

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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IN RE: MINARD MINE PROJECT

PUBLIC HEARING

* * * * *

BEFORE: MEGAN LEHMAN, Hearing Officer

Greg Aaron, Member

Lisa Meade, Member

HEARING: Tuesday, September 26, 2023

6:16 p.m.

LOCATION: Athens High School

401 West Frederick Street

Athens, PA 18810

WITNESSES: Chief Tamakwanaxk; Samuel Savon;
Hitakonanolaxk; Cameron Rustay; Dustin Bishop;
Jim Casilio; Kristine Litteer; Robert Warzyniak;
Jaimee Alsing; J.C. Christiansen; Pat Chacona

Reporter: Karissa Kross

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JORDI COMAS

Environmental Justice Coordinator

208 West 3rd Street

Williamsport, PA 17701

Representing DEP Regional Office

ALSO PRESENT:

CHIEF TAMAKWANAXK

SAMUEL SAVON

HITAKONANOOOLAXK

CAMERON RUSTAY

DUSTIN BISHOP

JIM CASILIO

KRISTINE LITTEER

ROBERT WARZYNIAK

JAIMEE ALSING

J.C. CHRISTIANSEN

PAT CHACONA

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NONE OFFERED

P R O C E E D I N G S

HEARING OFFICER: Good evening,
everyone. Can you hear me okay?

Okay. Thank you for your patience.

My name is Megan Lehman. I'm the
Regional Communications Manager for the Pennsylvania
Department of Environmental Protection in the
Northcentral Region Office in Williamsport. And I
will serve as the Hearing Officer this evening.

Thank you all for coming and thank you
to the Athens Area School District for their use of
the building tonight.

I'd like to introduce my colleagues
from the DEP. First, Greg Aaron, who is the Chief
of Permit & Technical Services, DEP's Moshannon
District mining operations. Jordi Comas, who was at
the front table, who's at the back waving -

MR. COMAS: Here.

HEARING OFFICER: He is the
Environmental Justice Coordinator for DEP's
Northcentral Region. And finally, Lisa Meade is the
Local Government Liaison for DEP's Northcentral
Region.

Our purpose tonight is to hold a

1 formal public hearing for DEP's Mining Program to
2 hear testimony from the public about the proposed
3 Minard Mine, located in Athens Township, Bradford
4 County.

5 If you have not already, please be
6 sure to pick up a copy of our handout from the front
7 table with more information about the application
8 review process and how to find our Minard Mine web
9 page, where future updates will be posted.

10 Please be aware that tonight's hearing
11 is being recorded. Many of you may have attended
12 the previous public meeting held on July 31st.
13 Tonight is the second and final opportunity for the
14 public to provide oral comments.

15 A written public comment period also
16 ends tonight, and anyone with written comments is
17 welcome to hand them to our staff before leaving
18 this evening. Unlike the July meeting, tonight's
19 format is strictly a formal hearing for the purpose
20 of accepting public comments.

21 So as part of that, DEP staff will not
22 answer questions and the Applicant will not speak
23 this evening. If you'd like to comment tonight and
24 you have not already signed up, we have one final
25 opportunity to do so. If you would like to register

1 to speak, please go to the table. Lisa, you have it
2 here, so see Lisa and sign up.

3 Your name has to be on the list before
4 we start the hearing portion if you'd like to speak.

5 DEP gives equal consideration to all
6 public comments, regardless of whether a comment is
7 received verbally or in writing, as long as it's
8 prior to our deadline.

9 Those who speak tonight may also
10 written - submit written comments, but again, it is
11 due this evening.

12 So if you are coming to speak and you
13 hit your time limit, you can always hand us the
14 comments and we will consider the full - the full
15 written part.

16 Please note that our purpose here
17 tonight is to listen to your comments and gather
18 input as part of DEP's review of this permit
19 application. DEP staff cannot directly answer
20 questions or respond to individual comments during
21 this formal proceeding.

22 All comments given in writing or
23 orally by this deadline will be addressed by DEP
24 after the close of the comment period in what is
25 called a Comment and Response Document.

