GENERAL PERMIT APPLICATION NUMBER WMGR097R011
HAZLETON CREEK PROPERTIES, LLC
PUBLIC COMMENT & RESPONSE DOCUMENT
APS No. 701201, AUTH No. 804799
March 2010

On October 24, 2009, the Department of Environmental Protection (DEP) began a thirty-day public comment period on a registration for a residual waste general permit submitted by Hazleton Creek Properties, LLC (HCP). The application is for a research and development project involving the use of construction and demolition fines and regulated fill in mine reclamation and as construction material. Comments were received from the 712 commentators listed at the end of this document. Relevant comments derived from written comments received during the public comment period have been summarized below. Comments are representative of single or multiple commentators. Department responses are provided for each comment or grouping of comments.

1. **Comment:**

Please do not stop the progress. (1-10, 12-88, 94-112, 114-564)

Response:

DEP's decision on this registration does not change authorizations previously given to HCP under General Permit Numbers WMGR085D001 and WMGR096NE001.

2. Comment:

The commentator offered several suggestions for future use of the site, including as rails-to-trails, for an amusement park, amphitheatre, and an ATV and dirt bike test area. (11)

Response:

These comments do not address the technical aspects of the registration and should be sent to the site developer, rather than DEP.

3. Comment:

The use of solid waste as mine fill is not a good practice. (89)

Response:

DEP has attained success with mine reclamation using solid wastes at the Bark Camp Mine Reclamation Project in Clearfield County. While not all solid waste would be acceptable for use in reclaiming mines, DEP believes some materials that are considered solid waste would be beneficial for use in mine reclamation projects.

4. Comment:

25 Pa. Code 287.611(e)(3) states that DEP will not issue a general permit for "the use of residual waste to fill open pits from coal or noncoal mining except for coal ash mixed with residual waste … ." (89)

Response:

DEP can waive or modify this provision in accordance with Section 287.632.

5. Comment:

The failure of HCP to install a liner, along with a leachate collection and treatment system, to protect the groundwater creates a great risk to the health and safety of the City of Hazleton, since the general permit is for the R&D of new, untested technology. (89, 92, 93, 672, 673, 675, 678, 680)

Response:

Mine reclamation projects do not require a liner or other containment systems, since the proposed chemical limits are considered protective without the need of a liner system. If approved, the authorization to operate under the general permit would include a number of safeguards, such as sampling and analysis of the incoming materials, groundwater monitoring and regular reporting, to ensure that problems, though not expected, would be quickly identified and addressed.

6. Comment:

Normally, mine reclamation is accomplished using available on-site overburden (mine spoil) for backfilling. (89)

Response:

There is not enough on-site overburden to properly reclaim the site. Typically, additional materials are needed to complete remediation at any mine site.

7. Comments:

How was the background concentration limit for lead determined? (673)

The standard set for fill at the site means that the dredge and other materials can contain 943 ppm of lead. (89, 600)

Two million tons of waste at this level would mean 1886 tons of lead will be imported into the state and dumped at the site. (89)

It is impossible for this area to have lead levels this high. DEP was duped by HCP in accepting these false results. The average lead in soil in PA is less than 150 ppm. (600)

Response:

General Permit Number WMGR096 allows background levels to be used for placement of regulated fill at a site. HCP had previously established site background for lead at 943 ppm for lead based on sampling existing site conditions under General Permit Number WMGR096NE001.

Use of the background standard means that materials containing lead levels up to 943 ppm could be placed at the site without increasing the concentration of lead at the site.

While naturally occurring soil in PA would have lead levels considerably below 943 ppm, it is possible for the area to have lead levels this high. This site has been impacted by past practices, which included mining and landfilling. HCP followed acceptable protocol in determining the site background lead level.

8. Comment:

How these materials react to the physical environment is not known. (89)

Response:

This is part of the information that will be attained through the R&D project. It is not anticipated that the placement of these materials will negatively impact or harm the environment. The R & D project will produce data to evaluate the ability of regulated fill and construction and demolition fines to perform as a construction material.

9. Comment:

Research projects typically include extensive baseline analyses of the geology, hydrogeologic conditions, and water quality at the site. It is our understanding that such extensive analyses have not been done. (89)

Response:

An extensive baseline environmental report has been done at this site by Groundwater Sciences Corporation in 2004. In addition, an enhanced groundwater monitoring plan was developed for this site and additional groundwater monitoring data has already been generated by HCP.

10. Comment:

Research projects typically require multiple upgradient and downgradient wells to monitor water quality and flow at the site. The baseline measurements occur many years before waste disposal. Monitoring wells are typically drilled as close as possible to determine if leakage is occurring from the disposal site. Monitoring wells are especially important for this site, since the mine pool underlies a populated area of Hazleton. Typical groundwater systems consist of downgradient wells in every dominant direction of groundwater flow. (89)

Response:

This site is underlain by underground mining and drainage tunnels. The drainage tunnels are designed to drain water from the site and control the specific direction of that flow. The location of the monitoring points selected in the enhanced groundwater monitoring plan were selected as the most appropriate sites to capture any releases from the site.

Several onsite wells that were drilled to monitor shallow groundwater were all noted as dry in the original groundwater monitoring plan for the site.

11. Comments:

The report issued by Mr. Gadinski suggests that the present groundwater monitoring plan at the site is woefully inadequate and is inconsistent with DEP's Groundwater Guidance Manual. (89, 92, 93, 565, 672, 673, 675, 684)

Until HCP can propose a monitoring system that is approved by a third-party, it is irresponsible to place experimental dredged material and construction and demolition fines so close to our homes. (678)

Response:

The current enhanced groundwater monitoring plan for this site was developed by HCP and approved by DEP as a result of an appeal of General Permit Number WMGR085D001 by Citizen Advocates United to Safeguard the Environment (CAUSE) to the Environmental Hearing Board. Prior to DEP approval, CAUSE, through its consultant, Mr. Gadinski, was given an opportunity to review and comment on the enhanced plan that was submitted by HCP. It was determined by DEP, and agreed to by CAUSE through Mr. Gadinski, that the enhanced groundwater monitoring plan, including the additional work requested by CAUSE, as submitted by HCP was adequate. DEP continues to believe that the plan will be effective in protecting human health and the environment.

12. Comment:

Mr. Gadinski found that groundwater at the site had elevated pH and arsenic levels. (565)

Response:

Though the pH was slightly higher for well GW-10 in the nine rounds of sampling provided, no contaminant levels were significantly higher for GW-10. Therefore, there is no evidence that there is an impact to the mine pool based on pH alone.

The monitoring data show arsenic levels range from non-detectable concentrations (<3 ppb) to a concentration just above the detection limit (4 ppb). This does not constitute a significant upward trend. The PA drinking water standard is 10 ppb and the Land Recycling and Environmental Remediation Standards Act (Act 2) standard for arsenic is 50 ppb.

13. Comment:

The prevailing belief that the Jeddo Tunnel drains and has drained this entire site for many years since the Tunnel was built is incorrect. The inverse elevation of the Jeddo Tunnel is several hundred feet above the actual mine pool, which means there is a wide area, several hundred feet high, that lies at the bottom of the mine pool and is not drained. Nobody knows where this stuff goes. When the Tunnel was built, mine water was lifted to the Tunnel through a series of pumps and flood gates. These were destroyed in the 1950's by Hurricane Diane and all of the mines below the elevation of the Tunnel were flooded and the pumping system was destroyed. All the studies that have been done assumed that the entire matrix of deep mines drained into the tunnel and they do not. (676)

Response:

The monitoring program was developed to monitor all potential contamination flow paths. The enhanced groundwater monitoring plan submitted by HCP identified the gravity drainage system underlying the site as the preferential pathway from the site within the main mine pool occupying the Hazleton Syncline coal basin. The Jeddo Tunnel is not part of the monitoring plan.

14. Comment:

The commentator has heard that degradation of groundwater has been taking place since the introduction of river sludge at this site, and would like DEP to take a long look at monitoring well data, particularly wells Number 10 and 13. (676)

Response:

DEP has reviewed the groundwater monitoring well data for GW-10 and GW-13 and has not seen significant changes in the groundwater quality.

15. Comment:

The site has been extensively deep and surface mined, resulting in a complex hydrogeology relative to this site. Since the mines and groundwater are interconnected, DEP needs to be particularly careful in granting approvals that could contaminate the groundwater further. (89)

Response:

DEP agrees with the commentator. DEP has carefully considered this project and has incorporated measures to protect groundwater.

16. Comment:

Because of mine shafts that exist under the city, any contamination would quickly drain out to Butler Mountain. We could be sampling water around Cranberry Creek, while the real problem is occurring at the end of shaft 'X'. (11)

Response:

The monitoring program was developed to monitor all potential contamination flow paths. The enhanced groundwater monitoring plan submitted by HCP identified the gravity drainage system underlying the site as the preferential pathway from the site within the main mine pool occupying the Hazleton Syncline coal basin.

17. Comment:

DEP's reliance on data provided by HCP for a prior permit in reviewing the application before them today is arbitrary and unsound since each permit should be reviewed on its own merits. The groundwater monitoring system proposed in the current application was approved by DEP under a previous permit for a proven practice governed by an ordinary general permit. (672)

Response:

DEP disagrees with the commentator. The current DEP-approved water quality monitoring plan covers an area which includes the site of the proposed R&D project. DEP believes it will adequately detect any water contamination produced by the proposed R&D project, as well as other projects occurring at the site.

18. Comment:

HCP is not simply proposing flyash disposal at this site. The Tennessee Valley Authority (TVA) previously rejected this site for coal combustion waste disposal due to the absence of a liner at the pit. (89)

Response:

This application does not include placement of flyash. (It should be noted that the ash from last year's failure of the TVA impoundment did not meet PA's requirements for beneficial use of coal ash.)

19. Comment:

Landfills in PA typically require liners, final cover and closure plans, leachate collection and treatment, and gas collection and venting. (89)

Response:

DEP does not consider beneficial use sites to be landfills, which are waste disposal facilities.

20. Comments:

Landfills in PA typically post bonds for reclamation and remediation costs if water pollution occurs in the future. (89)

DEP must condition any approval of HCP's registration for coverage under General Permit Number WMGR097 on HCP posting a bond covering the full cost of removing and properly disposing of waste materials. (91)

The bonding requirements are only for the continuation of water monitoring and fail to set aside funds for proper remediation if water quality is affected, leaving the Commonwealth responsible for any problems at the site since HCP is a limited liability corporation. (672, 676)

Removal of the placed materials if the experiment fails, or remediation of the site if the proposed project causes new contamination, will cost more than $750,000, the amount of the existing bond. (673, 675)

Response:

In permitting a new landfill or beneficial use of waste or coal ash, DEP does not require bonding to cover reclamation and remediation costs. If water pollution occurs, DEP can then require additional bonding to cover these costs.

HCP's current bond covers the costs of equipment decontamination and ten years of monitoring after placement at the site has been completed. Based on review of groundwater monitoring results and other monitoring information, DEP may require an increase in bond amount to cover any necessary assessment and abatement activities.

21. Comment:

If groundwater contamination is found, how does HCP plan to treat the water? (89)

Response:

Since treatment technology is dependent on the type and extent of contamination, it is premature to select the technology prior to the detection of any groundwater contamination. Should a problem occur, HCP will be required to provide an assessment that describes the problem and identifies the measure necessary to immediately address the issue.

22. Comment:

In the area of the Buck Mountain Mine Pool, contamination has been identified in both site wells and residential wells. It may be necessary to drill additional wells in the Buck Mountain Mine Pool to better understand the full role of this mine pool on site hydrogeology. (89)

Response:

DEP is not aware of any contaminated residential wells or site wells. Monitoring well GW-9 was sited to monitor the Buck Mountain mine pool.

