

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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IN RE: MINING PERMIT NO. 50210301

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BEFORE: JOHN REPETZ, Chair

HEARING: Wednesday, October 27, 2021  
12:08 p.m.

LOCATION: Perry County Courthouse, Room 1  
2 East Main Street  
New Bloomfield, PA 17068

WITNESSES: Melanie Wertz, David McCluskey, Gerald  
Zerance, Dennis Weller, Glenn Comp, Edward Hyde

Reporter: Derek Richmond

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MS. WERTZ: Thank you. Some of this will be repetition. I'm sorry. Hello. My name is Melanie Wertz. I live on Buffalo Road. My name is spelled M-E-L-A-N-I-E, W-E-R-T-Z. I have reviewed the plans for this quarry and I have several concerns. My greatest concern is our groundwater. We all know limestone is very soluble. It fractures, it dissolves. It causes sinkholes, caves, and underground passes, and it goes where we don't know until it pops up somewhere else, sometimes maybe miles away. I see on the plans that this is going to discharge into the Juniata Watershed. My concern is that no matter where you pipe your discharges, when you start blasting limestone, you're going to be causing unseen changes in the rock. If the pollution from this operation goes underground, no one knows where it ends up and we all rely on wells for our drinking water in this area, as the farmers do for their livestock as well.

So to validate my point, I would like to refer you to a research paper done by hydrologists at Franklin and Marshal in 2017 who studied the groundwater movement of the water that enters into the

1 big bubble in Boiling Springs, which is just over the  
2 mountain. About 20,000,000 gallons of water per day  
3 come out of that big bubble. That water was faced  
4 towards the area in Morris County near the Maryland  
5 border. So that means that water flows north over 50  
6 miles underneath the South Mountain through 10  
7 different rock layers. Hydrologists stated in their  
8 research that they did not even think this was  
9 possible. And I think it just goes to show how  
10 unpredictable groundwater is.

11 I also understand this quarry is in  
12 the midst of preserved farmland. What is this  
13 blasting and other associated noises and dust going to  
14 do to their operation and their livestock? These  
15 farmers have preserved their farms for future  
16 generations and whether their development rights were  
17 purchased with tax money or donated by the farmers,  
18 there should be an expectation that they would have  
19 some value in preserving farmland in these areas. And  
20 I don't feel a quarry of blasting, mashing, and  
21 grinding is compatible with our preserved farmland.

22 Our low country roads are not made for  
23 heavy construction trucks. What responsibility does  
24 this operation have to help pay for the degradation of  
25 our roads? Plus, the only access east to all major

1 highways, which is Route 34, Route 1115, and 322 is  
2 either through Bloomfield or Little Buffalo Road,  
3 which goes straight through our state park where  
4 people are constantly walking their dogs and small  
5 children, and fishing along the lake. Those trucks  
6 don't belong in either place. And as far as the  
7 economics go for our county, these campers bring stuff  
8 and they buy stuff and they come here and they spend  
9 money in Perry County. And I can testify to you that  
10 that campground was full, overflowing every single  
11 weekend this past month because we cut firewood to  
12 keep them there.

13                   Lastly, I'm not sure who the owner is  
14 of this, but there certainly have been lots of  
15 newspaper articles about the new owner and the  
16 employees. And so I just want to say is this - the  
17 charge was that the money was stolen from the  
18 employees to help pay for their health insurance. Is  
19 this the kind of employer we want in our county? I  
20 would just close with saying that this quarry with the  
21 land that's already set aside for expansion is a huge  
22 mistake in this location for many, many reasons, and  
23 this permit should be denied. Thank you.

24                   MR. MCCLUSKEY: Hello. My name is  
25 David C. McCluskey. I'm reading a letter from my son

1 that I signed along with my wife. We're writing this  
2 letter in reference to the proposed new large scale  
3 mine call conference on for Centre Lime & Stone  
4 Company in Center Township. I'm not here to complain  
5 about the destruction of the lives of people who will  
6 liv here and make their living on the land for  
7 generations. I'm not here to talk about the burden  
8 and stress, as having such a complex, industrial  
9 complex in the middle of a beautiful landscape that  
10 will forever change the way of life of this quiet  
11 community we live in. It seems the local officials  
12 hold zero value in this and there is no legal means to  
13 measure tranquility, peace of mind, or happiness. I'm  
14 here to voice my legitimate concerns of allowing this  
15 kind of operation in such an environmentally sensitive  
16 area could do irreparable damage to the environment.

