EAST ROCKHILL TOWNSHIP
BOARD OF SUPERVISORS
1622 N. RIDGE ROAD, PERKASIE, PA 18944
PHONE (215)257-9156 FAX (215)-257-1299
www.eastrockhilltownship.org

February 22, 2021

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: Rock Hill Quarry
Response to Letter from Hanson Aggregates Pennsylvania LLC (January 15, 2021)

Dear Mr. Latsha:

East Rockhill Township (the "Township") is in receipt of a letter from Hanson Aggregates Pennsylvania LLC ("Hanson") dated January 15, 2021 (the "Response"), which was submitted in response to a technical deficiency letter issued by the Pennsylvania Department of Environmental Protection (the "Department") dated November 18, 2020 relating to the Rock Hill Quarry (the "Site"). In its technical deficiency letter, the Department requested certain information and updated permit modules for future operations and reclamation activities at the Site, as well as plans to ensure that naturally occurring asbestos ("NOA") at the Site will be safely managed and adequately monitored. Hanson's Response falls short of satisfying the concerns and information requests listed in the Department's technical deficiency letter. On behalf of the Township, please accept the following comments on Hanson's Response.

1. **The Response fails to demonstrate that NOA would be adequately managed and monitored at the Site**

In the technical deficiency letter, the Department requested that Hanson provide certain information and updated permit modules to reflect "current," "intended," and "potential" operations at the Site and demonstrate how Hanson intends to safely manage and adequately monitor NOA at the Site. In an attempt to side-step many of the Department's requests, Hanson limited the scope of the Response to operations associated with a one-day per year removal of 500 tons of minerals from the Site as if that would be the only activity to occur at the Site in the future. However, Hanson has a finite amount of aggregate accumulated at the Site and Hanson's statements in the Response make clear that it intends to do more than simply remove materials from existing stockpiles. Specifically, Hanson stated that in the future it intends to "resume production of crushed aggregate" and provided a sequence of mining activities in a revised Module 10.1, explaining that "[r]eclamation will occur only after aggregate reserves are mined and removed as per Exhibit 9 – Operations Map." In refusing to address its inevitable full-scale

operations, Hanson's Response fails to address the requests in the technical deficiency letter and fails to explain how Hanson can conduct mining operations at the Site without adversely affecting human health and the environment.

a. Hanson inexplicably refused to complete Module 10.8

In paragraph 4.b of the technical deficiency letter, the Department directed Hanson to update Module 10.8: Special Handling of Toxic Material and "present a comprehensive and detailed plan to safely handle Naturally Occurring Asbestos whenever it may be encountered in the diabase host rock, in the produce aggregate, or in the overburden at the Rockhill Quarry." Hanson, however, refused to complete Module 10.8, marking "N/A" on the form, and in its Response stated that its plans for handling aggregate are contained in Module 10.1. Module 10.1, however, only provides minimal information about how Hanson intends to remove 500 tons of minerals per year and only states that water sprinklers "may" be used. Hanson should be required to provide a comprehensive and detailed plan for handling NOA at the Site, as requested by the Department.

b. Hanson' proposed Module 17 and attachments fail to comply with the Department's requests and fail to adequately protect human health and the environment

In paragraph 4.a of the technical deficiency letter, the Department directed Hanson to update Module 17: Air Pollution and Noise Control Plan to "reflect current and intended operations" at the Site and "describe in detail measures that will be taken to prevent dust and Naturally Occurring Asbestos from crossing the permit boundary." In paragraph 4.b of the technical deficiency letter, the Department directed Hanson to "provide a comprehensive Naturally Occurring Asbestos Monitoring and Mitigation Plan covering all present and potential operations at the Rock Hill Quarry." In paragraph 4.b.ii of the technical deficiency letter, the Department directed Hanson to "include a detailed air monitoring and dust suppression plan."

In response to these requests, Hanson provided an updated Module 17 and a Draft Air Monitoring Plan. But, ironically given that the scope of these documents is limited to a one day per year removal of 500 tons of minerals from existing stockpiles, these documents are actually designed to be *less protective* than the previous versions of these documents that Hanson submitted to the Department in 2019, which the Township has already explained in prior correspondence to the Department are themselves insufficient. The following are several examples of how the revised Module 17.2 that Hanson submitted with its Response is less protective of human health and the environment than the version of Module 17.2 that Hanson submitted to the Department in 2019:

- Hanson removed its commitment to use portable water misters to control fugitive dust and instead proposes only to use a windsock.

- Instead of stating that fugitive dust "will be controlled" with measures listed in Module 17.2, Hanson stated that fugitive dust "may be minimized" using those measures.

- With respect to loading and unloading areas at the Site, instead of committing to applying water to unpaved road surfaces to "prevent" fugitive dust, Hanson is committing only to apply water to "minimize" fugitive dust.