23. Comment:

Rather than improving the quality of the area, and protecting the health and environmental quality of the Commonwealth, this permit encourages the transportation of vast quantities of potentially harmful materials into the state and the Hazleton community with minimal oversight. (89)

Response:

The extensive testing requirements and chemical limits are designed to protect human health and the environment. The purpose of the project being authorized is to reclaim an existing environmental hazard and allow the property to be put to use and support construction activity.

24. Comment:

It is appalling that the state would allow dredged soils, demolition materials, coal ash and kiln dust to be used in such a project. These materials are deemed toxic and hazardous by many informed people both in and out of the scientific community. These materials should be sent to residual and/or hazardous waste landfills. (90, 573-599, 601-641, 654-671, 685, 686, 690-711)

Response:

HCP's application under consideration includes use of regulated fill, including dredged material, and fines from processing construction and demolition wastes. Coal ash and kiln dust are not part of this application.

The extensive testing requirements should ensure that wastes brought to the site are not hazardous.

25. Comments:

DEP's approval of this project would establish the worst kind of environmental precedent where an obscure regulation with an apparently narrow focus (research) is extended to a large scale where it can undermine sound waste management practice and regulation. (89)

HCP's proposal is not "research and development," but instead a full-scale implementation of an unproven mixture of waste materials in an uncontrolled and complex setting within an Environmental Justice Area. The essence of R&D is minimizing the risks by experimenting at a small scale and in circumstances that offer control over the experiment. DEP incorporated this conception into General Permit Number WMGR097, limiting its approval to "small-scale" R&D activities. [34 Pa. Bull. 1509 (March 13, 2004)] Not until R&D has demonstrated the safety and effectiveness of a new product, process, technique, or technology is implementation ramped up to full scale. (91, 674, 676, 684)

Special Condition No. 1 of General Permit Number WMGR097 makes it clear that an R&D project authorized under the general permit is not supposed to be an end in itself, but instead a step toward seeking approval of the process, technique or technology through issuance of a separate general permit or an individual beneficial use permit. What HCP is proposing is not R&D, but is instead a massive, long-lived project that would involve placing waste materials over a large area underlain by complex stratigraphy and a hydrologic regime that is complex to understand, model and monitor. Because there is no indication that the mixture of wastes HCP is proposing has been demonstrated as a minefilling or construction material on a smaller scale, HCP must be required to provide such a limited-scale demonstration before it ramps up to a full-scale reclamation and construction project. (91, 674, 676, 684)

One has to question whether the activities being proposed even qualify as research and development. Research, to be considered valid, begins with a hypothesis and involves systematic investigation to test that hypothesis. Presumably, the hypothesis presented by HCP is that construction and demolition fines can be mixed with regulated fill in a manner that would allow for construction. Testing such a hypothesis, however, should not require five years and 1.4 million cubic yards of material. There also appears to be very little in the way of structure or controls to the "research" purportedly to be performed by HCP. Who are the experts performing the studies? There's no peer review of the testing results, which is typical of any qualitative analysis. Moreover, the application set forth no measures or metrics for validating the results of the study. In terms of controls, the application allows for layering and mixing of different materials within the same site location, seemingly without any attempt to control for or isolate this work from any other work going on at the site. In summary, this project does not have any of the elements one would expect to find in a research project. (674)

Any bona-fide R&D project should have careful controls in place to ensure the ability to repeat the same process during full-scale implementation. The blending methods used by the construction and demolition processors and HCP are anything but carefully controlled under this application. The blending methods will vary from site to site and on the different equipment being used by each processor. Under this application, blending can occur anywhere (at the source or at HCP), in any manner, and without any proper or monitorable process controls which would justify calling this research and development. (674)

The commentators are concerned about the size of this project, which would far exceed the 50-ton limit under this permit and would dump nearly 2 million tons of this experimental mixture into a mine pit. They do not want Hazleton to become a science experiment at the expense of the health of the residents who live there. (573-599, 601-641, 654-671, 690-711)

The size and scope of the proposed project is inappropriate for a general use permit authorizing small-scale R&D activities. General Permit Number WMGR097 is simply not the proper vehicle for an experimental project of this magnitude. (672, 673, 674, 675, 686)

HCP has not adequately justified the need for a "demonstration" project of this enormous size. DEP should explain why a smaller "demonstration" — or further R&D to develop science — and data-based conclusions about the relative safety of the project to human health and the environment-is not required before this particular project is approved. A smaller project could occur at a site not in such close proximity to residential and commercial areas. (673)

Since new technology is being introduced, the GP should be limited in both duration and scope until it has been proven that the project will be a success. (672)

Response:

General Permit Number WMGR097 allows the DEP to approve a time period greater than one year and a waste volume greater than 50 tons provided the applicant demonstrates that these are necessary to demonstrate the success of the R&D project. The applicant has submitted the information required by the general permit. If successful, this technology can then be applied to the beneficial use of this type of waste at similar facilities without another R&D general permit.

The proposed project includes a number of safeguards, such as sampling and analysis of the incoming materials and groundwater and gas monitoring to ensure that problems, though not expected, would be quickly identified and addressed.

HCP has posted a bond for ten years of water quality monitoring under General Permit Number WMGR085D001. Due to the magnitude and duration of HCP's proposed R&D project, DEP is requiring water quality monitoring in the R&D permit. Since the Groundwater Monitoring Plan is the same for this project as under General Permit Number WMGR085D001, the bond posted under General Permit Number WMGR085D001 can also be used for bonding under General Permit Number WMGR097D011.

26. Comment:

This site was never really characterized. There is no accurate knowledge of what was deposited on the site and where it was deposited, except that the closure order issued by DEP in 1982 for the removal of an unknown number of barrels was never carried out. (92, 93, 675)

Response:

The only change to the site remediation being carried out under the Land Recycling and Environmental Remediation Standards Act and 25 Pa. Code Chapter 250 made by HCP's proposal under this general permit is the material to be placed above pre-existing materials at the site.

27. Comment:

HCP has been using construction and demolition and dredged material on an unlined area. (92,93)

Response:

HCP has been beneficially using regulated fill, including construction and demolition and dredged material, under the authorization granted by General Permit Number WMGR096NE001, which does not require a liner.

28. Comment:

HCP was found to be in violation of the current permit when they allowed rail cars of wood and various forms of metal to be disposed on the property. (92, 93)

Response:

HCP was in violation in August, 2008, when the rail cars containing these construction and demolition wastes were unloaded at the site. These wastes were promptly removed for off-site disposal and were never disposed at the HCP site.

29. Comments:

The Agency for Toxic Substances and Disease Registry (ATSDR) understanding in reviewing permits for this project in the past is that gypsum board was not allowed under the site's permits. ATSDR has experience with a number of sites where the disposal of gypsum board has posed a public health problem. Disposal of gypsum board has a long history of health issues, including hydrogen sulfide generation, methane and landfill fires. We would not recommend that this material be allowed to be disposed of at the Hazleton City Landfill site. (113)

There have been problems caused by gypsum disposal in landfills due to production of hydrogen sulfide. In HCP's operations plan, large wall board (> two feet in size) is proposed to be separated, but that still leaves large quantities of crushed or pulverized gypsum available for transport to Hazleton. Although HCP proposed to perform quarterly gas probe monitoring for methane or hydrogen sulfide levels at the perimeter of the placement area, the proposal to cease acceptance will be of little comfort to those impacted by odors generated by gypsum wallboard that may be freely disposed at the HCP site as part of this project. (674)

Response:

There are important differences between the proposed R&D project and disposal of gypsum board in a landfill. While the construction and demolition fines will contain some gypsum, these fines will contain much less than found in gypsum wallboard. The concentration of gypsum will also be reduced by co-placement of the construction and demolition fines with regulated fill. Co-disposal of gypsum and municipal waste in landfills creates the conditions where hydrogen sulfide and methane generation are likely. Since construction and demolition fines will be placed above the old landfill rather than co-disposed with municipal waste, generation of hydrogen sulfide and methane is not expected to be a problem. As a precautionary measure, the project will have a gas monitoring system to detect levels of hydrogen sulfide and methane and would allow action to be taken before their levels become a problem.

30. Comment:

Statements have been reported inaccurately about ATSDR's 2007 letter review of this site in the news and at the November 16, 2009, public informational meeting and in the news. The blanket statement that ATSDR said that materials do not pose a health risk at this site is not true. We found that, based on the information available at the time, groundwater and fugitive dust were potential (although unlikely) exposure pathways of concern and subsurface vapors/vapor intrusion was an indeterminate potential exposure pathway. Our 2007 review was also conducted prior to the recent changes being proposed regarding the fill to be used at the site. (113, 673)

Response:

Your comment has been noted.

31. Comment:

At the November 16, 2009, public informational meeting, HCP's consultant, Mark McClellan, said that ATSDR has determined in 2007 that the materials now proposed for placement do not pose a health risk at the site. In a November 18, 2009, e-mail, Lora Siegmann Werner, Senior Regional Representative of ATSDR, addressed Mr. McClellan's claim by stating, "The blanket statement that ATSDR said that materials do not pose a health risk at this site is not true." She went on to note that ATSDR's 2007 review was "conducted prior to the recent changes being proposed regarding the fill." She states quite emphatically that "ATSDR has experience with a number of sites where the disposal of gypsum board has posed a public health problem. Disposal of gypsum has a long history of health issues, including hydrogen sulfide generation, methane, and landfill fires. We would not recommend that this material be allowed to be disposed of at the Hazleton City Landfill site." (673)

Response:

Your comment has been noted.

32. Comment:

There is no amount of monitoring that can capture hydrogen sulfide working its way into all the mine voids. It is only a matter of time before this happens and by then, it will be too late to remove it. (600)

Response:

Since the gypsum-containing construction and demolition fines will not be co-disposed with municipal waste, generation of hydrogen sulfide is not expected to be a problem. The gas monitoring system is a safeguard and designed to give an early warning in case hydrogen sulfide is generated. DEP believes there are technologies, such as soil vacuum extraction, that could be used to prevent significant amounts of this gas from moving off-site, even with the mine voids located below the placement area, should it be detected.

33. Comment:

It is the commentators' understanding that the new permit application submitted by HCP is for reclamation using river dredge and construction and demolition materials, which is experimental. It is also my understanding that, if approved, this would be the first permit for this type of reclamation issued in PA and possibly the first in the country. I have serious concerns about allowing these materials to be used at the Hazleton site without properly ensuring that they are not hazardous to the community. (565, 573-599, 601-641, 654-671,673, 683, 685, 690-711)

Response:

HCP's application under consideration includes use of regulated fill, including dredged material, and fines from processing construction and demolition wastes. Some construction and demolition material, such as bricks, block and concrete, has already been used at the site as clean fill or regulated fill. The proposed use of construction and demolition fines is what is new to the site.

While HCP's proposal is the first use of construction and demolition fines for reclamation in PA, the purpose of the R&D project is to evaluate if this is a viable beneficial use of the waste and, if successful, to produce data in support of development of a full general permit to cover this use in the future.

The extensive testing requirements and chemical limits should ensure that wastes brought to the site are not hazardous to the community.

34. Comment:

Commentators oppose the proposal to dump over 1 million tons of toxics in Hazleton, including arsenic, asbestos and other dangerous toxics. Toxics from placement could contaminate drinking water and damage the health of the citizens. (556-572, 642-652, 687-689)

Response:

The wastes proposed by HCP to be used at the site may contain trace amounts of arsenic, asbestos and other materials, but only at levels considered protective of human health and the environment.

35. Comment:

Have any scientific, peer-reviewed studies been performed and published on the proposed combination of materials to ensure that the material is safe when blended as proposed? (673)

Response:

DEP is not aware of any studies.

36. Comment:

This stuff is waste, not materials, and needs to go to a permitted waste landfill. (600)

Response:

DEP agrees that the construction and demolition fines and regulated fill are waste. However, DEP has the statutory authority to issue general permits to allow beneficial use of waste. Through beneficial use permits, materials can be used to accomplish a beneficial purpose, such as mine reclamation, that is subject to certain conditions that protect the public and environment. In addition to a productive use of the waste, beneficial use of waste in lieu of disposal saves valuable landfill space.