17           My first concern is this first mine is  
18 in the vicinity of some of the highest graded farmland  
19 and water in the county. I would say that this area  
20 is one of the biggest watersheds with clean water  
21 around. The springs on the Adams and other properties  
22 have exceptional flow and have been used in farm for  
23 longer than DEP has been around. There is over 1,000  
24 acres of preserved farmlands surrounding this little  
25 plain. I think it would be a travesty to harm this

1 area for the benefit of one company. My first  
2 question is why the applicant has changed as it's been  
3 said from Homemaker to Centre Lime & Stone with only  
4 just a grievance. Is this because of Mr. Homemaker's  
5 criminal past, including steal a large amount of money  
6 from his employees? I believe, \$20,000,000 is the  
7 number he was accused of and I believe found guilty.  
8 This is relevant as I do not think the station trusts  
9 in someone with this kind of past. I ask DEP to  
10 review Mr. Homemaker's past and considering taking  
11 away any privileges you have in issuing these permits.

12 I know, for instance, that I hold several state  
13 licenses, this is my son. If we were to commit such a  
14 large violation, his license would be withdrawn  
15 quicker than you think.

16 I have also been told by local  
17 officials this is just an expansion of the existing  
18 mine. The old mine was abandoned in the '30's, 27  
19 acres. The small surface mine currently there is  
20 already an issue. It was never used as far as I can  
21 tell. I have never seen or heard one single truck on  
22 the waste station. I would like to ask how many tons  
23 of time will be spent now that a small mine permit is  
24 granted. This permit, which I have the number and  
25 I'll give a copy of this to whoever, is an active



1 permit. This seems to me like everything is on paper,  
2 but in reality, there's no existing mine.

3                   Along with this, I can see that my  
4 house and large acres has been stripped. This was  
5 done before 2021. What is the date of that small mine  
6 permit was granted? On page 2-6A, it listed 3.5 acres  
7 across with zero acres of wetland. The area of the  
8 tributary is filling with junk that used to be a major  
9 wetland. I'm not sure they have an agreement for this  
10 as they're looking to use the entire site at all 29.3  
11 acres. There is no way there is enough room to put a  
12 large operation on a small piece of land. They are  
13 asking for variances from this road for this reason.  
14 Another issue is the safety. This is an extremely  
15 vast spot and as a member of the Bloomingfield Fire  
16 Company, I've been on many wrecks where coming over  
17 the top of that hill, people were obviously doing the  
18 speed limit, but encountered people turning left on  
19 the cresting road. And I can tell you as Jerry and  
20 some of the other people have mentioned, we've all  
21 helped as neighbors to clean up some of these bad  
22 accidents.

23                   Groundwater issues on states that  
24 previous mining activities on this site dating back to  
25 the 1930's that have been dormant for decades have had

1 no known effect on the quality or quantity or quality  
2 of the groundwater. Previous operations did not  
3 affect groundwater. This is the entire different  
4 piece which needs to be studied and planned better.  
5 One of my major concerns, which my son brought up  
6 previously, was about the dust and the air. I think  
7 some of those questions have been answered. This all  
8 comes down, at least in my mind, does it do harm to  
9 others. Well the stripping of six feet down and  
10 mining thousands of tons of limestone affect the  
11 surrounding area in a negative way. I'm not an  
12 expert, but as that it be reviewed by an independent  
13 expert. The main concern for me would be the  
14 underground water supply that feeds the Little Juniata  
15 Creek and eventually runs into Little Buffalo Holy  
16 Lake.

17                   In reviewing the packet, I see the PA  
18 Game Commission signed off as no impact. This needs  
19 reviewed. This is one of the biggest deer herds in  
20 the county. I can't imagine how an operation like  
21 this would affect local wildlife, including deer,  
22 turkey, bald eagles we have on both of our properties.  
23 Also there's a significant population of wild  
24 reproducing American Chestnuts on this land. How will  
25 the farmland be affected? How will the animals be

1 affected, specifically also the cows and steer  
2 property? What is the reduction in property value?  
3 Is there any compensation? I don't think so.

4 I was also wondering if the benefit is  
5 to the local community as far as growth versus the  
6 estimated value income. How many local jobs will be  
7 created? I suspect not many. Is there going to be  
8 arise in tax revenue? In conclusion, there are a lot  
9 of unanswered questions as to the impact this will  
10 have on the local community. If they were a more  
11 populated area, there would be hundreds of thousands  
12 of people affected. But since this mine literally is  
13 in the middle of a pristine farmland, there are only a  
14 few of us affected. I would ask that the county and  
15 local officials, DEP and any state representative, or  
16 anyone else in the district to slow down this process  
17 and help protect the people that are elected to serve,  
18 and make sure it is done safely without negative  
19 impact.