1 We ask you keep your comments germane
2 to the proposed project, the permit application and
3 DEP's review process. And DEP cannot respond to any
4 comments that do not address the subject matter. So
5 in that Comment and Response Document, anything that
6 is not relevant, we would simply acknowledge and
7 thank you, but we wouldn't really be directly
8 addressing that.

9 Before we begin public testimony, Greg
10 Aaron will give a brief overview of the permit
11 process.

12 MR. AARON: Hello, I'm Greg Aaron, the
13 Manager of the - Permit Manager of the Moshannon
14 District Mining Office. I just want to give a very
15 quick overview of really the permit application
16 process.

17 The application is still under
18 technical review. That means it's been accepted and
19 the review letter is going to be prepared, but we're
20 waiting while the public comments are still being
21 received until we finalize that review letter.

22 The review letter will be posted on
23 the DEP website, as soon as it's sent. So just keep
24 in mind there can be multiple review letters. We
25 send a review letter to the Applicant, who then

1 responds. We review it and respond. So there could
2 be multiple review letters in that whole technical
3 review process.

4 And just to also note, we are still
5 waiting on the Army Corps, their review of part of
6 the application about streams and wetlands. The
7 application is coordinated. DEP is the primary
8 reviewing agency. There are other agencies that we
9 coordinate with, such as the Historical and Museum
10 Commission, Army Corps, Game Commission, Fish & Boat
11 Commission.

12 So there is some new information
13 available on the website since the last meeting on
14 July 31st, Fish & Boat provided Module 16 draft last
15 plan, which was discussed at the last meeting, they
16 requested that a draft be submitted. And that was
17 posted on the website.

18 The Susquehanna River Basin
19 Commission, they review any projects involving any
20 potential groundwater withdrawal in the Susquehanna
21 Basin. And they requested an application and that
22 was submitted to them. A copy of the application is
23 on our website.

24 The Conditional Use Verification
25 letter from Athens Township was received after the

1 last meeting. It was added on there.

2 And the Game Commission, Fish & Boat
3 Commission comments were added. And also the
4 presentations from the July 31st meeting are added
5 to the website. So all that information is now
6 available online.

7 As mentioned above, we did receive
8 that Conditional Use Verification letter, how the
9 conditional use applied to the agricultural and
10 forest land area. Then subsequent to that we also
11 received the Notice of the appeal of that
12 Conditional Use Verification. I think there's maybe
13 two different appeals of that.

14 The zoning matters won't be settled
15 until those appeals are settled. Today in the
16 morning-time there was an article about that. I
17 have the detail on that, if you're interested.

18 So far we got written comments. We
19 received comments. Those were originally emailed to
20 John Hall, who is the lead reviewer of the
21 application. He's received comments, individual
22 comments, which we broke down into 163 separate
23 comments, mostly under general topics, such as the
24 effect on eagles and wildlife, in terms of historic
25 features, blasting, visual impact. So we'll be

1 going through all of those comments and we'll be
2 creating a Comment and Response Document. And that
3 should hopefully be done around the same time as the
4 review letter. That's all.

5 HEARING OFFICER: Thank you, Greg.
6 Greg and Jordi have been working very hard to keep
7 that website updated. There's a wealth of
8 information there which he alluded to, so we
9 definitely encourage you to check out that resource.

10 So we will now begin the formal public
11 hearing on the application by Bishop Brothers
12 Construction Company, Incorporated for the proposed
13 Minard Mine.

14 I'd like to go over a few ground
15 rules.

16 First, please turn off cell phones or
17 put them on vibrate. And if you do need to take a
18 call, please step outside of the room.

19 I will call on people to speak in the
20 order in which they signed up. When your name is
21 called, please approach the podium at the front here
22 and in the microphone, say your name and then
23 provide your comments. Please speak loudly and
24 clearly into the microphone, so everyone can hear
25 you, including the stenographer. Each person will

1 be allowed three minutes to offer testimony.

2 We will keep the time at the front
3 table and Lisa will hold a warning sign as the
4 speaker approaches the end of their time.

5 Now, this part is really important.
6 Please be respectful of everyone's opportunity to
7 speak and to be heard. Don't interrupt others while
8 they're speaking by clapping, booing or speaking out
9 of turn.