37. Comment:

How can you build anything on a decomposing waste without major structural problems? (600)

Response:

DEP recognizes that if the construction and demolition fines contain significant amounts of biodegradable materials, such as wood and paper, structural problems could occur. As a measure of the organic content of the fines, HCP will determine the total volatile solids (TVS) content. HCP will evaluate this data to ensure structural problems from decomposition will not occur. HCP agreed to report on the physical properties and chemical composition.

38. Comment:

Nearly 25 years ago we moved to Hazleton from Elizabeth, NJ upon recommendation of our physician after lab result showed significant amounts of toxins in our blood. I have been informed that some of the dredged material is coming from the ports of Elizabeth, NJ. In 1972, I clearly recall seeing signs posted throughout the Elizabeth area warning NOT to swim, fish or eat the fish due to contaminants. Until I see evidence that this dredged material is 100 percent toxin-free, I do not want to be exposed to it. (653)

Response:

While nothing is "100 percent toxin-free," the levels set for dredged material under General Permit Number WMGR096, which are proposed by HCP to also be used for this project, are considered by DEP to be protective of human health.

39. Comment:

The experimental nature of the material and unidentified waste stream sources mandates more stringent testing of the waste material. (672)

Response:

DEP considers the proposed testing frequency adequate. All sources of waste will be identified before they will be brought to the site.

40. Comment:

One sample per 1,000 cubic yards is an inadequate number of samples for any material to be measured against regulated fill limits. HCP should be required to take at least the same number of samples as would be required under Appendix A of the Management of Fill Policy. (674, 676)

Response:

Depending on quantity of material, the proposed frequency of sampling can differ from the frequency required under the Management of Fill Policy. However, in both cases the intent was for a composite of four grab samples and one additional grab sample for volatile organic compounds to represent 1000 cubic yards of material. DEP considers this testing frequency adequate.

41. Comment:

Construction and demolition fines are a heterogeneous substance that will differ significantly in composition from source to source, and even within a single source, from dumpster to dumpster. Some estimates are that hazardous substances make up between ten to fifteen percent of construction and demolition fines in the aggregate and that gypsum typically makes up five to fifteen percent. Why should these highly variable construction and demolition fine materials be subjected to the same sampling protocols as the much better understood category of regulated fill, or the more homogeneous dredged materials? (673, 674, 675)

Response:

DEP and HCP recognize the heterogeneous nature of construction and demolition fines. For that reason, HCP has developed "recommended processing procedures" to be followed by generators of construction and demolition fines that include removal of hazardous materials and drywall pieces. These practices should decrease the variability of the construction and demolition fines. As with other waste materials destined for recycling and reuse, material separation, quality control and quality assurance are critical keys to success.

Regulated fill can also be quite variable, with construction material being quite different from demolition material, which can also vary dependent upon what is being demolished. Dredge materials are also variable and the material in storage basins can vary depending on where and when the dredging occurred.

DEP considers the proposed testing frequency adequate.

42. Comment:

The citizens of Hazleton deserve to know the chemical contents and the sources of the waste that HCP intends to bring to their community before the trucks and railcars arrive. If the project is approved, DEP should require as a condition of the permit that all waste sources be identified and all sampling data and analyses, including any reports, be made permanently available to the public at no cost, within one day of receipt of such information by HCP, both in hard copy at a suitable location open to the public and hosted in an electronic form on a dedicated website. HCP is already required by the terms of the Lease and Site Development Agreement to provide similar information to the Hazleton Redevelopment Authority. (673)

Response:

All sources of waste will be identified by HCP and its chemical composition reported to DEP before the waste is brought to the site. Since this information is considered public information, DEP can make it available to interested members of the public upon request. Since the commentator has indicated that this information is provided to the Hazleton Redevelopment Authority, it may be easier for Hazleton area residents to contact the authority's office to review the information.

The commentator requested that a new condition be included in the general permit to require this information be provided to the public. Since the conditions of a general permit apply to all persons operating under that general permit, adding this condition would also require the ten existing permittees to comply with that requirement. While DEP would not object if HCP would voluntarily decide to make this information available to the public, we believe that this requirement is not warranted for the existing permittees and will not modify General Permit Number WMGR097 to add it.

43. Comment:

HCP proposes to limit its sampling of blended materials to a single grab sample for every 1000 cubic yards and a 10,000 cubic yard composite made up of ten 1000 yards grab samples. This is a significant departure from the Management of Fill Policy. (673)

Response:

Testing of the blended material is used to confirm that the mixture of the already tested unblended material is acceptable for placement. Testing of the construction and demolition fines is performed on samples representing 1000 cubic yards. Testing of regulated fill (i.e. dredged material) will be done in accordance with the requirements in the Management of Fill Policy and General Permit Number WMGR096.

44. Comment:

To the extent that construction and demolition fines are sampled prior to shipment into Pennsylvania, those sampling results should be provided to DEP, along with the confirmation samples taken by HCP upon receipt of the materials. (674)

Response:

This information is required to be submitted to DEP as part of their quarterly and annual reports.

45. Comment:

While the current application is for a mixture of construction and demolition fines and dredged material, it is important to note that a previous permit for the site was granted to allow fly ash, kiln dust and river dredge to be used as fill. The potential that all three substances – dredged material, construction and demolition fines and fly ash – will be mixed together raises further questions as to the safety of the project. (672)

Response:

The mixture of coal ash, dredged material and kiln dust is designed to undergo pozzolanic reactions and set up like a low grade concrete. Because of this cementation, interaction between this mixture and the wastes under the proposed R&D project should be minimal. Nothing in HCP's past authorizations would allow construction and demolition fines to be mixed with the other wastes, and their mixing has not been proposed in the current HCP application.

46. Comment:

At the November 16, 2009, public informational meeting, HCP's consultant, Mark McClellan, said that a mixture of dredged material and construction and demolition fines had, in fact, been used in two projects in New Jersey, which he identified as the Bayonne Golf Club and the "Jersey Mall." An investigation into the details of the two cited projects, however, reveals that they are not examples of the waste mixture proposed for Hazleton that Mr. McClellan suggested. Indeed, the two projects bear precious little resemblance to HCP's proposed experiment.

Our research into the Bayonne Golf Club site found no specific reference to the mixing of construction and demolition fines with dredged material. Instead, our research indicates that the construction and demolition fines may have been layered over the dredged materials. Then, approximately 3.5 million cubic yards of clean topsoil was added over the layers of waste materials to cap the site. The first phase of that project was to construct a bentonite clay slurry wall, which keys into an underlying geological impermeable layer to prevent the lateral movement of groundwater onto or off the site. This allows leachate collection and treatment systems within the site to work more efficiently.

We believe Mr. McClellan's reference to the "Jersey Mall" was intended to identify the Jersey Garden Mall in Elizabeth, NJ. Approximately 1.3 million cubic yards, or up to 20 feet, of dredged material, stabilized with lime and Portland cement, was placed on the site and then capped with two to three feet of clean fill and/or asphalt. Our research found no reference to the use of heterogeneous construction and demolition fines at the site. The use of these fines – which, by their nature, will add porosity to the proposed mixture or layering of waste materials - would likely have the opposite effect of lime and cement stabilization, creating new pathways for contaminants. In further contrast to HCP's proposal here, the Jersey Garden Mall project installed a gas management system and a leachate collection and treatment system. (673)

Response:

The information available to the Department on the NJ project did not support either an approval or denial of the proposed project. The HCP general permit application was evaluated based upon the design and operating information submitted for this project and site.

47. Comment:

What studies have been done to determine the baseline health of the community? If there are no studies to date demonstrating the appropriateness of the project for Hazleton given the baseline health of the community, will DEP commit to determining the baseline vulnerability of the community prior to approving HCP's permit application? (673, 675)

Response:

Baseline health studies are beyond the scope of the general permitting program.

48. Comment:

Are the construction and demolition fines "true fines" or "grind fines" or both? (673)

Response:

Based on HCP's application, brick, block, drywall, wood and other large-sized materials will be removed from the C&D waste by hand sorting. The remaining, smaller material will then be crushed and then screened to produce a fine material.

49. Comment:

Will the dredged material be wet or dry when transported to the site? (673)

Response:

The project proposal is silent on this issue. However, for handling purposes, most dredged material is dewatered in basins or stabilized before transportation.

50. Comment:

How does HCP propose to place the material on-site? HCP's application contends that the materials could be transported to the site for placement after being mixed offsite, or alternatively that the unblended materials could be placed onsite in lifts. (673)

Response:

HCP proposes to place the blended materials, whether blended onsite or offsite, in two-foot lifts. As an alternative, construction and demolition fines could be placed in thin layers, approximately two inches thick, between two-foot lifts of dredged materials.

51. Comment:

How compact will the material be, and will this level of compaction change over time? (673)

Response:

HCP proposes to compact the lifts to achieve a compressive strength of 40 psi using ASTM D 1633. The results of this R&D project should indicate whether the compressive strength changes over time.

52. Comment:

Is it not true that layering of the unblended materials would create the potential for creation of small aquifers within the lifts of placed materials, and thus the potential that groundwater and surface runoff could move through those lifts and flow in new directions different from the flow patterns that exist currently at the site, before placement? (673)

Response:

Since neither the construction and demolition fines nor dredged material would be expected to undergo cementitious reactions without an activator, they should remain somewhat porous and not produce "small aquifers" within the lifts. Even if these "small aquifers" were produced in the 60-acre project site, the project is within the larger area covered by the water quality monitoring plan and the overall water movement would still be towards the monitoring points.

53. Comment:

Is there any evidence that the layering or mixing of porous construction and demolition fines and regulated fill will form a cementitious bond that will obstruct the passage of water? (673)

Response:

Neither the construction and demolition fines nor dredged material would be expected to undergo cementitious reactions without an activator and should remain somewhat porous. Since the 60-acre project site is within the larger area covered by the water quality monitoring plan, the overall water movement would still be towards the monitoring points.

54. Comment:

HCP's operations plan suggests that since DEP-accredited institutions will test and confirm the safety of all sampled materials, there will be no need to remove any material from the site after placement. In the absence of any previous project that has successfully mixed these materials for mine reclamation, what evidence is there to show that this project will be protective of human health and the environment and will not result in conditions requiring removal of the material or remediation of the new contamination at the site? (673)

Response:

The extensive testing requirements and chemical limits should adequately protect human health and the environment. However, should contamination be detected, HCP would be required to assess the situation and, if warranted, to abate the problem.

55. Comment:

Contingency plans must be proposed with the project, in case of violation of DEP water quality standards. (680)

Response:

HCP does have a preparedness, prevention and contingency (PPC) plan for the site. However, PPC plans are designed to cover incidents that require swift action, such as fires or spills. The water quality monitoring plan is designed to detect changes in the water quality before water quality standards are exceeded so that an assessment can be made and, if warranted, abatement of the problem.

56. Comment:

HCP's PPC plan approved under General Permit Number WMGR085 does not cover hydrogen sulfide and methane that could be produced from gypsum and organic matter in the waste to be utilized in this proposed project. The PPC plan should be revised to address these gases. (673)

Response:

PPC plans are designed to cover incidents that require swift action, such as fires or spills. The project will have a gas monitoring system to detect levels of hydrogen sulfide and methane. Monitoring provides the opportunity for action to be taken before gas levels could become a problem.

57. Comment:

If public health is jeopardized at any stage of this project, are there contingency plans that would provide funding for the relocation of nearby residents, or other remedies for affected persons? Who would be responsible financially for such remedies? Would those remedies include project termination and remediation if public health is at risk? (673)

Response:

DEP believes the gas monitoring and water quality monitoring plans will provide sufficient early warning to allow the project to be halted and remedial actions taken in time to prevent risk to public health. DEP may require additional bonding, if monitoring and other factors indicate assessment or abatement are necessary.