20 What happens if we encounter issues  
21 with groundwater, dust, etcetera? Where do we go to  
22 and what is the result of that? Is there a number to  
23 call or do I have file something to say all the trout  
24 in my stream died or my kids are diagnosed - will this  
25 will be in my case, the grandchildren, with lung

1 problems. Or we can no longer use the road because of  
2 big trucks. Keep in mind that all of our students are  
3 bussed. So there is a lot of school buses on these  
4 roads every day, sometimes two and four times. I  
5 thank you for the consideration.

6 I have one comment and my son's  
7 letter. And that is in this county, we have values.  
8 Those values are not just laws, they're values. That  
9 means that we see something like this and you have  
10 this many people against it, there should be something  
11 in your minds that say you know, you guys are right.  
12 They're coming into a small community and disrupting  
13 for really no reason other than money. And money  
14 isn't the answer to everything. Thank you.

15 COURT REPORTER: Sir, can you spell  
16 your name for me? Can you just spell your name for  
17 me?

18 MR. MCCLUSKEY: David.

19 COURT REPORTER: I got the David.

20 MR. MCCLUSKEY: Middle initial C.

21 Last name spelled M-C-capital C-L-U-S-K-E-Y.

22 COURT REPORTER: Thank you, sir.

23 MR. MCCLUSKEY: Do you want a copy of  
24 this?

25 COURT REPORTER: Should I take a copy

1 of this?

2 CHAIR: You can.

3 MR. MCCLUSKEY: Okay. Thank you.

4 CHAIR: Just spell your last name.

5 MR. ZERANCE: Okay.

6 My name is Gerald Zerance,  
7 Z-E-R-A-N-C-E. Ladies and gentlemen, I believe this  
8 permit application is setting a dangerous precedent.  
9 Today's farmers are hard-pressed to provide more on  
10 what seems like an ever increasing population. Food  
11 production chain is everyone's responsibility to  
12 protect, not just the farmers. That's why - that is  
13 why I respectfully request and urge you to deny this  
14 large coal surface mining permit. This permit in all  
15 aspects is anti-conservation, anti-land stewardship,  
16 and goes against the grain of life and livelihood that  
17 has flourished and been protected in these valleys by  
18 these farmers, residents, and others. They are and  
19 were true stewards of the land.

20 I find not one piece of evidence  
21 promoting conservation or land stewardship in this  
22 permit application. Instead, these application -  
23 these applicants are initiated and studied by  
24 consultants who obtain negative acquiring farm land  
25 determination to say acquiring farm land has a bigger

1 negative impact on the quality of life, watersheds,  
2 and water sources than this business trying to apply  
3 for a high risk operation right in the middle of these  
4 top quality farms, which by the way, rank among the  
5 top in the county according to the conservation  
6 district.

7                   Once these farms are compromised or  
8 gone, they won't come back. That is a high price to  
9 pay and a high gamble to take with our natural  
10 resources shared and necessary to all, not just one  
11 person moving in to get rich. Surface mining has a  
12 place, but not among such an important area to our  
13 ecology and human sustainability. Such a large  
14 operation on a small area based on industry standards,  
15 that was right in their own answer. They would not be  
16 asking for variances to operate within 100 feet of  
17 this road if the operation fit on the land they owned.  
18 I feel that are infringing on and taking a huge risk  
19 with the surrounding maintenance properties.

20                   The following points, bullet points  
21 will back up what I am planning and to what I am  
22 objecting. First one obviously was the bullet point  
23 where we talked about the inaccurate data setting the  
24 baselines going forward. Number two, DEP or Scott  
25 Maloy, neither one of those approached me to ask

1 permission to go on the land and they didn't make any  
2 effort to meet me at my request. Number three, if  
3 this is good for the area and so sure of no impact,  
4 they wouldn't be doing all this pre-data gathering  
5 because they're not really sure about a lot of things.

6                   Number four, no traffic surveys that I  
7 see in this packet two identify any safety concerns  
8 for passing by, dealing with the trucks waiting there,  
9 coming in and out, blind spots coming up 600. There's  
10 two blind spots on each side of that entrance, very  
11 dangerous area. School bus safety, we have increased  
12 school bus activity on that road from when I was a  
13 kid. It used to only be about one school bus you'd  
14 see on the road. Now, you see seven, or eight, nine a  
15 day. I'm not sure because I'm not there all the time  
16 during the day. I work away. But during the time  
17 that I am there I see several different buses  
18 traveling those roads. Put that up in there with the  
19 truck traffic that's increasing, it doesn't sound very  
20 safe to me.