The Department directed Hanson to provide measures to "prevent," not "minimize," dust and NOA from crossing the permit boundary. In addition, Hanson's Draft Air Monitoring Plan falls short of the comprehensive NOA monitoring and mitigation plan "covering all present and potential
operations at the Rock Hill Quarry" requested by the Department. The Draft Air Monitoring Plan submitted by Hanson provides for a single "one-time background air monitoring event" and then only annual monitoring events once a year during the day that Hanson would remove 500 tons of minerals from the Site. Also, as explained below, the revised Module 17 and Draft Air Monitoring Plan fail to provide procedures for comprehensive monitoring and sampling called for by the Pennsylvania Department of Health in its letter dated September 16, 2020.

The Township requests that Hanson be required to submit a revised Module 17 and a comprehensive NOA monitoring and mitigation plan that is sufficiently protective of human health and the environment.

2. Hanson's plan to remove 500 tons of minerals per year is not protective of human health and the environment

Even Hanson's plan to remove only 500 tons of minerals per year from the Site fails to ensure that the surrounding community will be protected from the health risks associated with NOA. In its Response, Hanson indicated that removal of 500 tons of minerals will be a one-day event each year, requiring the loading of material from stockpiles onto approximately 25 trucks. Additional site visits would be necessary for monitoring, maintenance, and security activities. These are not insignificant events given the known presence of NOA at the Site. Yet, in the revised Module 10.1: Equipment and Operation Plan, Hanson stated only that it "may" use water sprinklers when loading material and provided no information on how roads will be watered and maintained during these events. Also, again, Hanson refused the Department's request to complete Module 10.8: Special Handling of Toxic Material, even though toxic material (i.e., NOA) would continue to be handled at the Site.

Furthermore, Hanson stated in response to paragraph 2.b of the technical deficiency letter that the "annual 500 tons would be removed from the four (4) aggregate product stockpiles as delineated on the Existing Site Plan in the northwest corner of the permit area." To the Township's knowledge, however, these four stockpiles have not been adequately characterized using the sampling and analytical methodology ordered by the Department. These stockpiles must be sufficiently characterized before they can be disturbed.

3. Hanson's Conceptional Reclamation Plan does not protect human health and the environment

In paragraph 3.c of the technical deficiency letter, the Department requested that Hanson provide a detailed plan to achieved Hanson's reclamation obligations. In response, Hanson

provided a one-page Conceptional Reclamation Plan that would leave most of the highwalls in place (which presents a significant safety issue) and would provide for blasting 52,000 cubic yards of rock and regrading certain highwalls. Notably, however, the Conceptional Reclamation Plan does not explain how Hanson can or will safely blast and regrade these highwalls in a way that is protective of human health and the environment given the known significant presence of NOA in that area of the Site. As such, Hanson's Conceptional Reclamation Plan is deficient and should be revised to address all safety and health risks associated with NOA that would be encountered during reclamation.

4. Hanson failed to address the concerns expressed by the Pennsylvania Department of Health ("PADOH") in its letter dated September 16, 2020

In paragraph 4.b.i of the technical deficiency letter, the Department directed Hanson to "address all concerns expressed by the Pennsylvania Department of Health in its September 16, 2020 letter" ("PADOH Letter"). Instead of responding to all such concerns, Hanson inexplicably asserted that it "is only able to address the specific instances where the Rock Hill Quarry is mentioned in the letter" simply because the letter was "not addressed to Hanson, nor was Hanson included on the distribution." The PADOH Letter is six pages and encloses three NOA fact sheets and an eight-page NOA Frequently Asked Questions document. Yet, Hanson arbitrarily chose only six brief passages from these documents from which to respond. And even in responding to those passages, Hanson either did not actually respond to the concern raised or summarily dismissed the concern. For example, in response to PADOH's recommendation to conduct "[c]comprehensive health-based environmental sampling," including "air and soil sampling for onsite, source, property/fence line, and offsite locations," rather than address this concern and propose such a sampling plan, Hanson simply stated that it will "work with the Department of Environmental Protection regarding any necessary sampling."

In addition, Hanson simply did not respond to each of the concerns expressed in the PADOH Letter, listed below. Hanson should be required to respond to these concerns, as requested by the Department in paragraph 4.b.i of the technical deficiency letter.

- Pages 2-3: "Natural weathering and erosion may increase the risk of exposure to neighboring communities in drier months. Any mechanized activity or kinetic energy that makes physical contact with geological formations that contain asbestos, asbestos-like material, or elongated mineral fibers will accelerate the natural weathering process."