58. Comment:

What has been done to evaluate the acidity of the proposed materials and of the current site, and the likelihood that specific substances will leach at varying pH levels? (673)

Response:

The acidity and pH levels of the wastes to be utilized under HCP's proposal are not expected to vary significantly. In addition, these wastes will not be placed in an area where they will be exposed to acid mine drainage. Acidity of precipitation at the site will likely be the dominant impact of pH on leachability. The Synthetic Precipitation Leaching Procedure (EPA Method 1312), proposed by HCP to be used for part of the testing on the construction and demolition fines, is well suited to conservatively predict what may leach from this material.

59. Comment:

In a letter dated September 7, 2006, DEP indicated that future phases of development (post Phase 1) will require amended plans for both Erosion and Sediment Control and Post-Construction Stormwater Management. Have these amendments been made or proposed in connection with HCP's pursuit of this registration? How effective has the single basin been in efforts to manage the stormwater runoff that has occurred to date? Are there emergency plans or provisions in place in the event that weather patterns create a sudden influx of storm water? Are there plans to test the water and sediment being collected in the basin? (673)

Response:

The Phase II plans were approved by DEP on October 23, 2007, and the Phase III plans on February 20, 2009. DEP is not aware of any problems with erosion and sediment control at the site, including due to the single basin. We believe the large depressions on the site can handle a sudden influx of stormwater during the early stages of work at the site, and in later stages the basin is designed to capture the volume of a greater-than-100-year storm. We do not believe emergency plans or provisions are needed. There are no plans to test water or sediment collected in the basin.

60. Comment:

Has there been a determination as to what areas of this site could be classified as sensitive areas? (673)

Response:

DEP is unsure of what the commentator considers to be a "sensitive area."

61. Comment:

Is private well water being monitored down gradient of the site to ensure that the local wells are not being affected? What testing is being performed on the water in the deep mine pools, and what are the results to date? What will be the impact on the mine pool water as the mine is filled in, where will that water drain, and what will be the impact on public health and the environment of allowing that mine pool water to drain unchecked into the ground water, and/or to the Hazleton Shaft, the Jeddo Tunnel, and ultimately to the Little Nescopec Creek and the Susquehanna River? (673)

Response:

The groundwater monitoring system is designed to detect any groundwater impacts. Downgradient private wells are not monitored as the groundwater monitoring system is near the site and would identify any impacts, should they occur, long before they could reach local wells. All monitoring results are public information and available upon request to the DEP.

The mine pool is not being filled in, only the open pits above the mine pool. The mine pool itself will remain intact and continue to drain as it always has, ultimately discharging at the Jeddo Tunnel.

62. Comment:

What is DEP's scientific basis for concluding the limits approved under General Permit Number WMGR096 will be adequately protective of human health and the environment when this particular combination of materials has not been tried before? (673)

Response:

The scientific basis for the limits approved for regulated fill under General Permit Number WMGR096 are explained in the background information for the Management of Fill Policy (258-2182-773). The majority of material placed under the proposed project will be regulated fill. In addition to these limits, construction and demolition fines will have protective leachate standards that must be met. The leachate standards were developed using fate and transport modeling and assume a minimum of four feet of attenuating soil or other material between the waste and the groundwater.

63. Comment:

Has HCP committed any violations of their existing permits at this site? If so, what were the violations, how were they remedied, and what assurances does the public have that they will not be repeated? (673)

Response:

HCP had four violations in 2007 stemming from nuisances caused during transportation. These were corrected and have not been repeated since 2007. They had a violation in August 2008 due to off-loading of construction and demolition waste at the site. The waste has been removed and disposed of properly. No violations have occurred since that time.

DEP cannot give assurances that HCP, as well as any others operating under a DEP permit, will not have violations in the future. What DEP considers is that HCP has corrected the violations and is in compliance at this time.

64. Comment:

Has HCP or any affiliated companies (e.g., Fort Mifflin Reclamation Associates and any other affiliate from whom HCP has accepted, or intends to accept, waste materials for placement at the Hazleton project site) committed any violations of other environmental permits at other sites or facilities in Pennsylvania, New Jersey, New York or any other location? (673)

Response:

HCP has submitted a new Form HW-C (Compliance History) identifying Mifflin Reclamation Associates as a related party.

DEP routinely checks the compliance history of applicants and their related parties. We have no records of violations with any related party or with HCP at a different site.

The commentator's description of affiliated parties is much broader than what DEP considers to be a related party. DEP does not consider the compliance history of non-related parties who generate waste that may be accepted by HCP to be relevant in determining HCP's intent or ability to comply with the conditions of the permit.

65. Comment:

What is the status of the projects under General Permit Numbers WMGR085D001 and WMGR096NE001? Is this proposed project a substitute for these projects, or will they be concurrent? What will be the impacts of simultaneous projects at the site to public health or to the groundwater? (673)

Response:

HCP has been using dredged material and other regulated fill at the site for construction of a rail siding, as landfill capping material and other construction material uses under General Permit Number WMGR096NE001. HCP has not operated under General Permit Number WMGR085D001 at this time and would need to supply DEP with additional information, such as the final design of the processing facility, before they could begin.

The proposed project is silent on whether this project is a substitute for either of the other two permitted activities or the activities will occur concurrently. Since regulated fill is part of this proposed project and General Permit Number WMGR096NE001, simultaneous operations at the site should not increase the impacts on public health or the groundwater. On the other hand, two materials, coal ash and kiln dust, are part of the mixture authorized for beneficial use under General Permit Number WMGR085D001 which is not part of this proposed project. Since the mixture used under General Permit Number WMGR085D001 is designed to undergo cementitious reactions and restrict flow of water through the material, simultaneous operations could minimize the potential for impacts on public health and the groundwater.

66. Comment:

What consideration is being given to possible interactions of the placed materials, or leachate from the placed materials, with the historic contamination attributable to the numerous barrels of waste that reportedly were dumped illegally at the site in the past? (673)

Response:

Since dredged material has already been placed as landfill capping material under General Permit Number WMGR096NE001, the only difference from the proposed project is construction and demolition fines. Testing and chemical limits for the proposed project will be conducted to ensure the construction and demolition fines do not leach materials that would adversely impact the site due to previous disposal at the site.

67. Comment:

What is the relationship of the proposed project to HCP's preexisting obligations, including any agreed-upon timelines, under any Act 2 agreement or other agreement respecting the reclamation of the site? (673)

Response:

Registration under General Permit Number WMGR097D011 does not alter any preexisting obligations or timelines concerning reclamation at the site.

68. Comment:

What are the economic benefits from this project to the Hazleton and West Hazleton communities that will offset the environmental burdens presented by an experimental project for the placement of over two million tons of additional wastes? What are HCP's forecasts for anticipated revenues, either for HCP or its affiliated companies, from tipping fees and other sources, if the demonstration project proceeds as proposed? (673, 675)

Response:

Economic criteria are not considered as part of DEP's review and decision on the proposed project.

69. Comment:

What payments will HCP make to Hazleton, West Hazleton, Hazle Township, and/or Luzerne County in connection with the demonstration project during its 5-year term? (673)

Response:

Any payments would be dependent on agreements between these municipalities and HCP and are not relevant to DEP's review and decision on the proposed project.

70. Comment:

Should HCP not complete the redevelopment project, what penalties will it face? Are there financial consequences – or other consequences under state environmental laws – if the amphitheatre is not built, or the mine is not completely returned to original contours or adequately remediated? (673)

Response:

HCP has been issued coverage under General Permit Number WMGR085 to process and beneficially use waste in coal mine reclamation to level an area or bring it to an approved grade. However, it has not elected to operate under the authority of this general permit. Should HCP begin operations pursuant to this general permit, it would be subject to the conditions of the permit.

HCP has been operating only under General Permit Number WMGR096, which provides it with the authority to beneficially use regulated fill for construction purposes. To date, HCP has been satisfying the permit conditions and using regulated fill to construct a cap for the former landfills and build other necessary structures to complete the project. Therefore, the Department does not anticipate having to address the issue of penalties. In the unlikely event that the proposed plans are modified, the Department would consider the change in circumstances and whether a civil penalty is warranted. Section 605 of the Solid Waste Management Act provides the Department with the authority to issue civil penalties. The Residual Waste Regulations at 25 Pa. Code §§ 287.411 - 287.414 include more specific provisions that relate to when a civil penalty may be assessed and the manner of calculating the amount of the penalty.

71. Comment:

To expect us to believe that all of this will eventually result in a 30,000 seat amphitheater is simply an insult to our intelligence. (675)

Response:

Your comment has been noted.

72. Comment:

DEP personnel coordinating the November 16 public meeting assured questioners that DEP staff was taking notes of the meeting, and that they would be part of the record. (673)

Response:

A few brief notes were taken by DEP staff at the public informational meeting. These notes will be part of the file on HCP's application, which is available for public review.

73. Comment:

In DEP's comments on the application, HCP was asked to provide a plan for assessing the effectiveness of the R&D project. HCP answered by stating it intended to employ both "regular field testing" of the placed material and "final physical testing" of the compacted material to confirm it meets "the expected performance standards." What type of "regular field testing" is to be performed? How often will it be performed? At what point should HCP be expected to have sufficient information gathered in order to validate their hypothesis? Why can't that validation be completed within a one-year time period? (674)

Response:

Proposed quarterly field testing includes minimum unconfined compressive strength by ASTM Method D 1633 at a minimum of one per acre, and HCP will report these results in their quarterly reports. Modified Proctor tests will be done on the wastes or blended wastes on a quarterly basis. Upon completion of the project, test boring will be taken and the boring samples will be classified as soil classification using ASTM D 2487, and their bearing capacity will be determined using ASTM D 1194. In order for the bearing capacity testing to provide meaningful results for future construction at the site, it must occur after placement has been completed.

74. Comment:

The proposed project allows the blending of material in violation of DEP policy. In the Management of Fill Policy, DEP specifically prohibits blending or mixing waste materials to meet the limits established for clean fill. Similarly, under the Management of Fill Policy, when a person intentionally blends or mixes materials that test below the acceptable levels for regulated fill with materials that test above those acceptable levels, the mixture cannot be beneficially used as regulated fill. The prohibition against blending to meet acceptable standards must be applied to the construction and demolition fines and mixed material that HCP is proposing to handle under the GP for several reasons. First, HCP is proposing to blend these fines with regulated fill material, so the rules for regulated fill must be applied to the combination. Second, inasmuch as HCP is proposing to use the acceptance limits in General Permit Number WMGR096 for regulated fill material in determining what levels of contaminants are acceptable in the construction and demolition fines for placement at the HCP site, the rules for regulated fill must be applied, including the prohibition against intentional blending or mixing to meet the applicable standards. (674, 676)

Response:

While current DEP policy does not allow blending to meet standards, policies are dynamic and can be modified. R&D projects under this general permit can serve to generate information that may influence DEP policy in the future. Regulated fill, construction and demolition fines and blends of the two wastes exceeding 943 mg/kg lead may not be brought to the site.

75. Comment:

The permit application readily acknowledges that the construction and demolition fines that will be used will be crushed, screened and blended. The operations plan claims that the materials will be "carefully screened," but the same plan notes that construction and demolition processing activities will involve using a "bulldozer or other track equipment" to run over the material to get it to the correct size. What is to stop the construction and demolition processors from simply crushing and grinding each waste load, regardless of content, to produce a processed stream of what otherwise would be construction and demolition debris of unacceptable quality? A construction and demolition processor in New York or New Jersey supplying materials to HCP is under no regulatory obligation to use HCP's recommended processing procedures. (674)

Response:

The obligation to see that they only accept construction and demolition fines from processors following HCP's recommended processing procedures falls on HCP, since they committed to only accept the fines from processors that follow these practices. In addition, if these practices are not followed, it is more likely that results of chemical testing will show that the material is not acceptable for use in the proposed project.