21                   Point seven, suppose Dennis to Steve  
22 or one of his brothers are out farming in the fields  
23 and they're up along close to this permit area and  
24 they're operating a piece of equipment and they won't  
25 hear these blasts. I mean, is their safety any less

1 important than people traveling on the roads? I think  
2 not because if one life is compromised, injured, or  
3 killed, it's one too many. Number eight, increased  
4 water flow east and south, which is the way it's  
5 described in the permit to deal with this surface  
6 water, and I don't see any provisions in there to do  
7 any upgrade downstream on the Adams' over the road at  
8 274, which already floods over when we get heavy  
9 downpours and rain. All that extra surface water that  
10 comes from my direction over on the north side and  
11 send that east and south, what's that going to do  
12 down? It'll make its own pathway, but it might not be  
13 as pretty as what it should be.

14                                   Then I also saw no impact  
15 determination from the Game Commission. Nobody really  
16 came out and talked to me about any --- hunting's a  
17 big thing on my farm. My whole family does it. I have  
18 people travel from several states away to go hunting.  
19 So if I'm out hunting, and by the way, I have a  
20 dwelling which is within about 50 feet of the line.  
21 So if I'm out hunting and I've got to quit hunting  
22 because they're blasting - I've been there doing -  
23 I've been hunting from that exact location for 38  
24 years and I have an established dwelling at that  
25 point.



1                   So somebody needs to talk to me about  
2 that. I should be afforded the same 300 foot safe  
3 space that they drew the arch around Mr. Hyde's  
4 property. Also, five to ten feet rule from the water  
5 table, it sounds good on paper. It doesn't sound too  
6 good to me. It sounds to me like it's a big risk,  
7 especially when they're cutting salts down in that  
8 part.

9                   One new thing that I really already  
10 encountered as an experience from this deal, and we  
11 haven't even begun to mine yet, is about a year and a  
12 half ago, there was many, many trucks. Trash was  
13 brought in and out of that property down there filling  
14 in that little field there which has become the area  
15 to put the stockpile and the crusher and things from  
16 their description. Trash came down past my way for  
17 days. They were in and out dumping all kind of  
18 construction waste in this lower field and then they'd  
19 come back by my place. There was mud clear past my  
20 driveway for over a week that it was like, it was all  
21 but like a dirt road. And once it did dry, there was  
22 dust for at least two weeks later. I'd be down mowing  
23 alongside the road or working down alongside the road.  
24 It was like being just on an old dirt road that we  
25 used to have around here.

1           The other thing, I'm not sure why this  
2 whole approval process has to be so secretive. I'm a  
3 pretty approachable person and I never once had  
4 anybody come and talk to me. Obviously, I have many  
5 more things to go over here. Do we still have time?

6           CHAIR: You're twice the limit.

7           MR. ZERANCE: All right.

8           CHAIR: You're almost -.

9           MR. ZERANCE: All right.

10           In conclusion, I still have about 10,  
11 15 more points, but in conclusion, while this is not  
12 an all-comprehensive list of concerns and questions,  
13 but I feel it gets the point across that this  
14 operation is way too big for such a small area and  
15 poses a huge risk of environmental safety for the  
16 whole straddling community. I urge everyone to read  
17 and view this application, whether you are for or  
18 against it. Your eyes will certainly be opened, as  
19 were mine. Thank you.

20           CHAIR: Next witness.

21           MR. WELLER: My name is Dennis Weller,  
22 W-E-L-L-E-R. I own and operate Weller's Dairy 1294.  
23 I also own the property at 1157. Properties border  
24 quarry. I'm just going to give a brief statement  
25 here. Most of mine will be in writing, submitted in

1 writing. As far as today, we were given the  
2 impression this whole thing was going to be recorded  
3 and everybody else's comments, including the attorney  
4 that's been back there was going to all be recorded  
5 and understood, but apparently not. So that's just  
6 another thing that's been blindsided by us here today.

7 What's going on? I have grave concerns of our  
8 animals, our production.

9 As a Farm Bureau member and former  
10 board member, we have neighboring farms, the poultry  
11 farms, everybody's livelihood's here at stake. I  
12 think this has been a poor application process. I  
13 think the - even the study on the waters, it's all  
14 been a joke. You're not, you're not pulling from  
15 effective points, especially in point five. Why is it  
16 down there? You have another spring within the area.  
17 Water level and everything wasn't addressed properly  
18 from the fact that springs come out the side of the  
19 hills. Go down Route 1115. You're going to see water  
20 coming down across there. You can't tell me the water  
21 table's here and you've got water coming up there. I  
22 have springs inside of my farm and my fields up there.