10 Anyone engaging in disruptive or
11 distracting behavior or using threatening or abusive
12 language, including during your formal comment, will
13 be warned and may be asked to leave, if necessary,
14 to allow for the continuation of tonight's hearing
15 so that everyone has a chance to be heard. Thank
16 you for your cooperation with these ground rules.

17 As a reminder, our purpose tonight is
18 to listen and gather formal public comments on the
19 Minard Mine application as part of our review
20 process. DPP does not directly respond to comments
21 or questions offered tonight, but we will respond to
22 all relevant comments, including both orally and in
23 writing, and that Comment and Response Document.

24 ---

25 (WHEREUPON, A PAUSE IN THE RECORD WAS HELD.)

1 ---

2 HEARING OFFICER: The first review
3 will be those who preregistered -. And I apologize,
4 the list printed - we have it, but we didn't print
5 it out, so I don't have any of your names. But if
6 you could identify yourself, we'll get that.

7 So come on up and just identify
8 yourself.

9 HITAKONANOOOLAXK: Okay. We have three
10 of us here. We have our Head Chief, Chief
11 Tamakwanaxk of the Lenape Tribes here in
12 Pennsylvania and beyond. Grandfather, Tamakwanaxk.

13 CHIEF TAMAKWANAXK: Good evening. I
14 guess we're here now protecting our environment.

15 This goes on all the time our
16 environment gets taken away from us. How many more
17 gravel mines do we need in this area? We have
18 Simon's, I think, to our east that has at least
19 three gravel mines. And I suppose he went through
20 the proper channel this person is going through,
21 too, but I think we need better protection from
22 people, try to make our environment less toxic.

23 And in a gravel mine, you're going to
24 have theft. I know that because I've watched. In
25 fact, I've even worked in a grave mine before. And

1 there'd be dust and there's all kinds of stuff that
2 goes on that shouldn't be allowed to go on.

3 And I hear they're going to take part
4 of the hill up here away. That should not be
5 allowed either. This is a beautiful valley, and I
6 lived here for 85 years, and I've seen the beautiful
7 valley. I've walked through it. I've walked
8 through Old Indian Trail. I've been everywhere, you
9 might say everywhere. Even some of these rail mines
10 I walk through, and they're not pretty. Every time
11 you disturb the earth like that, it's not pretty.

12 Also there are Indian burial grounds
13 here. I can't remember how many years ago it was
14 that we stopped a trailer park over - over in the
15 Cannon home. And I don't know how many trailers I
16 saw put in there, but it would have been bad.

17 Not only that, but when they went in
18 there, they disturbed beaver houses - beaver houses
19 and beaver dams, which has not ever been allowed.
20 Every time you introduce beavers into an
21 environment, the water table comes up. And the
22 beavers are very beautiful animals. And they're
23 going to disturb Native American burial grounds.
24 That should be illegal.

25 And they're everywhere. When a lawyer

1 went -

2 MS. MEADE: Time is up.

3 CHIEF TAMAKWANAXK: - away. I want to
4 say one more word.

5 HEARING OFFICER: Could you also say
6 and spell your name for the stenographer, please?

7 Speaker5: Pardon?

8 HEARING OFFICER: Could you say and
9 spell your name for the stenographer as well,
10 please?

11 CHIEF TAMAKWANAXK: Chief Tamakwanaxk
12 of Big Horn, Lenape Nation, T-A-M-A-K-W-A-N-A-X-K.

13 HEARING OFFICER: Thank you. I'm
14 going to try that.

15 COURT REPORTER: And can you get his
16 name? I need his name as well.

17 ---

18 (WHEREUPON, AN OFF RECORD DISCUSSION WAS HELD.)

19 ---

20 MR. COMAS: If you can't hear and
21 you're choosing to sit in the back half of the room,
22 I suggest you move forward.

23 COURT REPORTER: Yeah, I would have
24 him speak a little closer.

25 SAMUEL SAVON: I don't have a need for

1 a microphone. I speak with a voice of thunder. My
2 name is Wapa Lanito. The owl, the hawk, the eagle -
3 . My given name at birth was Samuel Savon.

