

MANKO | GOLD | KATCHER | FOX LLP

AN ENVIRONMENTAL AND ENERGY LAW PRACTICE

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Admitted in PA and NJ

July 10, 2023

Via Electronic Mail

Richard E. Tallman, P.E.
Pennsylvania Department of Environmental Protection
Pottsville District Mining Office
5 West Laurel Boulevard
Pottsville, PA 17901
rtallman@pa.gov

Re: Rock Hill Quarry

Dear Mr. Tallman:

On behalf of East Rockhill Township (“Township”), please accept the following comments on a letter submitted by Heidelberg Materials Northeast LLC (“Heidelberg”), dated June 29, 2023, requesting an extension to respond to the Pennsylvania Department of Environmental Protection’s (the “Department”) Technical Deficiency Letter dated May 31, 2023. The Technical Deficiency Letter identifies a number of deficiencies in Heidelberg’s application dated January 23, 2023 (the “Application”) to renew and modify National Pollutant Discharge Elimination System Permit No. PA0594121 for the Rock Hill Quarry in East Rockhill Township, PA. The Department had requested a response to its Technical Deficiency Letter by July 6, 2023. Heidelberg, however, in its letter dated June 29, 2023, has requested substantial extensions of time, up to 14 months, to respond to the items in the Technical Deficiency Letter. Below are Heidelberg’s requests from its letter dated June 29, 2023, followed by the Township’s comments in red.

1. Items 1-6, 8-13, 15 (to the extent applicable) and 16: a one hundred and twenty (120) day extension until November 3, 2023. This will allow Heidelberg adequate time to revise its permit application to address the items identified by PADEP, including its various modules, E&S Plan, and calculations.

Township Comments: The items identified above should have been addressed six months ago when the Application was submitted to the Department. In its Technical Deficiency Letter, the Department provided Heidelberg more than five weeks to address these items, and Heidelberg did not meet that deadline. Heidelberg has provided no justification for why it needs four additional months, for a total of five months, to



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respond to the items identified by the Department that should have been addressed six months ago. The Township requests that the Department provide no more than 30 additional days to respond to these items.

2. Items 7 and 15 (to the extent applicable): a 14-month extension until September 30, 2024. This will allow Heidelberg adequate time to collect and analyze samples and evaluate non-discharge alternatives, if applicable.

Township Comments: Item 7 of the Technical Deficiency Letter contains various subparts. Subpart (c) of Item 7 requires Heidelberg to collect samples over a 12-month period, and Heidelberg cites this requirement as a basis for requesting a 14-month extension. The remaining subparts (a), (b), and (d) of Item 7, however, require no further time to respond, and granting a 14-month extension to address those subparts would be inappropriate. Heidelberg and the Department should be working to resolve those subparts now rather than waiting 14 months to find out how Heidelberg intends to initially respond. The Township requests that the Department provide no more than 30 additional days to respond to subparts (a), (b), and (d) of Item 7.


3. Items 14 and 15 (to the extent applicable): a 14-month extension until September 30, 2024. Heidelberg is aware that PADEP's Ridge Run HSCA site investigation is ongoing. Heidelberg's ability to respond to inquiries regarding PADEP's data at the Ridge Run HSCA site is contingent in part upon PADEP's ongoing evaluation and data collection.

Township Comments: Heidelberg has provided no justification for this request. The information required to respond to the Department's request already exists, and nothing prevents Heidelberg from supplementing its responses if new information happens to become available at a later date. Heidelberg and the Department should be working to resolve these issues now rather than waiting 14 months to find out how Heidelberg intends to initially respond. The Township requests that the Department provide no more than 30 additional days to respond to Item 14.

* * *

Thank you for your consideration of these comments.

Respectfully submitted,



Thomas M. Duncan
For MANKO, GOLD, KATCHER & FOX, LLP

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cc: Marianne Morano, Township Manager (via email)
Steve Baluh (via email)
William Hitchcock (via email)
Will Oetinger (via email)
Matthew Weikel, EarthRes (via email)
Joe Kim, EarthRes (via email)
John Stefanko, PADEP (via email)
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