



April 3, 2020

The Honorable Patrick McDonnell
Department of Environmental Protection
Rachel Carson State Office Building
400 Market Street
Harrisburg, PA 17101

Mr. Michael Kutney, P.G. Chief, Permits and Technical Section
Department of Environmental Protection
Pottsville District Mining Office
5 West Laurel Boulevard
Pottsville, PA 17901

Mr. John Stefanko, Deputy Secretary
Active and Abandoned Mine Operations
Department of Environmental Protection
Rachel Carson State Office Building
400 Market Street
Harrisburg, PA 17101

Mr. Gary Latsha, Inspector Supervisor
Department of Environmental Protection
Pottsville District Mining Office
5 West Laurel Boulevard
Pottsville, PA 17901

**Re: Erskine Environmental Consulting Comments on Hanson 4.2.20 Letter to PADEP
Extension Request – March 2, 2020 PADEP Comment Letter on QGSR**

Dear Secretary McDonnell, Mr. Kutney, Mr. Stefanko and Mr. Latsha,

REPA has reviewed the request for an extension by Hanson Aggregates Pennsylvania, LLC (Hanson), as well as comments provided by Erskine Environmental Consulting, Inc. (attached). Based on the information provided, REPA has concluded that the reasons given for the extension have no merit.

The testing for asbestos at the Rockhill Quarry is a major concern with the residents of East Rockhill Township, and a request for a nine-month extension delivered only four days before the deadline is not

acceptable. REPA requests that PADEP does not accept the extension, and requires Hanson to respond to PADEP's comments as scheduled for April 6, 2020.

If Hanson does not provide the required responses to PADEP's questions by the April 6, 2020 deadline, PADEP should deem the lack of response as *non-responsive*. REPA continues to request that PADEP require that all operations at the Rockhill Quarry permanently cease.

Respectfully yours,

Rockhill Environmental Preservation Alliance, Inc.

cc: The Honorable Brian Fitzpatrick, U.S. Representative PA-01
The Honorable Steven Santarsiero, 10th Senatorial District
The Honorable Robert Mensch, 24th Senatorial District
The Honorable Craig Staats, PA's 145th Legislative District
The Honorable Diane Ellis-Marseglia, Chair, Bucks County Board of Commissioners
The Honorable Robert Harvie, Jr., Vice Chair, Bucks County Board of Commissioners
The Honorable Gene DiGirolamo, Bucks County Board of Commissioners
Steven Baluh, P.E
Marianne Morano, East Rockhill Township Manager
Amiee Bollinger PADEP
Virginia Cain, PADEP
Robert Fogel, PADEP
Erika Furlong, PADEP
Craig Lambeth, PADEP
Gary Latsha, PADEP
Shawn Mountain, PADEP
Patrick Patterson, PADEP
James Rebarchak, PADEP
Daniel Sammarco, PADEP
Sachin Shankar, PADEP
Richard Tallman PADEP
Doug White, PADEP

Erskine Environmental Consulting

Geologic Investigations Hazardous Materials Naturally Occurring Asbestos

Technical Memorandum

April 3, 2020

Subject:

Extension Request – March 2, 2020 PADEP Comment Letter on QGSR
Hanson Aggregates Pennsylvania LLC
Rock Hill Quarry
SMP No. 7974SM1
East Rockhill Twp., Bucks Co., PA

On behalf of the Rockhill Environmental Protection Alliance (REPA), Erskine Environmental Consulting, Inc. has reviewed the document cited above and offers several comments.

General Comment

The QGSR was submitted as a final report, and therefore, its results and conclusions speak for themselves. In their letter dated March 2, 2020, PADEP requested a response to several very straight forward and focused questions that do not require any additional testing or investigation work. No revision of the report was requested; only a response to questions. Most of the questions are related to testing and directed to RJLG. There is no reason why RJLG could not respond within a few days. Other questions were geological related and directed to EARTHRES. There is no reason why EARTHRES could not have responded within a few days. A few questions were related to issues such as acreage and directed to Hanson/Pierson, and these could have been addressed in short order. A full month has passed since the PADEP request, and no action through 31 days of the calendar month is an unacceptable practice for large mining concerns, professional consulting companies, and testing laboratories.