4 And when the Creator put us on here on
5 the Turtleback, which you call the United States of
6 America, the waters were clean. You could drink
7 from any stream, any lake and any river. Today we
8 dump billions of gallons of sewage and chemicals
9 into our waters. Our air is polluted. Our trees
10 were six, seven, eight foot in diameter, but today
11 they cut ten and twelve inch stuff.

12 One quart of motor oil, hydraulic
13 fluid, diesel fuel or gasoline will pollute
14 4,000,000 gallons of water. I spent 45 years in
15 heavy commercial construction. Silica dust is worse
16 than a vessel. It can destroy it.

17 This area that you speak of is a
18 migratory area, not only for ducks and geese, but
19 for eagles and hawks and hummingbirds and all types
20 of creation.

21 The rivers that we have here, Chemung,
22 which empties in the Susquehanna, which go into the
23 Chesapeake Area - Bay Area, that's
24 27-and-a-half-miles long, seven-and-a-half-miles
25 wide. It's a dead zone. It's red. It's polluted.

1 How much more - how many more
2 mountains must we destroy to build high rises? How
3 much more air must we pollute so that we can no
4 longer -? Mother Earth will kick us off this earth.
5 If we destroy ourselves - if we're going to build
6 something, let's build an environment that's
7 healthy. Let's build an environment that is not
8 filled with pollution or noise.

9 Heavy-construction machinery. I'm
10 well-aware of it. I've worked around all my life.
11 In 1990, I was disclosed to these 90 percent deaf in
12 my ears, because they understood nothing about the
13 dangers of all that mechanical. They do now.

14 But we must realize that we are put here
15 for a purpose. Let that purpose be good, let it be
16 peaceable, but most importantly, let it be clean so
17 that we can enjoy the earth, the rivers, the fishes.

18 Because there was no DEP when we controlled in this
19 area, we didn't need it.

20 We didn't take more than what we
21 needed. But today they have to stock the rivers
22 with fish. They have to put wild turkey -. There
23 was buffalo and elk and all kinds of animals here.
24 Today, hundreds of thousands of birds and animals
25 are gone.

1 How much more shall we destroy? It's
2 not important that we build high rises and tear
3 mountains down to the base. It's not good. So
4 let's change that.

5 HITAKONANOOOLAXK: My name is
6 Hitakonanolaxk. Hello. People hello, friends and
7 family that may be here. Welcome Watiqua, you the
8 children of Miquon, William Penn. We call the
9 Pennsylvania government Miquon. The Iroquois call
10 you Quons.

11 Nobody has the right to destroy the
12 mountain. That is disgusting and I find it obscene.
13 It's a sacred mountain too. Not many people know
14 these things. It's called Romba. We call it
15 roundhouse.

16 Up to the west we have - who is
17 buried. There's a story for that. That's a sacred
18 mountain. It's called a Singawahe, stone heart.
19 And the white man, he built a monastery on top.
20 Orange Shaman is the hand gliders spot off I-86.
21 It's called Kingwood Walktu, that's a sacred place.

22 And interestingly enough, because one
23 our descendants owns part of that home. The green
24 mountain, they want to destroy all that green, that
25 green on the mountain we call Rometag.

1 It has to do with the spiritual
2 integrity of this earth. You go down in the rock,
3 you release underworld powers. Something you people
4 don't understand. We do.

5 Any tribe, any tribe in America can
6 understand this. You know, you can't be doing these
7 things you're doing. You got yourselves a DEP,
8 Department of Environmental Protection. And this is
9 true, we've got a name for you, we call you the
10 Department of Environmental Destruction. That's the
11 word we use. And there's burials down there in the
12 mines in the south end, I know that for sure.
13 There's silt there from 1935, 1972 flood, 2011
14 flood. And who knows how deep you're going to find
15 it. You don't scratch on top, you're going to have
16 to drill deep.

17 I just find it disgusting and
18 despicable.

19 HEARING OFFICER: I'm going to take
20 this off the stand, if people are comfortable using
21 it or is this going to work now?