76. Comment:

How can the chemical characteristics justify the proportion of a blend when the construction and demolition fines are supposed to improve the workability or construction performance in some way? (674)

Response:

Due to the solubility of gypsum and biodegradability of organic matter, it may be necessary to limit the proportion of construction and demolition fines utilized to meet the desired compaction standards. This will be determined during the project.

77. Comment:

Approval of this project cannot be considered without reference to previously approved permits involving the Cranberry Creek project. From the beginning, assertions about the general nature of this whole project and its specific detains have been either self-contradictory or have morphed into new configurations. (675)

Response:

DEP believes the proposed project is compatible with the overall plan for future use of this site.

78. Comment:

While some opponents of all these general permits might accept the assertions that various mixtures of waste materials can result in stable building sites, few or none accept the assertion that any of these materials, in any configuration, are without environmental risk. Most opponents are more opposed than ever to any "beneficial use" of any imported waste material whatsoever at Cranberry Creek. (675)

Response:

This comment has been noted.

79. Comment:

There are no perfect solutions to the challenges of reclaiming places such as Cranberry Creek. There aren't even any good solutions. There is only the least imperfect solution. Remediating a toxic waste site with imported contaminated materials is not the least imperfect solution. (675)

Response:

This comment has been noted.

80. Comment:

Under General Permit Number WMGR096, the dumping of river sludge was prohibited into any holes and could only be used for roads and infrastructure. Construction and demolition waste must be only disposed in approved LINED landfills. Now, how can both above mentioned materials be mixed together in an unknown ratio and now become safe enough to fill in a massive 60-some acre stripping hole that is unlined and riddled with open mine shafts? (676)

Response:

General Permit Number WMGR096 authorizes beneficial use of regulated fill as a construction material. Dredged material has been used as regulated fill under General Permit Number WMGR096 for construction of landfill caps and other infrastructural features. Construction and demolition waste (i.e. bricks, blocks and concrete) has also been used as regulated fill under General Permit Number WMGR096 for construction of the rail sidings. What is new to this site in the proposed project is the use of fines from processing of construction and demolition waste.

81. Comment:

Around 30 years ago, the Department of Environmental Resources (DER) formally closed down the Hazleton City Landfill, which is the same property as the proposed project. Their reason at the time was that the land was not suitable for the safe disposal of municipal household waste. This was determined because DER said that there were open mine shafts, wrong soil attributes, massive amounts of dumped hazardous waste, and many other deficiencies. How can the same land not be a good place to dump known hazardous waste? (676)

Response:

The Hazleton City Landfill site of the proposed project is subject to ongoing remediation under the voluntary Land Recycling Program. The proposed project will not change the requirements under that program. However, it may alter the materials placed above the landfill.

Neither the dredged materials nor the construction and demolition fines would be allowed to be used at the site if they were found to be hazardous waste.

82. Comment:

Instead of this proposed project, you should look into the years and years of toxic dumping that happened on that land before the landfill was closed. (679)

Response:

The site is being remediated in accordance with the requirements of the Land Recycling Program.

83. Comment:

The application appears to have some conflicts with the Special Conditions in General Permit Number WMGR097, namely items 5, 6, 7, 8, 9 and 10. (676)

Response:

DEP does not believe the proposed project is in conflict with any of these permit conditions.

84. Comment:

Haven't we had enough potentially toxic as well as known toxic chemicals and waste dumped here? I would rather have the unsightly mine strippings, than to know, yet again, we are slowly being poisoned. (677)

Response:

The extensive testing requirements and chemical limits should adequately protect human health and the environment. However, should contamination be detected, HCP would be required to assess the situation and, if warranted, to abate the problem.

The commentator's preference to leave the sight unchanged has been noted.

85. Comment:

The commentator is deeply concerned at what is perceived as an attempt to move this application through the system without the opportunity for Luzerne County families to ask questions or offer comment. (678)

Response:

As advertised in the November 4, 2009, Hazleton Standard Speaker, DEP conducted a public informational meeting in Hazleton on November 16, 2009, and held a public comment period that lead to development of this document.

86. Comment:

From mining, the ground is NOT stable 150 feet down. Subsidences will happen. (679)

Response:

DEP has no reason to believe subsidence will be a significant problem at this site.

87. Comment:

Sound scientific evidence should be submitted by the applicant in support of this project, and DEP should review the applicant's proposal based on proven science. (680)

Response:

The purpose of General Permit Number WMGR097 is to generate the scientific data needed to evaluate new beneficial uses of waste material.

88. Comment:

The surface water and groundwater in the area of the proposed project has a very low pH and low hardness. This renders heavy metals especially toxic to aquatic life. And it is know that construction and demolition materials are potential sources of heavy metals. (680)

Response:

DEP is unsure what the commentator means by "a very low pH and low hardness" or at what monitoring points. Regardless, however, the construction and demolition fines proposed by HCP to be used at the site may contain trace amounts of heavy metals at levels considered protective of human health and the environment. In addition, metal leach limits based on chemical analysis should limit the amount of heavy metals from the construction and demolition fines that can reach the aquatic environment.

89. Comment:

Given the difficulty and time-consuming nature of enforcement actions, would DEP be able to assure that the operator would remove this magnitude of fill in a reasonable amount of time should water quality standards be exceeded? (680)

Response:

The water quality monitoring plan is designed to detect increasing levels of contaminants before water quality standards are exceeded. If this occurs, HCP will be required to do an assessment and, if warranted, develop and implement an abatement plan. While removal of the material is an abatement method, there are other acceptable methods that could be utilized. The choice of the proper abatement method is dependent on the type of contamination and conditions at the site.

90. Comment:

If DEP is not sure it's environmentally safe, then don't bring it to Hazleton or anywhere else in PA. (681)

Response:

The extensive testing requirements and chemical limits are designed to protect human health and the environment.

91. Comment:

The commentator is a veterinarian who has seen more tumors in PA than any other area that the commentator lived in. The commentator wants all "products" that are placed onto the land to be researched, since they will eventually wind up in the groundwater. (682)

Response:

The extensive testing requirements and chemical limits are designed to protect human health and the environment.

92. Comment:

We need more time to learn about this material. (683)

Response:

The purpose of HCP's proposed project under General Permit Number WMGR097 is to evaluate the use of construction and demolition fines in a practical manner. We believe that there was ample time during the public comment period to get information on the proposed wastes by examination of the application, inquiries to DEP staff and examination of the literature. In addition, DEP held a public informational meeting on November 16, 2009.

93. Comment:

The commentator expressed concern about traffic from the proposed project and inquired how many trucks and railcars would come to the site and the times and days of the week they would arrive. (683)

Response:

The dredged material has already been coming to the site under General Permit Number WMGR096NE001 by rail, and is expected to continue by rail with a similar schedule that is already in place. Construction and demolition fines may be transported by rail or trucked and the manner of their transportation will likely depend upon the sources and their access to rail. While the proposed project adds a new waste type, it does not increase the overall amount of material that will be placed at the site and would not be expected to result in increased traffic.

94. Comment:

Who will be watching all of this: the Hazleton Redevelopment Authority or the City of Hazleton? (683)

Response:

DEP has the authority to enforce the general permits and will conduct inspections at the site. The role that the Hazleton Redevelopment Authority or the City of Hazleton takes in monitoring the site is at their discretion.

95. Comment:

DEP has chosen the word "experiment" to hide the simple truth that it is just another case of dumping of hazardous materials into an unlined pit. DEP is using deceptive language to deceive the public. (684)

Response:

DEP respectfully disagrees with the commentator.

96. Comment:

The significance of any experiment lies in the ability to determine successful results. How will DEP know this experiment has successful results? (684)

Response:

There are three metrics DEP will use to judge whether the proposed project was a success. First, was HCP able to attain the necessary physical, engineering properties in the filled material to allow building construction at the site? Second, did the water quality monitoring system show an absence of increased contaminant levels after the project began? Finally, did the gas monitoring system prove that the production of hydrogen sulfide or methane was not taking place in the placed materials?

97. Comment:

How will DEP know that the results are different than the other placement of dredged material under the previous general permits? (684)

Response:

DEP believes the physical properties of the dredged material/construction and demolition fines mix in the proposed project will differ somewhat from those of dredged material alone. However, the water quality monitoring system is not designed to distinguish this project from others occurring at the site. In addition, the gas monitoring system may not adequately be able to distinguish gases coming from this project from those coming from materials already placed below the project area. Any significant increase in contaminants in the water quality monitoring or production of methane or hydrogen sulfide will require HCP to conduct an assessment and, if necessary, an abatement.

98. Comment:

Why was the mine owner allowed to leave the environment in such condition to begin with? (11)

Response:

The regulatory framework that exists today to prevent this from occurring did not exist when this area was mined.

99. Comment:

A private company wishes to profit from importing fines from construction/demolition sites to mix in with regulated fill, and dredge without revealing/sharing what the finished project may look like, or inviting public, or commercial input. The commentator strongly believes that it would be irresponsible to allow HCP to experiment on the 60-acre site without active participation of the communities and industry. (11)

Response:

Some of HCP's plans for the site after reclamation may be found on the HCP website (www.hazletoncreekproperties.com). While there is a requirement to notify the host municipality and county of the general permit application, there is no requirement that an applicant must seek public, commercial or industrial input into their plans.

100. Comment:

The public comments were restricted to whether or not the permit should be issued. Most of our concerns are about issues other than that. (11)

Response:

While the public comments are related to a DEP decision on an application, as can be seen in this comment and response document, comments can concern a variety of technical and non-technical issues. To be considered valid, however, the comments should pertain to the general permit and the application at hand.

101. Comment:

A commentator requested an open hearing that will address all concerns. (11)

Response:

While the commentator requested a public hearing, a public meeting is what was described. Public hearings are for accepting testimony and do not involve any discussion of issues by DEP or the applicant. Public meetings usually involve a presentation by DEP and/or the applicant followed by the opportunity for the public to ask questions. A public informational meeting was held in Hazleton on November 16, 2009, and DEP does not see the need to hold an additional public meeting or a public hearing.

102. Comment:

I'm disappointed that the Office of Environmental Advocate (OEA) and the Environmental Justice Advisory Board are not actively engaged in promoting public awareness, planning, and participation especially with an experimental project of this magnitude.

I strongly feel that it would be irresponsible to allow HCP to experiment on the 60-acre site without active participation as outlined in OEA's mission statement. (11)

Response:

In accordance with the Department's Environmental Justice Public Participation Policy, the Office of Environmental Advocate (OEA) took the following steps to ensure public awareness and active participation:

1. OEA staff actively engaged in the planning of the Environmental Justice (EJ) Public Informational Meeting held on November 16, 2009.

2. Worked with the Department's Office of Communications in crafting the Public Notice published in the local newspaper.

3. Worked with the Department's Legislative Affairs Office and Waste Management Program to guarantee that the meeting site was accessible to the public and could accommodate everyone who attended.

4. Had bilingual staff available at the meeting to translate any questions and answers from Spanish-speaking attendees.

5. Visited the local community and the project site.

6. Worked in collaboration with other DEP programs to craft a plain language summary of the permit application, which also detailed the public participation process.

7. Attended the meeting, disseminated information about the OEA, and spoke to local community residents in attendance to encourage public comments and written questions.

8. Ensured that copies of the permit application were placed at locations available to the local community.

103. Comment:

How many people must die before we stop the Holocaust? Long a burial ground for toxic waste and hazardous material, it's no wonder why Greater Hazleton deserves to be called Cancer Capital U.S.A. (711)

Response:

Your comment has been noted.