23 So in conclusion, I think this has to  
24 go through a whole other review process. Pretty much  
25 my opinion, he's not as - 29 acres, you're bringing

1 everything across our farmland. We have to preserve  
2 and keep our water quality, and everything you're  
3 doing is going to be coming down. What's 274 going to  
4 do? Keep flooding. You're going to have to have the  
5 state come in and put a bigger tile in. What's the  
6 water filtration, your little line of silt there, that  
7 fence is a joke for this. It's like Gerald Zerance  
8 said, all the water on this property that would  
9 normally flow north of the mountain is now going to be  
10 coming south and affecting all our farms and all our  
11 fields. Thank you.

12 CHAIR: Next speaker. Any other  
13 comments?

14 MR. COMP: My name is Glenn Comp,  
15 C-O-M-P. I will say this. I don't really live in  
16 this area anymore, but I was born and raised in this  
17 area and a lot of the people sitting here are people  
18 that were neighbors I went to school with. As kids,  
19 we played together.

20 And all the areas surrounding that 28  
21 acres or whatever it is, I either walked a lot of  
22 those fields or drove tractors through a lot of those  
23 fields harvesting crops, and it would be a shame to  
24 put a mine right in the middle of the whole thing. So  
25 and one of the issues that I can't understand is the

1 water table impact. It says that they're going to  
2 have within ten feet of the top of the water table.  
3 Well, yeah, that's all right, but they also have to  
4 drill to get the rock loose and they're going to  
5 blast.

6                   So is that going to put cracks down  
7 through into the water table that any impurities and  
8 sediment can seep into the water table then, which  
9 will affect the north side, any wells, and the Mutton  
10 Run and so on on the north side of the property. And  
11 that Mutton Run runs into the Little Buffalo Creek,  
12 which feeds the Little Buffalo State Park. There's  
13 also a wetland or a marshland down in there, too.

14                   And another issue I see is the impact  
15 on the roads which has been talked about. But a  
16 triaxle dump truck can legally haul 72,000 pounds.  
17 And most of that weight is concentrated on the two  
18 triaxles and the lift axle which it just, it's  
19 notorious. It destroys our roads and especially in  
20 the summertime when that asphalt is at 140 degrees  
21 because the sun's beating on it. That is going -  
22 every time that truck turns, it puts the breaks on and  
23 starts to roll up the asphalt.

24                   So that should be another big issue.  
25 And the blasting on that's already been talked about,

1 how that can impact farm animals, wildlife, and human  
2 beings as far as that goes. So that was just a couple  
3 of comments I wanted to make on this whole thing. And  
4 I think that the supervisors of Center Township should  
5 think awfully hard on this before they okay it. And I  
6 have talked with Gary Evie, one county commission, and  
7 he is not in favor of this and neither are all the  
8 farmers. So that's all I have to say. Thank you.

9 CHAIR: Next?

10 MR. HYDE: Hello. My name is Edward  
11 W. Hyde. That's spelled H-Y-D-E. I live at 1209  
12 Lewis Road, Hollidaysburg. And my land adjoins that  
13 land from this proposed operation is to take place.  
14 Gerald Zerance owns the property on the north side and  
15 the Adams family on the south side along with Dennis  
16 Weller.

17 And we all have our concerns about the  
18 aquifer in our area and what blasting might do to the  
19 water supply. Well, I'm a retired police sargeant and  
20 I spent many a time in a courtroom just like this, a  
21 place where we were sworn to tell the truth, the whole  
22 truth, and nothing but the truth.

23 With all the inconsistencies we've  
24 heard today about this operation, I'm wondering if we  
25 have actually heard all the truths about this

1 operation. So I'm hopeful that all these  
2 considerations will be taken into thought here and  
3 perhaps this permit will be denied. Thank you.

4 CHAIR: Next? Last chance. Going  
5 once, twice. Okay. Thank you, everyone. Again, DEP  
6 will accept written comments on this for the next two  
7 weeks. If you wish to see the DEP staff up here to  
8 get their contact information as to where you can  
9 direct those written comments if you care to submit  
10 them. So thank you for your attention today and a  
11 safe journey home.

12 \* \* \* \* \*

13 MEETING CONCLUDED AT 12:39 P.M.

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CERTIFICATE

I hereby certify that the foregoing proceedings, hearing was held before Chair Repetz, was reported by me on October 27, 2021 and that I, Derek Richmond, read this transcript, and that I attest that this transcript is a true and accurate record of the proceeding.

Date the 3 day of December, 2021



Derek Richmond,  
Court Reporter