22 Okay. Can you hear me okay?

23 I'm just going to hold it for each
24 person, if that's comfortable. If you would prefer
25 to take it from my hand, that's fine, too.

1 So the next person is Cameron Rustay.
2 And then following Cameron is Dustin Bishop and Jim
3 Casilio, just so folks can be ready and know who's
4 coming next.

5 And remember please say and spell your
6 name.

7 CAMERON RUSTAY: My name is Cameron
8 Rustay, C-A-M-E-R-O-N, R-U-S-T-A-Y. And I'd like to
9 start with the procedure concerning the application.
10 The application incorrectly requests that there's
11 not any pending litigation concerning the Applicants
12 having right to use land for mining purposes.

13 Specifically, the application might
14 have been a draft when it was submitted but now
15 there's two pending litigation cases regarding the
16 application that I'd like the DEP to be aware of.

17 And second, regarding procedural
18 concerns. The application didn't have a wide enough
19 scope regarding the approved Zoning Districts for
20 the mine. The application only lists, as I'm sure
21 you're aware, the project is upon agricultural zoned
22 land.

23 However, the land also encompasses
24 Woodland Conservation Zoning Districts and the
25 appropriate governmental procedures weren't taken

1 place to ensure that the application was amended
2 appropriately.

3 And second, there are also several
4 environmental concerns that the DEP should be aware
5 of.

6 First, the permit shouldn't be granted
7 due to the impacts to the Chemung River and Tutelow
8 Creek, as well as 11 private water wells.

9 In the application, the Applicant
10 specifically notes that mining on the valley floor
11 for sand and gravel will intercept the regional
12 groundwater system associated with the Chemung River
13 Valley. And it goes on to say that any sediment not
14 dropping out of suspension will be removed through
15 groundwater transport as the particles reach the
16 undersurface and gravel where they'll be filtered
17 out.

18 However, this response is insufficient
19 regarding impact on private water wells and
20 protected water bodies. In particular the Tutelow
21 Creek is a protected Chapter 93 watershed, as are
22 the associated tributaries. And they're noted for
23 warm water fishes and migratory fish species.

24 The proposed bridge over Tutelow Creek
25 will impact this creek with - there are no - what -

1 the negative impact to these. Again, this response
2 in the application isn't sufficient to know what
3 those negative impacts would be.

4 And there's also a proposed 85-foot
5 culvert by the tributary UNT1 that's also protected
6 under Chapter 93, and the application states this
7 tributary will also be affected.

8 And the final note that I'd like to
9 say is, under Module 14, the size of the impacted
10 area of the two areas would be 69,000 square feet
11 and 181,000 square feet, in regards to those two
12 areas that are obviously large areas, and the
13 application, per the notes, the most permanent
14 impact of 7.6 acres, which is also a large area.

15 Those are the areas that I'd like the
16 DEP to be aware of. Thank you.

17 Dustin Bishop.

18 DUSTIN BISHOP: Good evening. My name
19 is Dustin Bishop. Athens Township and Athens
20 Borough have a combined population of approximately
21 8,300. It is conservatively estimated that yearly -
22 that the yearly need of aggregate is ten tons for
23 every person in the United States. Thus the yearly
24 consumption of aggregates for everyone in Athens
25 Borough and Athens Township is 83,0000 tons.

1 The population of these two
2 municipalities on average will consume virtually all
3 the aggregate produced by the facility. If you add
4 in the municipalities that are close by, it means
5 the local demand will greatly exceed the yearly
6 production at the mine.

7 I acknowledge that this demand is
8 often not recognized, but - because most individuals
9 don't regularly purchase construction aggregates.
10 The Commonwealth of Pennsylvania is the largest
11 consumer of aggregates in PA.

12 Then add the large amount purchased by
13 municipalities. Other examples of this include
14 approximately 500 tons of aggregates in every home.
15 A school being constructed will use approximately
16 4,500 tons of aggregates.

17 When you drive home this evening,
18 for every mile that you drive, it'll take up about
19 38,000 tons of aggregate. If you drive home three
20 miles tonight, you can imagine how much that will
21 be.