Table of Commentators

Commentator ID #	Name	Location
1	John Weinberg	Kingston, PA
2	Nina Davidowitz	Kingston, PA
3	Michael Thorwart	Wilkes-Barre, PA
4	Joshua Irizarry	Luzerne, PA
5	Gerard Durling	Pittston, PA
6	Justin Ide	West Pittston, PA
7	Ian Weinberg	Kingston, PA
8	Kevin Barr	Wilkes-Barre, PA
9	Blair Kroll	Wilkes-Barre, PA
10	Brooke Kroll	Wilkes-Barre, PA
11	Malcolm E. Hudgeon	not given
12	Lori Pawluck	Greefield Twp, PA
13	Cindy Lindiemolth	Kelayers, PA
14	Robert Hall	Kelayers, PA
15	Rick Bolinsky	Hazleton, PA
16	Leona Yutko	Weston, PA
17	Donna Barron	Eagle Rock, PA
18	Karen Koons	Conyngham, PA
19	Mary Hess	West Hazleton, PA
20	John Drasher	Drums, PA
21	Ralph Bley	Brandonville, PA
22	Mark Allen	Rock Glen, PA
23	Harold Ney	Zion Grove, PA
24	Sylvester Fellin	Nuremberg, PA
25	George Jones	Sugarloaf, PA
26	Ivona Kocow	Mt. Top, PA
27	Andrew Kielbasa	McAdoo, PA
28	Carl Smith	Hazleton, PA
29	Marie Welsh	Sugarloaf, PA
30	Marguerite Nenstiel	Sugarloaf, PA
31	Joseph Wilson	Sugarloaf, PA
32	Justine Margle	Hazleton, PA
33	Howard Frye	Hazleton, PA
34	Barbara Palodino	Hazleton, PA
35	Clarissa Hall	West Hazleton, PA
36	Diane Gensel	Hazle Twp, PA
37	Richelle Hall	Hazleton, PA
38	Joseph Mayer	Hazleton, PA
39	Anthony Tobias	Weston, PA
40	Theresa Brown	Rock Glen, PA
41	Kerry Long	Hazleton, PA
42	Karen Heller	Rock Glen, PA
43	Marion Fletcher	Hazleton, PA
44	Hazle Stewart	Oneida, PA

45	Cheryl Ann Pretti	Nuremberg, PA
46	Marge Baum	Hazleton, PA
47	Brian Sugardt	Hazleton, PA
48	Leslie Carrington	Oneida, PA
49	James Reimold	West Hazleton, PA
50	Mathew Rock	Hazleton, PA
51	Diane Soweski	Eagle Rock, PA
52	Daniel Green	Hazleton, PA
53	Jean Ann Tores	Oneida, PA
54	Hope Ann Nenstiel	Weston, PA
55	Mary Smith	West Hazleton, PA
56	Carol Obzut	Hazleton, PA
57	Michael Schultz	Berwick, PA
58	Mitchell Karchner	Sugarloaf
59	David Karchner	Sugarloaf, PA
60	Karen Karchner	Sugarloaf, PA
61	Ronald Makuta	Sugarloaf, PA
62	Ashley Herring	Freeland, PA
63	Deborah Makuta	Sugarloaf, PA
64	Jessica Herring	Freeland, PA
65	Harry Barthel	Drums, PA
66	William Mob…	Weatherly, PA
67	John Yackanatz	Pardeesville, PA
68	Trever Holtz	Freeland, PA
69	Michelle Haggerty	Stroudsburg, PA
70	Marl Meredick	Scranton, PA
71	Joseph Lalko	Plains, PA
72	Charlene Krzan	Dickson City, PA
73	Cindy Evans	Newfoundland, PA
74	Eileen Pricci	Scranton, PA
75	Renee Pricci	Scranton, PA
76	Ray Capwell	Pittston, PA
77	Jerry Meredick	Taylor, PA
78	Joseph Shepard	Clarks Summit, PA
79	Stan Strizakowski	Duryea, PA
80	Casey Przywara	Old Forge, PA
81	Jean Genoeocheltli	Old Forge, PA
82	Richard Mikolosk	Old Forge, PA
83	Thomas Przywara	Old Forge, PA
84	Michael Seegar	Taylor, PA
85	Laurie F. Rie	Taylor, PA
86	DML Services	Taylor, PA
87	Rick Besancon	Old Forge, PA
88	Paul R. Kosloski	Luzerne, PA
89	Jeff Schmidt Sierra Club	Harrisburg, PA
90	Michael A. Sauers	Hazleton, PA
91	Kurt J. Weist	Harrisburg, PA

	Citizens for Pennsylvania's Future	
92	Carolyn Martienssen	West Hazleton, PA
93	Charles Martienssen	West Hazleton, PA
94	Michel Minello	Clarks Summit, PA
95	Beckie Dombroski	Clarks Summit, PA
96	Colleen Marzan	Clarks Summit, PA
97	Maria Viesewski	Clarks Summit, PA
98	Stanley Viesewski	Clarks Summit, PA
99	David P. Coleneti	Carbondale, PA
100	Theresa Leo	Exeter, PA
101	Vincent Leo	Exeter, PA
102	Patrick B. Fisk	Clarks Summit, PA
103	Bill Renninger	Shickshinny, PA
104	Joan C. Perez	Hazleton, PA
105	Edward Kelchner	Sugarloaf, PA
106	Charley H. Jeffries	Weatherly, PA
107	Robert M. Kempert	Drums, PA
108	Jon Cook	Sybertsville, PA
109	Jim McCracken	Sugarloaf, PA
110	Glen Hahn	Bath, PA
111	Joe Czerwonka	Drums, PA
112	Jake McKellor	Lattimer, PA
113	Lora Siegmann Werner Agency for Toxic Substances and Disease Registry (ATSDR)	Philadelphia, PA
114	Justin Barletta	Hazleton, PA
115	Neil F. Roman	Hazleton, PA
116	Robin Bogert	Bloomsburg, PA
117	David Yagalla	Weatherly, PA
118	Jeffrey Steinman	Drifton, PA
119	George Zatorsky	West Hazleton, PA
120	Rob Piscura	West Hazleton, PA
121	Carol Yeakel	Conyngham, PA
122	Christine Hart	Lansford, PA
123	David Trackim	Tamaqua, PA
124	Douglas C. Koser	Berwick, PA
125	Charles Hick	Mountaintop, PA
126	Susan Karchner	Sugarloaf, PA
127	Craig Karchner	Sugarloaf, PA
128	Charles Wark	Berwick, PA
129	Stephen M. Gaito	Berwick, PA
130	Gino Cara	McAdoo, PA
131	Joe Peterko	West Hazleton, PA
132	Ralph Dewald	Drums, PA
133	Mark Delucca Jr.	Zion Grove, PA
134	Ken Krouse	Drums, PA
135	Jane Krouse	Drums, PA
136	Joseph Marshall	Sugarloaf, PA
137	James P. Darr	Hazle Township, PA

138	Brad Makaich	Freeland, PA
139	Joyce Morrash	Wilkes-Barre, PA
140	Debra Mebash	Freeland, PA
141	Cal Herring	Freeland, PA
142	Ryan Mokes	Weatherly, PA
143	Corey Fogarty	Township, PA
144	Jay Gattexi	not given
145	Megan Herring	Freeland, PA
146	Joaner Bgle	not given
147	Lisa Lauer	Lattimer, PA
148	Jack Olivieri	Sugarloaf, PA
149	Karen Kozacheck	Conyngham, PA
150	Thomas Yanal	Milnesville, PA
151	John Montaru	Hazle Township, PA
152	Maria D'Amato	Drums, PA
153	Leah Cassarella	Hazleton, PA
154	Joe Beltram	Hazleton, PA
155	Edward L. M…	Hazleton, PA
156	Nancy Bingham	Sugarloaf, PA
157	Lori Gasper	Hazleton, PA
158	Faith Lisofsky	Wilkes-Barre, PA
159	Lisa Fitzpatrick	Mount Carmel, PA
160	Russell C. Walper	Hazleton, PA
161	Annette Locascio	Pittston, PA
162	Joseph D. Spagwnow Jr.	Plains, PA
163	Catherine L. Anthony	Dallas, PA
164	Tom Cussatt	Sugarloaf, PA
165	Karen M. Cartier	Dallas, PA
166	Joyce Kormos	Wilkes-Barre, PA
167	Donna D'Amato	Drums, PA
168	Joyce Jopling	Dupont, PA
169	Robert Wagner	not given
170	Matthew J. Aiferio	Brook Twp, PA
171	Ashley L. Smith	Hazleton, PA
172	Mariah Olivieri	Sugarloaf, PA
173	Jackie Bartoli	Laflin, PA
174	Barb Dugan	Mountaintop, PA
175	Diane Keszkowski	Sugarloaf, PA
176	Peter J Beltram	Drums, PA
177	Neil D'Amato	Drums, PA
178	Crystal Kominski	Plains, PA
179	Mark McClain	Hazleton, PA
180	Nicholas Corrado	not given
181	Lynne Joseph	not given
182	Mark J. Rossi	Drums, PA
183	Peter D'Amato	Drums, PA
184	Kim Verbitsky	not given
185	Heather Oster	West Hazleton, PA
186	Zack Joseph	not given

187	Gerard Mattise	Scranton, PA
188	Frank DiMiceli	Nesquehoning, PA
189	John H. Wagner	Sugarloaf, PA
190	Barb Lehman	Sugarloaf, PA
191	Jim Wagner	Hazleton, PA
192	Antonio Estevez	Hazleton, PA
193	Arlene Ferdinand	Hazleton, PA
194	Amber O'Shaughnessy	not given
195	Craig Lombardi	Weatherly, PA
196	Michael J. Corsia	Sugarloaf, PA
197	Chris Minor	West Hazleton, PA
198	Anthony J. Lello	Clarks Summitt, PA
199	Carl J. Pisack	Pittston, PA
200	Charles Rizzo	Scranton, PA
201	Joe Amendola	Hanover Twp, PA
202	Neil "Ferdie" D'Amato	not given
203	Terri Cassare…	Hazleton, PA
204	Ryan Sundra	Hazleton, PA
205	Thomas Yanac Sr.	Milnesville, PA
206	Kristine Bucknavlag	Plains, PA
207	Michael J. Banks	Mountaintop, PA
208	Tina M. Heck	Nanticoke, PA
209	Cindy Zachary	White Haven, PA
210	Meghan Demchak	Carbondale, PA
211	Renee Banks	Mountaintop, PA
212	Anthony Mazenkey	Shickshinny, PA
213	Nanci M. Koch	Hazleton, PA
214	Cory Calvert	Peckville, PA
215	Lisa Trichilo	Simpson, PA
216	Laura Norella	Simpson, PA
217	Leonard M. Portell	West Hazleton, PA
218	James Yurkovic	Hazleton, PA
219	Lisa Panco	Hazleton, PA
220	Laurie Ferdinand	West Hazleton, PA
221	Tony Ferraro	Dunmore, PA
222	Nicole Marchese	Hazleton, PA
223	Debra Herring	Freeland, PA
224	Mary Lou Swanson	Hazleton, PA
225	Casey Marlgonery	McAdoo, PA
226	Elizabeth Fisher	Hazle Twp, PA
227	Herb Soldyn	Wilkes-Barre, PA
228	Michael Rehal	Hazleton, PA
229	Janet Bordon	Quarryville, PA
230	Brian Tuggle	Hazleton, PA
231	Losa Ness	Red Lion, PA
232	Chris Romanchik	Hazleton, PA
233	Deborah Joe	Hazleton, PA
234	Denise Owen	not given
235	Joseph J. Hydo	McAdoo, PA

