



Bureau of Waste Management

December 29, 2022

Ms. Morgan Popple
Earth Revival LLC
P.O. Box 1813
Plains, PA 18705

Re: Denial of Application for Statewide General Permit
Earth Revival, LLC (Earth Revival) Application
Fell Township
Lackawanna County

Dear Ms. Popple:

The Department of Environmental Protection (DEP) has reviewed the application submitted by Earth Revival for the development of a new statewide general permit to authorize the processing and beneficial use of Construction and Demolition (C&D) fines mixed with Portland Cement (PC) as fill material for reclamation of pre-Act and abandoned mine lands and construction activities for completeness. This general permit application is based upon the results of the Demonstration Project conducted by Pioneer Aggregates, LLC ("Pioneer"). Pioneer submitted its final completion report (final report) on February 23, 2021, to DEP for review in accordance with 25 Pa. Code § 287.504(5). Based upon, among other things, the issues identified in the Department's associated Pioneer Final Report letter, dated December 29, 2022, Pioneer did not adequately demonstrate that the use of C&D fines mixed with PC as fill material for reclamation of pre-Act and abandoned mine lands can be performed in a manner protective of public health and the environment and will not cause groundwater pollution. The proposed use of the waste material for mine reclamation cannot be considered for authorization under a Statewide General Permit, and the Department hereby denies Earth Revival's application for a Statewide General Permit.

Any person aggrieved by this action may appeal the action to the Environmental Hearing Board (Board) pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa. C.S. Chapter 5A. The Board's address is:

Environmental Hearing Board
Rachel Carson State Office Building, Second Floor

400 Market Street
P.O. Box 8457
Harrisburg, PA 17105-8457

TDD users may contact the Environmental Hearing Board through the Pennsylvania Relay Service, 800-654-5984.

Appeals must be filed with the Board within 30 days of receipt of notice of this action unless the appropriate statute provides a different time. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

A Notice of Appeal form and the Board's rules of practice and procedure may be obtained online at <http://ehb.courtapps.com> or by contacting the Secretary to the Board at 717-787-3483. The Notice of Appeal form and the Board's rules are also available in braille and on audiotape from the Secretary to the Board.

IMPORTANT LEGAL RIGHTS ARE AT STAKE. YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD AT 717-787-3483 FOR MORE INFORMATION. YOU DO NOT NEED A LAWYER TO FILE A NOTICE OF APPEAL WITH THE BOARD.

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST BE FILED WITH AND RECEIVED BY THE BOARD WITHIN 30 DAYS OF RECEIPT OF NOTICE OF THIS ACTION.

Morgan Popple

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December 29, 2022

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Solloway". The signature is fluid and cursive, with a large initial "C" and a long, sweeping tail.

Chris Solloway, Environmental Group Manager
Division of Municipal and Residual Waste