22 Another way to look at this is you and
23 your significant other consume one full truckload of
24 aggregate a year. The above numbers for individual
25 yearly consumption are glorified numbers consumed by

1 each one of us during our lifetime. The number is
2 approximately 1.34 million pounds, or 670 tons each.

3

4 The need to have high-quality
5 aggregates to maintain our standard of living is
6 immense, even though this need is out of sight of
7 most.

8 Having a readily-available supply of
9 high-quality construction aggregates close by
10 without needing to absorb shipping cost is important
11 to our local economy and our local municipalities.

12 It helps to fight against the economic
13 measurements that are often subject of triggering
14 environmental justice questions.

15 Concerns over exposure to silica have
16 been expressed at previous meetings - Township
17 meetings. There are comprehensive regulations in
18 place to govern the release of the exposure in an
19 exposure facility.

20 Reducing exposure to silica is first
21 and primarily done through engineering control that
22 limit production of silica. The facility is
23 compromised (sic) on over 350 acres, so it is
24 anticipated operations will only be conducted on
25 less than 30 acres at a time. It is less than ten

1 percent of the property active at any time.

2 Hours of operation is 7:00 a.m. to
3 3:00 p.m. - 3:30 p.m. I'm sorry. During this eight
4 hour time period it is anticipated an average of 25
5 trucks will be entering and leaving the facility.

6 HEARING OFFICER: Thank you.

7 Next is Jim Casilio. And after Jim
8 we'll have Kristine Litteer and Robert Warzyniak.

9 JIM CASILIO: Good evening. My name
10 is Jim Casilio. I'm the Director of Medical
11 Services and Coding Standard Policy for the
12 Pennsylvania Aggregate & Concrete Association or
13 PACA. I'm a Registered Professional Engineer in the
14 Commonwealth of Pennsylvania. My license number is
15 36534.

16 Our association is comprised of
17 approximately 200 companies, including aggregate and
18 concrete producers and cement producers of
19 Pennsylvania and supporting companies.

20 The aggregate industry is the
21 foundation of this country's infrastructure and is a
22 significant contributor to the economic well-being
23 of Pennsylvania and its communities.

24 In 2022, Pennsylvania quarries were
25 the top five producers int the nation amongst safety

1 materials produced for our infrastructure. Our
2 members produce aggregates for critical construction
3 projects, such as roads, bridges, schools, stores
4 and manufacturing facilities. They are regulated by
5 both state and federal agencies, including PA DEP
6 and MSHA.

7 They're in compliance with very strict
8 and comprehensive regulations. This includes the
9 extensive permitting processes currently underway at
10 this facility. The regulations ensure that there
11 are no hazards or negative impact to those living
12 and working closely to these facilities.

13 As a requirement for this hearing and
14 Environmental Justice Policy, it's important to
15 understand the knowledge that the choice of location
16 for an aggregate facility is almost completely
17 governed by one word, geology. It is not a question
18 of going to this neighborhood or that neighborhood.
19 It is simply this, does the geology of the site
20 provide high-quality construction materials, meeting
21 required specifications and extensive regulations
22 noting the problem?

23 Bishop Brothers is a local family
24 business that was founded in 1983, with
25 multigenerational ties to the Bishop family to a

1 local area typical of aggregate producers across
2 Pennsylvania. The Bishop Brothers currently employs
3 approximately 85 individuals. It's a fact that the
4 economic importance of these positions in this local
5 area works to significantly counteract what may have
6 triggered the environmental justice question.

7 These are 85 local jobs that will
8 never be exported to another country or another
9 state.

10 We support the application, because
11 the Bishop Brothers adheres to the extensive
12 requirements of your agency and the economic value
13 that it will bring to the community.

14 I will be happy to stay afterwards, to
15 speak with any community members that have any
16 concerns or to the application or to my testimony.
17 Thanks for the opportunity to testify and I have the
18 full testimony and supporting documentation, three
19 copies of each here.