236	Balbir Singh	Hazleton, PA
237	Carmen Kile	Hughesville, PA
238	Dan …	Harleigh, PA
239	Christina Ketchum	Williamsport, PA
240	James Delacruz	Weatherly, PA
241	Becky Miller	Hazleton, PA
242	George Kraynak	McAdoo, PA
243	Ron Fisher	Hazleton, PA
244	Richard Cutting	Gap, PA
245	Craig Montgomery	Hazleton, PA
246	Alan Leitzel Sr.	not given
247	Heather Zemmer	Lancaster, PA
248	Terri Baker	Muncy, PA
249	John R. Mcaleal Jr.	Tresckow, PA
250	Andrew J. Mhley	Hazleton, PA
251	Ronald L. Floyd	Hazleton, PA
252	Tom Paisley	Freeland, PA
253	Jennifer Paisley	Freeland, PA
254	Donald Leshko	Hazleton, PA
256	Gabriela Mannquez	Hazleton, PA
257	Andrew J. Mhley	Hazleton, PA
258	Dianna Barna	Weatherly, PA
259	Michael Zapotocky	Drums, PA
260	Paul Yashue	Hazleton, PA
261	John Barna	Weatherly, PA
262	Stephanie Barna	Weatherly, PA
263	Kristin Barna	Walnutport, PA
264	Ryan Lindemoth	McAdoo, PA
265	Jeffrey Moyer	Weatherly, PA
266	Steven Moyer	Weatherly, PA
267	Mary Beth Fortwaylev	Weatherly, PA
268	Pamela Moyer	Beaver Meadows, PA
269	James Tolerico	Hazleton, PA
270	Jerry Catior	Hazleton, PA
271	James A. Attoro	Hazleton, PA
272	Michael Strenchock	Hazle Twp, PA
273	Michael Colosurdo	Kelayres, PA
274	David Zapotocky	Hazleton, PA
275	Bernie Vilcheck	McAdoo, PA
276	John Leonard	Hazleton, PA
277	Alvita Kolsa	Hazleton, PA
278	Danny Novak	Hazleton, PA
279	Rosemary Rentz	Hazleton, PA
280	Jennifer Jones	Hazleton, PA
281	John G. Doyle	Hazleton, PA
282	Corey Doyle	Hazleton, PA
283	Paul J. Lieb III	Hazleton, PA
284	Christopher Lieb	Hazleton, PA
285	Paul J. Lieb	Hazle Twp, PA

286	Mary Ellen Lieb	Hazle Twp, PA
287	Richard Weck	Hazleton, PA
288	Robert Tarapcaak	Hazleton, PA
289	Carol Tarapcaak	Hazleton, PA
290	Robert Whiteley	Drums, PA
291	Lisa Whiteley	Drums, PA
292	Nancy M. Doyle	Hazleton, PA
293	Jo-Ann Yannuzzi	Hazleton, PA
294	Joe Yannuzzi	Hazleton, PA
295	Evelyu Graham	Hazleton, PA
296	Karin Cabell	Hazleton, PA
297	Debra Metz-Stringent	Hazleton, PA
298	Gregory Stringent	Hazleton, PA
299	Carmella Sharp	Hazleton, PA
300	John Sullivan	Hazleton, PA
301	Ann Sullivan	Hazleton, PA
302	John Sinkovich	Hazleton, PA
303	Heather Nenstiel	Luxemberg, PA
304	Ralph Sharp	Hazleton, PA
305	Cerissa Kibler	Hazleton, PA
306	Eric Lenz	Hazleton, PA
307	Grace Barletta	Hazleton, PA
308	Ann Louise Brenner	Hazleton, PA
309	Leonard Brenner	Hazleton, PA
310	Lena Kotansky	Hazleton, PA
311	Lisa Shema	Sugarloaf, PA
312	Frank Shema	Sugarloaf, PA
313	Ed Maranok	Hazleton, PA
314	Cherie Homa	Hazleton, PA
315	Robert Ferdinand	Hazleton, PA
316	Bob Fiume	Hazleton, PA
317	Patrick Smith	Hazleton, PA
318	Jared Honish	Conyngham, PA
319	Mark T. Pokanbo	McAdoo, PA
320	Kayla Kmetz	West Hazleton, PA
321	Alicia Moralee	Hazleton, PA
322	Chelsea Kempchinsky	Freeland, PA
323	Dolores Mhley	Hazleton, PA
324	Judy Wesner	Hazleton, PA
325	Gladys Fatula	not given
326	John Fatula	not given
327	Lori Fatula	not given
328	David Fatula	not given
329	Maria Zapotucky	Drums, PA
330	Alvin J. Miller Jr	Hazleton, PA
331	John Leshko	Hazleton, PA
332	Jeffery L. Barnes	Weatherly, PA
333	Barbara Jones	Hazleton, PA
334	Joseph T. Jones Sr	Hazleton, PA

335	James Mahon	Hazleton, PA
336	James J. Perry	not given
337	Angelo Cusatie	Hazleton, PA
338	Shawn Jones	Hazleton, PA
339	Domink J. Yannuzzi	Hazleton, PA
340	Annetta Williams	Drums, PA
341	James Shellhamer	Hazleton, PA
342	William Gallgher	Hazleton, PA
343	Joseph Babula	Hazleton, PA
345	Renee´ Hruniuk	Mahanoy City, PA
346	Eric Evancho	not given
347	Christine Hunadi	Lansford, PA
348	Jennifer Hall	Weston, PA
349	Dave Diug	Allentown, PA
350	Craig Lutz	Drums, PA
351	Alice Ogden	Hazleton, PA
352	Misty Stefamek	Drums, PA
353	Paul N. Walser Jr	Sugarloaf, PA
354	Raymond C. Rinaldi II	Scranton, PA
355	Yvonne M. Jones	Wilkes-Barre, PA
356	Jeff Smith	Hanover Twp, PA
357	Dan Nagle	Hanover Twp
358	Kimberly Kelly	Hanover Twp
359	Joanne C. Kelly	Hanover Twp
360	John M. Kelly	Hanover Twp
361	Edna C. Smith	Hanover Twp
362	Betty Reese	Hanover Twp
363	Roberta A. Tatz	Hanover Twp
364	Bill Baker	Hanover Twp
365	Chris Yordy	Hanover Twp
366	Robert Keiser	Wilkes-Barre, PA
367	Jennifer Nestorick	Hunlock Creek, PA
368	Dan Nestorick	Hunlock Creek, PA
369	Linda Wickkiser	Hanover Twp, PA
370	David Richards	Hanover Twp, PA
371	Marilyn Nagle	Hanover Twp, PA
372	JoAnn Montigney	Edu, PA
373	Robin Tucker	Edu, PA
374	Irene Czachur	Dupont, PA
375	Mary Yadrnak	Exeter, PA
378	Melanie M. Man	Plains, PA
379	Joseph F. Man	Plains, PA
380	Beverly Nagle	Forty Fort, PA
381	Daniel R. Nagle	Forty Fort, PA
382	Theresa M. Clark	Swoyersville, PA
383	Paulette Pietrzykoski	Wilkes-Barre, PA
384	Edward H. Connor	Swoyersville, PA
385	Tammy Ortiz	Glen Lyon, PA
386	Joy Chesney	Swoyersville, PA

387	Robert Greenwald	Kingston, PA
388	Nan S. Greenwald	Kingston, PA
389	Nicholas Carduff	Frackville, PA
390	Patrick A. Stassi	Old Forge, PA
391	John A. Kulp	Tamaqua, PA
392	Michael F Ball Jr	Kelayres, PA
393	Donald A. Olszenski	Wilkes-Barre, PA
394	Andrea Mengel	Frackville, PA
395	Barney Natoli	Hazleton, PA
396	Jean Suravicz	Hazle Twp, PA
397	Richard Suravicz	Hazle Twp, PA
398	Carol Cusat	Hazleton, PA
399	Marcus Taylor-Paejet	Hazleton, PA
400	Kayleigh Recketis	Hazleton, PA
401	Joseph Myer	Hazleton, PA
402	Jeff Cusat	Hazleton, PA
403	Michael Sarosky	Hazleton, PA
404	Frank DiBlasi	Hazleton, PA
405	Michael Sedor	Hazleton, PA
406	G. Sitch	Freeland, PA
407	James Berlando	Elienlies, PA
408	Kitty Englir	Hazleton, PA
409	David L. Corraorni	Hazleton, PA
410	Joe Potzner	not given
411	Greg Horiwko	Hazleton, PA
412	Linda Malloy	Hazleton, PA
413	Vanessa Donovan	Hazleton, PA
414	Cindy Elias	Hazle Twp, PA
415	Jennifer Elias	Hazle Twp, PA
416	Mary Fatula	Hazleton, PA
417	Mary Beth Elias	Hazleton, PA
418	John Fatula	Hazleton, PA
419	Britney Major	Hazleton, PA
410	Mike Fatula	Hazleton, PA
411	Robert J. Fellin Jr	Hazleton, PA
412	Mercedes Jorge	Hazleton, PA
413	Leeann Thomas	Ringtown, PA
414	Michael A. Saleeba	Drums, PA
415	Grace Marie Smith	McAdoo, PA
416	James Pecora	Hazle Twp, PA
417	David Bogansky	Hazle Twp, PA
418	Thomas Pardi	White Haven, PA
419	Robert S. Sensky	Drums, PA
420	James B. Ancharsky	Drums, PA
421	Cancer Treatment Center	Hazleton, PA
422	Jim Treon	Hazle Twp, PA
423	Matt Kulsa	Hazle Twp, PA
424	Bernadette DeBalso	Hazle Twp, PA
425	Leo Kulsa	Hazle Twp, PA

426	Dorna Ritz	Hazle Twp, PA
427	Richard David Mich	Hazle Twp, PA
428	Gary Cassarella	Hazle Twp, PA
429	Bernard Melloy	Hazleton, PA
430	Larissa Rappoch	McAdoo, PA
431	Kenny Swords	McAdoo, PA
432	Tim J. Fox	Milnesville, PA
433	Mary K. Fox	Hazleton, PA
434	Alice Fox	Hazleton, PA
435	Leon Rybinski	Milnesville, PA
436	David Coles	Drums, PA
437	Krista LaBrailo	Conyngham, PA
438	Allyson Correale	Conyngham, PA
439	Lisa LaBrailo	Conyngham, PA
440	Brian Beck	Hazleton, PA
441	Brian L. Mandak	Hazleton, PA
442	Tom Yale	Drums, PA
443	David Becle	Hazleton, PA
444	Gertrude Mandak	Hazleton, PA
445	Faith Mandak	Hazleton, PA
446	Robert Mandak	Hazleton, PA
447	Michael T. Tokach	Beaver Meadow, PA
448	Chaz Fabian	Hazleton, PA
449	Edward Stish Sr	West Hazleton, PA
450	Shawn Malloy	Hazleton, PA
451	Jean Kulsa	Hazle Twp, PA
452	Brenda Kulsa	Hazle Twp, PA
453	Lee Kulsa	Hazle Twp, PA
454	Freeland Health Center	Freeland, PA
455	Kim Fancher	Conyngham, PA
456	John Duffy	West Hazleton, PA
457	Eddie Stish Jr	West Hazleton, PA
458	David J. Alimossy	Hazleton, PA
459	Penny Lee McConnell	Hazleton, PA
460	Walter T. Whitehead	Hazleton, PA
461	Kayleen Wright	West Hazleton, PA
462	Austin C. Gregory	Weatherly, PA
463	Nicole Gregory	Weatherly, PA
464	Bruce Yusella	Hazleton, PA
465	Ed Was…	Hazleton, PA
466	Rocco Cusat	Hazleton, PA
467	Paul J. Sanzi	not given
468	Chris Sanzi	Hazleton, PA
469	Nicole Litostansky	Hazleton, PA
470	Janet Stish	West Hazleton, PA
471	Andrea Proputnick	Hazleton, PA
472	Bernard A. Malloy	Hazleton, PA
473	Sandra Collum	Hazleton, PA
474	Alex Djurdjevic	Hazleton, PA

