



# EAST ROCKHILL TOWNSHIP BOARD OF SUPERVISORS

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August 20, 2018

Via Electronic Mail and First-Class Mail

Mr. Patrick Patterson, Regional Director  
PA Department of Environmental Protection  
Southeast Regional Office  
Air Quality Program  
2 East Main Street  
Norristown, PA 19401

RE: RICHARD E. PIERSON MATERIALS CORPORATION  
GENERAL PERMIT APPLICATIONS FOR HOT MIX ASPHALT PLANT AND DIESEL  
ENGINES

Dear Mr. Patterson,

This letter is submitted on behalf of East Rockhill Township with respect to the pending air quality permit applications submitted by Richard E. Pierson Materials Corp. ("Pierson") for the proposed operation of a hot mix asphalt plant pursuant to General Permit BAQ-GPA / GP-13 and temporary diesel engines pursuant to General Permit BAQ-GPA / GP-9 at the Hanson Quarry located at 2055 North Rockhill Road in Sellersville, Bucks County (the "Rockhill Road Site"). The Township is in receipt of a letter dated August 3, 2018 submitted by Compliance Plus Services, Inc. to the Department on behalf of Pierson, containing revised portions of the GP-13 and GP-9 applications. The Township has also received a letter dated August 10, 2018 from Joel Bolstein to you, submitted on behalf of Pierson, addressing several of the Township's comments on the pending applications. In response to those submittals, the Township offers the following additional comments and requests.

First, the Township requests that the Department provide it with copies of the following correspondence pertaining to the proposed operations at the Rockhill Road Site as referenced in Mr. Bolstein's letter:

- Letter dated May 15, 2018 letter from PADEP Pottsville District Mining Office Manager Michael Menghini to Senator McInhinney;
- Letter dated May 30, 2018 from Pierson to PADEP regarding the May 24, 2018 Notice of Violation; and
- Letter dated June 26, 2018 from Joel Bolstein to Patrick Patterson regarding Mining Act preemption.

Second, Pierson's submittal of the revision dated August 3, 2018 to its GP-13 and GP-9 applications set forth a significant change to projected emissions at the Site as compared to the initial application. Specifically, as noted in the Township's prior comment letter, Pierson's initial application projected total annual emissions that would exceed the major source threshold for NOx at the Rockhill Road Site. For the proposed hot mix asphalt plant, the initial emission projection was based on the maximum rated capacity of the hot mix asphalt plant of 400 tons per hour and 800,000 tons per year (at 2,000 hours of operation). At that level, combined with projected emissions from the proposed diesel engines, the facility would constitute a major source of NOx and therefore would not qualify for operation under the general permit. The

revised application purports to revise the prior emission estimate based on the "actual rated capacity" of the hot mix asphalt plant at 250 tons per hour and 500,000 tons per year. Pierson has likewise reduced its initial estimate of NOx emissions associated with proposed diesel engine 1, using a lower emission factor, but does not explain the basis for its revision in this regard.<sup>1</sup> The Township is concerned that these reduced emission estimates are not practically enforceable through the general permit; specifically, Pierson does not offer any explanation of the means by which it will ensure compliance with the reduced hourly production rates. Given that operation at the maximum rated production capacity (even at reduced hours of operation) would cause the facility to exceed the major source threshold for NOx, the Township believes that Pierson should not be allowed to operate pursuant to the general permit, and instead should be required to apply for an individual plan approval and operating permit that would be precisely tailored to its proposed operation. Further, in light of the significant revision to Pierson's initial general permit application and in order to fully consider the revised application and these comments thereto, the Township requests that the Department commence its thirty-day review period for the application as of the date of its receipt of the revised application package.

Third, Mr. Bolstein contends in his letter that the GP-9 would not require stack testing of proposed engine 1, which has a rated capacity greater than 500 brake horsepower, because the "the proposed engine is a Tier 4 engine and the best available technology requirements have been applied." The Township requests that the Department carefully review this contention, because the conditions of the GP-9 do not appear to exempt a Tier 4 engine from otherwise applicable stack testing requirements.

Finally, while Mr. Bolstein contends that the Township has raised land use considerations and compliance concerns as "red herrings" intended to divert the Department's attention from its application review, these considerations are far from trivial and should be considered in the Department's review of each of Pierson's applications pending before the Department. Accordingly, the Township appreciates the opportunity to review and comment on each of Pierson's submittals to the Department and requests that the Department provide a meaningful opportunity for dialogue with the Township with respect to its concerns.

Thank you for your attention to the foregoing. Please contact my office with any questions that you may have.

Sincerely,

EAST ROCKHILL TOWNSHIP



Marianne K. Morano  
Township Manager

Cc: file  
James Rebarack, DEP via email  
Pierson Material Corp via email and first-class mail  
Hanson Aggregates via email and first-class mail  
Compliance Plus Services via email and first-class mail  
Township Solicitor via email  
Township Engineer via email  
Manko, Gold, Katcher & Fox via email

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<sup>1</sup> Interestingly, the NOx emission factor for engine 2 appears to have slightly increased from the initial submittal, but the basis for this change is likewise difficult to identify.