- Page 3: "Free asbestos fibers of a length greater than 5μm, with an aspect ratio greater than 3:1, are the most hazardous due to increased lung penetration and deposition. These fibers can cross blood vessels and, if consumed, gastrointestinal walls. Asbestos mineral fibers of these dimensions are difficult for the body to remove and, depending on the site of deposition, can cause scarring and oxidative stress. Fibers with a diameter greater than 3μm have not been observed to be respirable and have been observed to be less hazardous. Some types of asbestos fibers, such as chrysotile, can split into fibrils and undergo partial dissolution within the lungs. This breakdown into smaller pieces can lead to increased pulmonary

clearance. Amphibole asbestos such as actinolite do not subdivide into fibrils of smaller diameter or break up by length. They are much less soluble in lung fluids, and they have long residence times in the lungs."

- Pages 3-4: "To produce sample data most applicable to human health, stationary breathing zone and on-person sampling methods should be employed over several weeks, including summer and winter seasons covering various weather conditions. Also, various activity-based personal sampling should be considered. To determine the risk of exposure to vulnerable populations, a thorough environmental asbestos sampling plan should also include schools, daycares, and hospitals, etc. If evidence of substantial water runoff has been detected, waterbody sampling should be included (river, lake, pond) in the sampling plan, especially if the runoff leaves the site."

- Page 4: "**If possible, NOA should be avoided and left alone:** If rock containing NOA is intact and undisturbed, your risk of exposure is low. Avoid blasting it, crushing it, or grinding it up. If possible, prohibit access or limit activities in the area. Especially avoid digging transporting and or gardening in areas in which NOA has been detected or suspected to be present. Avoid riding bicycles on unpaved surfaces. Avoid riding off-road vehicles such as four-wheelers and dirt bikes in areas with NOA. Also, limit running, hiking, or driving on unpaved surfaces in these areas. If activities in the area determined to have NOA cannot be avoided, then risk minimization procedures should be considered."

- Page 4: "**1) Have a plan.** Before you disturb rock or soil that is likely to contain asbestos, make sure you have an adequate protocol in place to control and contain the dust. If the enterprise is large and it is anticipated that a large amount of dust may be generated, consider notifying surrounding communities to avoid being outside or downwind of the site of concern prior to the event. Also, partnering with local and state air monitoring teams to determine the NOA fiber levels offsite would be appropriate."

- Pages 4-5: "**2) Keep it wet and cap it:** If the rock or dirt contains NOA, keep it wet while you're working, and seal it under a layer of clean soil and a layer of pavement, turf, or clean gravel. Also, the risk of lung disease associated with environmentally exposed asbestos depends on several factors. The most important of these are 1) how long you were exposed, 2) how long it has been since your exposure started, and (3) whether you smoked cigarettes. Cigarette smoking synergistically interacts with asbestos exposure and will increase your chances of developing lung cancer."

In addition, Hanson did not address any of the concerns expressed in the three fact sheets or the eight-page Frequently Asked Questions document enclosed with the PADOH Letter, including the list of ten risk minimization procedures that PADOH recommended on page 4 of the Frequently Asked Questions document.

Hanson should be required to supplement its Response to sufficiently address each of the concerns expressed in the PADOH Letter.

5. Security

Hanson's proposal to conduct only limited operations at the Site, primarily on one day each year, presents heightened security concerns. Hanson and the Department are already aware of safety issues posed by trespassers entering the Site. In addition, PADOH explained on page 4 of the PADOH Letter, excerpted above, that trespassers are also at an increased health risk and recommended prohibiting access to areas containing NOA. PADOH explained that even hiking through the Site poses health risks. PADOH further advised that risk minimization procedures be employed if access to a site with NOA cannot be prohibited. Regarding security, Hanson vaguely stated in its revised Module 10.1 that it will provide "routine site inspection and security detail." Hanson should be required to provide a detailed security proposal to ensure the protection of public health and safety.

6. Stormwater

On January 2, 2019, the Township filed an appeal before the Pennsylvania Environmental Hearing Board challenging the Department's issuance of a renewal of Hanson's National Pollution Discharge Elimination System ("NPDES") permit associated with stormwater at the Site. That appeal remains pending. The Response does not address any of the concerns raised by the Township in its appeal including, among other issues, the alteration of stormwater flow and discharge locations, conditions addressing asbestos, and conditions to ensure that the primary receiving stream, Bog Run, which the Department considers to have an existing use of exceptional value, will not be degraded by operations at the Site. Each of these issues must be addressed.

* * *

Thank you for your consideration of the foregoing comments.

David R. Nyman	Gary W. Volovnik	James C. Nietupski
Chairperson	Vice Chairperson	Member

cc: Township File
Thomas M. Duncan (via email)
Suzanne Schiller (via email)
William Hitchcock (via email)
Township Solicitor (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)