Specific Comments on three of the four bullet points in the request for an extension

Bullet no. 1:

Hanson cited the current Covid-19 crises as a reason why the comments could not be responded to by April 6, 2020. It cited "closure of offices" and disruption of "normal course of business". Governor Wolf, has permitted "life sustaining businesses" to remain open, including mining operations and those who support the mining industry. The RJLG web site states: "RJ Lee Group is deemed a life sustaining business operation and will remain open". Those of us who are fortunate enough to still have employment continue our work through telecommuting and social distancing, and PADEP staff provide one example. All of PADEP's questions may be responded to in this new scenario, and Hanson has had ample time to meet the April 6 deadline well before or during a statewide shelter in place order. A short extension, perhaps a few weeks may be appropriate, but a nine-month delay is fundamentally not responsive.

Bullet no. 2:

Hanson states that Louis F. Vittorio, P.G., has left for other employment and another consultant will be contracted to continue the investigation after the closures. However, the departure of the lead geologist, which is not uncommon in consulting companies, is no excuse for EARTHRES to abdicate its responsibility to seamlessly continue a project, particularly one of immense importance to the residents of Rockhill Township. The QGSR has been finalized, and all that is needed is a response to several questions. Why would a new consultant chosen months from now and with no knowledge of the history of the project be more qualified to “comprehensively address the Department’s comments listed in the March 2, 2020 and September 20, 2019 letters”? Projects at consulting companies are not run in a vacuum, and certainly there are others at EARTHRES who are familiar with the project and have conducted peer reviews, a loss-prevention requirement of professional consulting firms. It seems that an existing geologist or engineer could adequately address the few geologic questions that PADEP posed.

Also, Hanson stated that it was aware of Mr. Vittorio’s impending departure prior to March 4, 2020, and PADEP was made aware of it on this date. Why didn’t Hanson have Mr. Vittorio address the few geologic questions immediately? Did Hanson state on the March 4th conference call that its response would be delayed? There was more than ample time to have EARTHRES address the PADEP questions that were directed to the company. Waiting until two business days before the deadline to announce a nine-month delay seems inexcusable.

Bullet no. 4:

Hanson states that 30 samples were collected to assess ambient conditions during a five-day period in January, 2019. In at least one newspaper account, Hanson stated that the background samples show that there has been no exposure to workers or Township residents. There are three significant problems with the sampling and representations:

1. Hanson cited a report “Compliance Plus Services, Inc. report dated February 15, 2019” that has not been disclosed to PADEP or REPA for review. Data of such immense significance should have been disclosed, particularly when it is used to report exposure information to the public. Any exposure data that is used to assess public exposure should be released to the public, as OSHA requires of personal air sampling results to workers. Hanson chose to interpret the data in the press, cite the existence of a report two days before the deadline, and not produce the report. This is not acceptable and not in accordance with standard of practice.
2. The reference to “airborne fiber” rather than “airborne structure” indicates that the method employed was the OSHA reference method or NIOSH 7400, which is analyzed by Phase Contrast Microscopy (PCM) rather than Transmission Electron Microscopy (TEM). PCM reports only fibers that are greater than five microns and widths greater than 0.25 microns, and is applied to worker personal monitoring only (personal monitoring data by PCM is reported as fibers/cc). Exposure monitoring for the public is conducted by TEM, counting all fibers greater than 0.5 microns and all widths (perimeter and clearance data by TEM is reported as structures/cc). Thus, if PCM was used, and there is evidence in the Hanson documents that it was, the methodology substantially reduced or

eliminated all asbestos fibers because the average width of asbestos fibers is typically 0.3 microns for amphibole asbestos and most asbestos fibers in NOA are less than 5 microns in length. If true, the use of PCM seriously under reported asbestos concentrations that may have been present. RJLG and all asbestos consultants are aware of this, and know that exposure monitoring related to public exposure should follow EPA protocols using TEM and not OSHA protocols using PCM. EEC recommends that REPA obtain a copy of the test data report for review and comment.

3. Hanson stated that ambient samples were collected in January. Ambient dust levels are nearly always higher in the dry summer months, and this is why ambient samples must be collected over an entire year to capture natural variation. Since no activities were occurring on the site, the only thing that the data proved, if conducted and analyzed properly, was that there were little or no asbestos dust particles crossing the site from upwind and offsite sources. There is absolutely no relationship between ambient levels when no operations are occurring and downwind exposure during mining operations. The claim that these samples somehow suggest no exposure to the public by mining operations is unequivocally false. Asbestos consultants know this, EPA and OSHA knows this, and RJLG knows this.

Please contact me if you have any questions.



Bradley G. Erskine, Ph.D., CEG
Erskine Environmental Consulting