475	Tracey M. Amorin	Hazleton, PA
476	Edward J. Garborik	West Hazleton, PA
477	Tim Timko	not given
478	Peter J. Koslowsky	Trevose, PA
479	Amanda P Orsulak	Barnesville, PA
480	Charles Welsh	Hazleton, PA
481	Robert Lehman	Hazleton, PA
482	Nick Lehman	Freeland, PA
483	Neal Bonnon	Humbolt, PA
484	William …	not given
485	Ronald Andrae	Hazleton, PA
486	Gregory Rusendco	Mountain Top, PA
487	Leon Ezbitski	Plains, PA
488	Kendall Hurley	Drums, PA
489	Julia Postipack	McAdoo, PA
490	Barbara E. Cherasaro	Hazleton, PA
491	Stacie A. Bray	Weatherly, PA
492	William Lesrowitih	Weston, PA
493	Nick Cristo	Zion Grove, PA
494	Felix Pagan	Sweet Valley, PA
495	Ronald Kripp	Hazle Twp, PA
496	Terry G. Siem	Hazle Twp, PA
497	Gregory Randis	Hazle Twp, PA
498	DeAnn Miller	Sugarloaf, PA
499	Elicabeth Pawlaski	Beaver Meadow, PA
500	Jennifer Acquisto	Mountaintop, PA
501	Jesse Yencho	Weston, PA
502	Paul Mumaw	Sugarloaf, PA
503	Brad Kowalski	Nuremberg, PA
504	S.J. Kowalski, Inc	Hazleton, PA
505	Ruth Zakutney	West Hazleton, PA
506	Jamie Schultz Kowalski	Bloomsburg, PA
507	Reeha Yencho	Weston, PA
508	Nancy Kowalski	Nuremberg, PA
509	Don & Diane Truhan	Zion Grove, PA
510	Lorraine Karchner	Sybertsville, PA
511	Mr. & Mrs. Brad Kowalski	Zion Grove, PA
512	Melanie Yencho	Drums, PA
513	Thomas & Pat Yencho	Weston, PA
514	Mae Truhan	Ringtown, PA
515	Jackie Kotsko	Nanticoke, PA
516	Margaret L. Kotsko	Nanticoke, PA
517	Daniel J. Kotsko	Nanticoke, PA
518	Mrs. Adele Kotsko	Nanticoke, PA
519	Leonard Cholewa	Nanticoke, PA
520	Sylvester J. Kowalski	Zion Grove, PA
521	Robert Eskra	Greenfield Twp, PA
522	Tony Larioni	Jessup, PA
523	Lisa Sokolowski	Old Forge, PA

524	Dennis Mason	Nanticoke, PA
525	Martin Dwyer	Barnesville, PA
526	Dennise Crouse	Bloomsburg, PA
527	Edward Barron	Freeland, PA
528	Dy Baran	Hazleton, PA
529	George Zamudio	Hazleton, PA
530	James J. Fellin	West Hazleton, PA
531	Randy Hall	Hazleton, PA
532	Lois Wert	Scott Twp, PA
533	Jim Akat	Scott Twp, PA
534	Barbara Eskra	Greenfield Twp, PA
535	Richard Hull	Hazle Twp, PA
536	James C. McAfee	Milnesville, PA
537	Michael J. Drozal	Shenandoah, PA
538	Daniel Dawson	Wapwallopen, PA
539	James Boyer	Drums, PA
540	Gary Bishop	Sugarloaf, PA
541	Henry Kmetz	Wilkes-Barre, PA
542	Marthann KMetz	Wilkes-Barre, PA
543	Florence Swantek	Wilkes-Barre, PA
544	Allan Swantek	Dallas, PA
545	Dr. Baldwin Dy	Avoca, PA
546	Ganella McCracken	Hughestown, PA
547	Kevin McCracken	Hughestown, PA
548	Beverly Weiss	Noxen, PA
549	Paul Colarossi	Scranton, PA
550	Kevin Olshefski	Harvey's Lake, PA
551	Ken Olshefski	Harvey's Lake, PA
552	Dolores Swantek	Dallas, PA
553	Charles Herbert	Tunkhannock, PA
554	Denise Herbert	Tunkhannock, PA
555	Amy Goble	Shavertown, PA
556	Byron Goble	Shavertown, PA
557	John Fiorelli	Scranton, PA
558	Kristopher Olshefski	Harvey's Lake, PA
559	Roxanne Bozek	Plains, PA
560	Jevon Bozek	Plains, PA
561	Chris Zawky	Jefferson Twp, PA
562	Robert Jensen	Scranton, PA
563	Randy Schmidt	Scranton, PA
564	Thomas P. Rainey	Scranton, PA
565	Congreesman Paul E. Kanjorski	Washington, DC
566	Mary Kane	Chester Springs, PA
567	John Mcfadden	Archbald, PA
568	Lisa LaLena	Warminster, PA
569	Tatiana Zell	Ambler, PA
570	Katie McKeon	Meshoppen, PA
571	Frank Mangiaruga	not given

572	Fictitious Name	not given
573	Charles F. Bowman	Hazleton, PA
574	Gary Marlas	Hershey, PA
575	Dale C. Witty	Hazleton, PA
576	Anthony Colombo	Hazleton, PA
577	Marlene D. Coxe	Drums, PA
578	Alice M. Fay	Hazleton, PA
579	Daniel C. Swinesburg	Hazle Twp, PA
580	Michael Bakich	Hazleton, PA
581	Eugene E. Wilkinson	Freeland, PA
582	John E. Kish	Freeland, PA
583	Dr. Janine Pusti & James Graver	Hazleton, PA
584	Franklin G. Sarge	Hazleton, PA
585	Anna Wiegand	Hazleton, PA
586	Stephen Novotny	Hazleton, PA
587	Frank Kost	Hazleton, PA
588	Mr. & Mrs. Robert Klembed	Hazleton, PA
589	Jeanann De Andrea	Hazleton, PA
590	William & Theresa Fay	Hazleton, PA
591	Gene Riley	Hazleton, PA
592	Dorothy G. Bresnock	Hazleton, PA
593	John Buchinsky	W Hazleton, PA
594	George R. Klesh	Hazleton, PA
595	Joseph Umbriac	Hazleton, PA
596	Lonann & Ronald Cann	Hazleton, PA
597	M. B. Bay Zick	Drums, PA
598	Otto F. Sanzi	Hazleton, PA
599	Dorothy Domday	Hazleton, PA
600	Anonymous	not given
601	Racquel Mensinger	Hazleton, PA
602	Libby Guba	Nuremberg, PA
603	Robert Malloy	Freeland, PA
604	Eeaan M. Yefchak	West Hazleton, PA
605	Robert Kisadey	Hazleton, PA
606	Jimmy L. Pennington	Sugarloaf, PA
607	Robetrt Kupsho	Drums, PA
608	Donald & Dorothy Larock	Sugarloaf, PA
609	Anna & Mary Gazdzide	Lattimer Mines, PA
610	John M. Guba	Nuremberg, PA
611	Sylvia Thomas	Hazleton, PA
612	Mary N. Destefano	Drums, PA
613	Carol & Pat Ferrari	Drums, PA
614	LeRoy L. Hauser	Hazle Twp, PA
615	Carol W. Silberg	Hazleton, PA
616	Robert Fox	Freeland, PA
617	John J. Tomsho	Hazle Twp, PA
618	A. T. C. Construction	Hazleton, PA
619	Valeria Mohry	Sugarloaf, PA
620	Patricia A. Tomsho	Hazle Twp, PA

621	Michael Baran Jr	Hazleton, PA
622	Nancy M. Davis	Hazleton, PA
623	Debora L. Raup	Hazleton, PA
624	Thomas F. Bogaczyk	Hazleton, PA
625	Louis Tait	Nuremberg, PA
626	Carl M. & Fay W. Stein	Hazleton, PA
627	Sal Carseo	Hazleton, PA
628	Mary Lou Marino-Caisia	Hazleton, PA
629	Lucille Colombo Dorneman	Hazleton, PA
630	Mr. & Mrs. Fran Shelby	Hazleton, PA
631	Sandra Pishko	Hazle Twp, PA
632	William & Rosemarie Pompella	Hazleton, PA
633	Walter Shelby	Sugarloaf, PA
634	Marguerite Bobby	Freeland, PA
635	Joanne Stahura	Hazleton, PA
636	Jerry Brogan	Freeland, PA
637	Robert J. Rizzo Sr	Hazleton, PA
638	George Waschko	Sugarloaf, PA
639	Eugene Kokinda	West Hazleton, PA
640	James R. Tolerico	not given
641	John T. & Rosemary M. Baskin	Sugarloaf, PA
642	Maro Burchell	New Milford, PA
643	Shada Sullivan	Huntingdon Valley, PA
644	Bruce K.	Hatboro, PA
645	Katherine Shelly	Thompson, PA
646	Rodney Brown	Muncy, PA
647	Frederick Rosen	Ambler, PA
648	Margaret Collins	Scranton, PA
649	Diane Siegmund	Townda, PA
650	Rachel Chaput	Dingmans Ferry, PA
651	Amy Gewirtzman	Ambler, PA
652	Edward Donahue III	Huntington Valley, PA
653	Jeanie Bruno & Clara L. Correia	Hazleton, PA
654	… Laputka	Freeland, PA
655	Theresa Mylet	Sugarloaf, PA
656	Thomas J. Pesock	Zion Grove, PA
657	Michael Kavonaugh	Freeland, PA
658	Benton & Carol Seiwell	Nuremberg, PA
659	Irene Zankowsky	Hazleton, PA
660	Heather Ann Gardner	Hazleton, PA
661	Betty Hodson	Hazleton, PA
662	Antonio J. Rodriguez	Hazleton, PA
663	Georgia A. Nause	Drums, PA
664	John Edwards	Hazleton, PA
665	G. Derr	Hazleton, PA
666	Mary A. Magda	Hazle Twp, PA
667	Joan Kennedy	Nuremberg, PA
668	Joan Mizinko	Hazle Twp, PA
669	Bonnie LaBuda	Hazleton, PA

670	Jean C. Fluri	Hazleton, PA
671	Paul Mallon	Hazleton, PA
672	Rep. Todd Eachus	Harrisburg, PA
673	Adam H. Cutler Attorney for S.U.F.F.E.R.	Public Interest Law Center of Philadelphia Philadelphia, PA
674	M. Joel Bolstein	Warington, PA
675	Drew Magill	Sugarload Twp, PA
676	William D. Lockwood	Hazleton, PA
677	Daniel C. Swinesburg	Hazle Twp, PA
678	Maryanne Petrilla Chairwoman Luzerne County Commissioners Office	Wilkes-Barre, PA
679	Brandon Trovitch	Crystal Ridge
680	Thomas E. Stauffer	Luzerne County, PA
681	Robert Gluck	Hazleton Area, PA
682	Dr. Debra Torstrup-Nahay Northeast Animal Hospital	Freeland, PA
683	Anne Marie Shelby	Hazleton, PA
684	Thomas J. Yurick, Sr. President of CAUSE	West Hazleton, PA
685	Connie Wagner	not given
686	Michael A. Aquilina	Hazleton, PA
687	David Morrison	Willow Grove, PA
688	Michael Shields	Southampton, PA
689	Joan Mitchell	Bushkill, PA
690	Linda Ebert	Hazle Twp, PA
691	John & Kathy Murray And their 4 children	Hazleton, PA
692	William & Sandra …	not given
693	Joseph C. Veach	Hazleton, PA
694	Victor Perez & family	Hazleton, PA
695	Mary Dewey	Freeland, PA
696	Andrea A. Tarnopolski	Drums, PA
697	Cheryl L. Mill	Drums, PA
698	Albert Mazzoli	Hazleton, PA
699	Marijo K. Albani	Hazleton, PA
700	Lisbeth Hametz	Hazleton, PA
701	Julia S. Mazzoli	Hazleton, PA
702	Frank A. Schmidt	West Hazleton, PA
703	Barbara M. Lazur	Los Angeles, CA
704	Marguerite Woelfel	Coyngham, PA
705	Mike Christina	not given
706	Agnes Zumar	Hazleton, PA
707	James M. Sokol	Hazleton, PA
708	Mary R. Tarselli	Hazleton, PA
709	Rita & Lori Smith	Hazleton, PA

710	Deborah Uhrin	Freeland, PA
711	Seth J. Olivieri	Rock Glen, PA
712	Phil Kaufman	Hazle Twp, PA