Township") regarding the Pennsylvania Department of Environmental Protection's ("DEP" or "Department") approval of the Qualitative Geologic Survey Sampling Plan for the Rock Hill Quarry, prepared by Earthres Group, Inc. ("Earthres") on behalf of Hanson Aggregates Pennsylvania, LLC ("Hanson"), dated April 3, 2019, as revised on April 25, 2019 (the "Plan"). Because the Department issued its approval of a revised version of the Plan without providing sufficient opportunity for public review and comment, as detailed below, the Township requests that the Department require Earthres to respond to the comments that the Township submitted yesterday, April 30, 2019, and that the Department withdraw its approval of the Plan before allowing Earthres to conduct core sampling at the Rock Hill Quarry.

The Department initially sent comments on the Plan to Earthres on April 12, 2019, and Earthres sent its responses to the Department via e-mail on the morning of April 17, 2019. In its e-mail, Earthres informed the Department that it intended to begin water and aggregate sampling the following day. Later in the afternoon of April 17, 2019, the Township submitted a set of comments on the Plan to the Department via e-mail. Approximately thirteen minutes later, the Department partially approved the Plan to allow Earthres to proceed with water and aggregate sampling under the Plan without requiring Earthres to address the Township's comments on those issues. On April 22, 2019, the Department asked Earthres to address the Township's comments on the Plan, but by that time Earthres had already completed its water and aggregate sampling.

Last Thursday night, April 25, 2019 at 7:27 p.m., Earthres submitted a report to the Department via e-mail (the "Report"), which included: (1) partial responses to the Department's and the Township's comments on the Plan; (2) the results of mineral vein mapping that Earthres conducted on April 22, 2019; and (3) revised coring locations based on the results of the mineral vein mapping. On Friday morning, the Township forwarded the Report to its engineer and consultants for review and analysis, and on Tuesday, April 30, the Township's engineer submitted comments to the Department. To the Township's surprise, however, I learned that the Department had already approved the revised Plan.

The Township believes that the two business days that the Department provided for public review and comment of the revised Plan was inadequate and was not designed to provide transparency or to ensure that the public had an opportunity to review and comment on the changes to the Plan. The Township's position remains that the Plan is inadequate to delineate the presence of asbestos at the quarry and ensure that mining activities at the site will be protective of human health and the environment. We ask the Department to require Earthres to address each of the comments contained within the Township's letter, dated April 30, 2019. Thank you for your consideration.

Sincerely,

EAST ROCKHILL TOWNSHIP



Marianne K. Morano  
Township Manager

cc via email: BOS  
Patrick M. Armstrong, Esq.  
Steven Baluh, P.E.  
Gary Latsha, PADEP  
Lea Senft, Rep. Fitzpatrick  
Senator Santarsiero  
Rep. Craig Staats