



SENT VIA E-MAIL ONLY

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January 23, 2024

Honorable Jessica Shirley
Interim Acting Secretary
PA Department of Environmental Protection
Rachel Carson State Office Building
400 Market Street
Harrisburg, PA 17120-0225

**Re: Rock Hill Quarry
SMP No. 7974SM1
East Rockhill Twp., Bucks Co., PA**

Dear Secretary Shirley:

This letter is in response to a letter you received from Bucks County Commissioners Robert J. Harvie, Jr., Diane M. Ellis-Marseglia and Gene DiGirolamo, dated December 27, 2023, with respect to the above referenced quarry.

In the first paragraph of their letter, the Commissioners reference concerns as to “undisclosed” methods of “self-monitoring and self-testing” that have been conducted at this quarry. This is not true. As has been detailed in previous letters to DEP, Heidelberg’s consultant R.J. Lee Group (“RJLG”) uses the analysis method required by DEP. The lab reports provided by RJLG clearly indicate the use of the required method, clearly provide the “total” structural count that makes no distinction between asbestiform and non-asbestiform structures, and provide an additional interpretation of the data – i.e., whether any constitutes “asbestiform amphibole.” All testing results are sent to DEP for its review. Most importantly, the data – whether it be “total” structures or “asbestiform amphibole” – has **never** exceeded nor even come close to DEP’s asbestos screening threshold.

Second, their letter, in citing information that the Commissioners received from the Rockhill Environmental Preservation Alliance (an organization whose clear intention is to permanently close this quarry), states that DEP has never “permitted” a quarry that tested positive for asbestos near a residential area. The quarry is in fact located in a zoning area referred to as an “Extraction Zoning District,” which is an area specifically established for the extraction of raw materials¹ and the Quarry has existed in this location since the late 1800s.

¹ [zoning-parcel-map.pdf \(eastrockhilltownship.org\); Township of East Rockhill, PA E EXTRACTION DISTRICT \(ecode360.com\)](http://zoning-parcel-map.pdf(eastrockhilltownship.org); Township of East Rockhill, PA E EXTRACTION DISTRICT (ecode360.com))

As Heidelberg has previously discussed, asbestos fibers generally do not migrate far from the source and concentrations have been shown to diminish significantly within as little as a hundred meters – not miles.² Further, the quarry is surrounded and isolated from the local community by natural buffers. Finally, the prevailing wind direction is from the northwest of the site, meaning air borne pollutants (if any) would not migrate toward the overwhelming majority of community residents and schools. The great majority of those who the Commissioners claim will be impacted live miles from the site (i.e., far beyond any potential migration) and are not within the prevailing wind direction. Rather than acknowledge any of this, the Commissioners would prefer to indulge in hyperbole by claiming that anyone within a five-mile radius of the site is at risk. Frankly, this is irresponsible because it advocates a false sense of risk regarding quarry operations.

Notwithstanding the Commissioner's comments, Heidelberg's extensive investigation and response to DEP's comments and inquiries over the last several years demonstrate that it takes its responsibility to operate the quarry very seriously. In addition to meeting its environmental obligations, Heidelberg must also ensure that its quarry personnel are able to work safely. For example, dust suppression, irrespective of the presence of NOA, is an essential engineering control utilized at quarry sites throughout the world. These obligations are paramount to Heidelberg's mission. Heidelberg's protection of its own employees from potentially unsafe conditions at the quarry directly benefits those in the community, and Heidelberg's desire to put the well-being of its workers and the public in tandem is evidence that it will continue to be a responsible operator.

Heidelberg has committed to fulfilling its obligations to DEP with respect to its required investigation and analysis of the site. Some of this testing work has included the following:

- A qualitative geologic survey that included analysis of water and stockpile, drill core, and aggregate pile samples;
- Ambient air background samples; and
- Activity-based air samples collected during simulated quarry operations.

Third, in their letter the Commissioners suggest that DEP should disregard their long-standing process concerning permitting and the operation of a quarry at this location and, instead, ask the question if every DEP staffer would want to live within five miles of this quarry. This is not the standard of DEP's review, which, instead, is to determine if a permitted site can operate pursuant to applicable Pennsylvania environmental laws and regulations. In looking at the data collected from the monitoring that Heidelberg has conducted at the quarry over the last few years, even when taking Rockhill Environmental Preservation Alliance's most negative view of it, it is clear that the quarry can be operated safely, and individuals can safely live nearby, in compliance with Pennsylvania's environmental laws and regulations.

Heidelberg remains committed to resuming mining activities at this quarry in a manner that is safe for both its employees and the surrounding community. We are happy to further discuss any questions concerning the information in this letter that you may have.

Sincerely,



Andrew J. Gutshall, P.G.
Region Mine Permitting Manager

² [Hanson Response to DEP 7.6.21-C.pdf \(state.pa.us\)](#)

cc: The Honorable Josh Shapiro, Governor of Pennsylvania
The Honorable Steven Santarsiero, 10th Senatorial District
The Honorable Jarrett Coleman, 16th Senatorial District
The Honorable Craig T. Staats, 145th House District
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