



EAST ROCKHILL TOWNSHIP BOARD OF SUPERVISORS

1622 N. RIDGE ROAD, PERKASIE, PA 18944
PHONE (215)257-9156 FAX (215)-257-1299
www.eastrockhilltownship.org

July 24, 2020

Via Electronic Mail

Gary A. Latsha
District Mining Manager
Commonwealth of Pennsylvania
Department of Environmental Protection
Pottsville District Mining Office
5 West Laurel Boulevard
Pottsville, PA 17901

Re: East Rockhill Township's Response to Department's Letter, dated July 2, 2020

Dear Mr. Latsha:

East Rockhill Township (the "Township") is in receipt of the Pennsylvania Department of Environmental Protection's (the "Department") letter, dated July 2, 2020, to Hanson Aggregates Pennsylvania, LLC ("Hanson"), extending Hanson's deadline for reporting transmission electron microscopy ("TEM") and petrographic analysis of rock samples until August 14, 2020. The Department stated that this additional time is being granted "because the Department asked Hanson to wait on analyzing the samples until the Department and Hanson could agree on testing and counting protocols." These analytical protocols will be critical to ensuring that the Department and the public can make an accurate assessment of the health risks associated with naturally occurring asbestos ("NOA") contained in aggregate at the Rock Hill Quarry (the "Site"). The Township therefore requests that the Department make its determination on these protocols public, in writing, prior to permitting Hanson to direct a laboratory to implement them.

Residents of the Township are deeply concerned about the presence of NOA at the Site. On December 5, 2018, upon the Department's discovery of a positive asbestos sample result, the Department issued an order to Hanson to cease all mining and rock crushing activity at the Site. Beginning more than a year ago, the Township and the Rockhill Environmental Preservation Alliance ("REPA") have sent a significant number of letters and reports from their separate consultants addressing the proper protocols for analyzing the health risks associated with NOA contained in aggregate at the Site. On September 20, 2019, based on information provided by the Township and REPA, the Department sent a letter to Hanson requesting that Hanson conduct TEM on all rock samples that Hanson previously collected at the Site; prepare samples for petrographic analysis; and resample at all of the water sampling locations. Hanson responded by letter dated October 3, 2019, arguing that they should not have to comply with the Department's requests.

The Department has several times extended Hanson's deadline to respond to the Department's letter dated September 20, 2019. Most recently, by letter dated July 2, 2020, the Department extended the deadline to August 14, 2020 to allow the Department and Hanson to "agree on testing and counting protocols." The Township appreciates that the Department does

not intend to allow the samples to be analyzed under the protocols advanced by Hanson, which would lead to an underestimate of the health impacts associated with the presence of NOA in aggregate at the Site.

At this point, the Department has yet to announce in writing how it intends to direct Hanson to proceed. In late 2019, the Department sent a list of questions to the Pennsylvania Department of Health seeking information to assist the Department in determining the proper protocols for analyzing the health risks associated with the presence of NOA in aggregate at the Site. Notwithstanding that the Department has yet to receive responses to those questions, Department personnel informed the Township and others via conference call on July 10, 2020 that the Department intends to require Hanson to comply with International Organization for Standardization ("ISO") Standard 10312, Annex C. The Department's letter, dated July 2, 2020, does not state whether, and if so when, the Department will issue in writing to the public the Department's decision on the protocols that it intends to impose on Hanson. The Township requests that the Department make its decision on these protocols public, in writing, sufficiently in advance of permitting Hanson to direct its laboratory to implement the protocols.

Thank you for your consideration of the foregoing comments.

Respectfully submitted,



Marianne Morano
Township Manager

cc: Township File
Thomas M. Duncan (via email)
Suzanne Schiller (via email)
William Hitchcock (via email)
John B. Rice Esq. (via email)
Steven Baluh, P.E. (via email)
Louis Vittorio, EarthRes (via email)
Michael Kutney PADEP (via email)
Amiee Bollinger PADEP (via email)
James Rebarchak, PADEP (via email)
Richard Tallman PADEP (via email)
Virginia Cain , PADEP (via email)
Robert Fogel, PADEP (via email)
Daniel Sammarco , PADEP (via email)
John Stefanko , PADEP (via email)
Sachin Shankar, PADEP (via email)
Craig Lambeth, PADEP (via email)
Erika Furlong, PADEP (via email)
Andrew Gutshall, Lehigh Hanson (via email)
Matthew Burns, Lehigh Hanson (via email)
Mark Kendrick, Lehigh Hanson (via email)