20 HEARING OFFICER: Thank you.

21 Next is Kristine Litteer. Would you
22 like to hold it or -?

23 KRISTINE LITTEER: Hello. My name is
24 Kristine, K-R-I-S-T-I-N-E, Litteer, L-I-T-T-E-E-R.

25 I would first like to address, if the

1 Bishops actually cared about the community, they
2 would have informed them through television, through
3 streaming, not through newspapers, which actually
4 only go to the nursing homes in our area. Very few
5 people purchase them.

6 Regarding the erosion and the natural
7 course of what rocks do, they erode, they go down
8 into the river, which causes the gravel in the river
9 and the rock -.

10 Without having it do a natural course,
11 our rivers are going to become sludge pits. They're
12 not going to be able to be swam in, they're not
13 going to be able to be fished in. The beauty of
14 them in itself is going to be gone. It is going to
15 take away all of the fish that the eagles, that the
16 hawks and other creatures eat. We won't have that
17 for them.

18 If they're not going to blast during
19 the nesting season -. Well, if they're blasting
20 throughout the year, the eagles aren't going to come
21 back. They're going to tear up the trees in order
22 to get to the gravel. So they'll have no place to
23 nest, let alone talking of the fox, the coyotes and
24 all the dens that will be destroyed within the
25 forest, bears. We have all this natural wildlife.

1 It may not be filmed, it may not be
2 something that you see regularly, but we all know
3 it's there. And we all know that it's going to be
4 destroyed if the Bishops are allowed to destroy the
5 side of the mountain.

6 Not to mention that we need to
7 breathe. We need to breathe clean air. Wasn't it
8 enough that were getting smoke from Canada and now
9 we're going to get dust from the mountain? Our
10 grandchildren will be breathing this dust. They
11 won't be able to go to Round Top for a picnic.

12 Have you been up there? You should go
13 up and check it out and see the beautiful view you
14 have of the two rivers meeting, because it won't be
15 the same.

16 We need this nature. We need the
17 trees to breathe. We need to save our mountain.
18 Thank you.

19 HEARING OFFICER: Robert Warzyniak.

20 I apologize. Blanket apology for any
21 mispronunciations.

22 AUDIENCE MEMBER: You did very well,
23 actually.

24 HEARING OFFICER: Thank you.

25 ROBERT WARZYNIAK: Robert Warzyniak,

1 W-A-R-Z-Y-N-I-A-K.

2 Nice job, Megan. I almost backed off
3 on this because it's hard to follow the tribe
4 members. Well-said.

5 I didn't have a whole lot to add after
6 that. I would like to say - unfortunately, I missed
7 the first meeting. Maybe this was covered, maybe
8 not.

9 I don't know what the law is, the
10 regulations. If there is one, I would like to see
11 Bishops put a certain amount of money into an escrow
12 in the event that there is an environmental accident
13 or perhaps disaster. I would think that - it seems
14 the only reason to do something like this is,
15 they're going to make money.

16 So if they say that they care about
17 the community, let's let them put that money where
18 their mouth is. Put it in escrow, just in case.

19 And one other comment. I also
20 wondered - I heard they're going to reseed. And
21 when I hear reseed, I think grass. And it's going
22 to bother me if that's what they do. Because if
23 they're going to cut down all these trees, why not
24 replant trees? So maybe I'm wrong. Unfortunately,
25 like I said, I wasn't at the first meeting. So this

1 might have been covered. But that's all I got.

2 Thanks, guys.

3 HEARING OFFICER: Next is Jaimee
4 Alsing. And following Jaimee is J.C. Christiansen
5 and Pat - I can't make out some of the letters, but
6 Pat, you know who you are.

7 Are you comfortable holding the mic?

8 JAIMEE ALSING: Okay, thank you. Do
9 you need me to spell my name?

10 HEARING OFFICER: Yes.

11 JAIMEE ALSING: My name is Jaimee
12 Alsing, J-A-I-M-E-E, A-L-S-I-N-G.

13 This is a statement I submitted in
14 writing. I'd like to reiterate my concerns.

15 This project is completely out of line
16 with the environmental aesthetic and human health.
17 There are huge concerns to Athens and the Waverly
18 community.

19 This mountainside overlooks the
20 Chemung River, the National Preserve area and
21 overlooks our entire community. My concerns are
22 that increased runoff, inability to handle 100 year
23 flood events, increased percent of solids,
24 air-quality issues and blasting dust and
25 archaeological significance in the area.

1 These are just to name a few off the
2 top of my head, and I'm urging the DEP to closely
3 consider them. This is not a remote location.
4 Choosing this location to mine impacts thousands of
5 people directly and millions, once you consider the
6 Chesapeake Bay Watershed.

7 I've dedicated myself to the community
8 for the last seven years of my life as my chosen
9 home. I cannot bear that a single project has
10 potential to harm so many people and have such an
11 environmental wreck outside my back window.

12 HEARING OFFICER: Thank you. Next is
13 J.C. Christiansen.

14 J.C. CHRISTIANSEN: J, period, C,
15 period, C-H-R-I-S-T-I-A-N-S-E-N. My wife just
16 handed me this. Literally, she just walked in and
17 handed me this.

18 It's data on how far respirable dust
19 actually travel. Now when the engineers will say,
20 oh, the problem with the dust is going to be handled
21 by engineering processes. I don't trust engineering
22 processes, honestly, because that makes guinea pigs
23 of all the children that are within - that makes
24 guinea pigs of all the children that live less than
25 four miles from the dust cloud that's going to be

1 produced. Those dust clouds are acidic. They're
2 connected statistically with higher rates of asthma,
3 higher rates of emphysema, higher rates of lung
4 disease all over the nation.

5 I grew up in Southern New Mexico,
6 where dust was a problem. Silicosis is not
7 something you can just ignore. And the idea that,
8 oh, we got the promise that engineering will handle
9 the problem is hollow.

10 We are not wanting to use our children
11 as guinea pigs, especially. I understand aggregate
12 is important to the production of a nation and the
13 production of a community and the production and so
14 are good jobs, but so is clean air and the safety of
15 our children are important.

16 How we balance those two things is
17 important. That's what we're discussing here. I
18 have a tendency to balance more towards the safety
19 of our children and the safety of our community
20 rather than profits or jobs. Thank you.

21 HEARING OFFICER: Thank you. And our
22 last registered speaker is Pat, I'm going to guess
23 Chacha (sic). My writing is terrible, so if I wrote
24 my name, you'd never figure it out.

25 PAT CHACONA: My name is Pat Chacona,

1 P-A-T, C-H-A-C-O-N-A. I'm just here to talk about
2 Round Top. I have lived in Athens for most of my
3 whole life.

4 First I lived on 1st Street and Round
5 Top was my view. And then I got married and moved
6 to Cherry Street, one block over, and Round Top was
7 my view. I have seen that beautiful view my whole
8 life. It's Round Top. It's behind the school.

9 It sickens me that a gravel pit and
10 all this is going to happen on beautiful Round Top.
11 It just literally makes me sick.

12 After listening to some of the
13 speakers, I see that gravel pits are necessary, but
14 I just can't see why it has to go there. Not even
15 to mention the eagles and the wildlife.

16 Anyway, just - it's been my view my
17 whole life and that's all I wanted to say.

18 HEARING OFFICER: Thank you to
19 everyone who spoke. We really appreciate your time
20 and effort here. So we are actually now going to
21 conclude tonight's public hearing.

22 We very much appreciate your interest
23 in the matter. Again, please check out our web page
24 for future information. The transcript from
25 tonight's hearing will be posted on the web page,

1 once it becomes available. That's typically about a
2 month or so. Have a safe trip home and good night.

3 * * * * *

4 HEARING CONCLUDED AT 6:55 P.M.

5 * * * * *

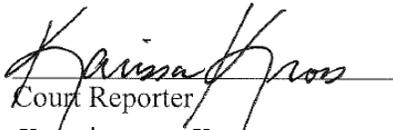
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CERTIFICATE

I hereby certify that the foregoing proceedings, a hearing held before Hearing Officer Lehman, was reported by me on 9/26/23 and that I, Karissa Kross, read this transcript, and that I attest that this transcript is a true and accurate record of the proceeding.

Dated the 18th day of October, 2023


Court Reporter
Karissa Kross