



**pennsylvania**

DEPARTMENT OF ENVIRONMENTAL PROTECTION

**Pottsville District Office**

DEC 02 2010

November 30, 2010

Hanson Aggregates Pennsylvania, LLC  
7660 Imperial Way  
Allentown, PA 18195

Re: Surface Mining Permit No. 7974SM1C6  
NPDES Permit No. PA0594121  
Authorization to Mine No. 24143-7974SM1-02  
Rock Hill Quarry  
East Rockhill Township, Bucks County

Ladies and Gentlemen:

Existing Permit No. 7974SM1C6 is hereby corrected per the above-referenced Application submitted March 22, 2010. The purpose of this correction is to acknowledge a name change from Hanson Aggregates Pennsylvania, Inc. to Hanson Aggregates Pennsylvania, LLC.

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and the Administrative Agency Law, 2 PA C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law. If you want to challenge this action, your appeal must reach the Board within 30 days. You do not need a lawyer to file an appeal with the Board. Important legal rights are at stake, however, so you should show this document to a lawyer at once. If you cannot afford a lawyer, you may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Should you have any questions, please contact the Pottsville District Office.

Sincerely,

*Michael J. Menghini*

Michael J. Menghini  
District Mining Manager  
District Mining Operations

Enclosures

cc: SMCIS, Thomas Flannery  
SMCI, Amiee Bollinger  
Municipality of East Rockhill Twp.  
PA Fish & Boat Commission  
County of Bucks  
File  
MS1- Hanllc (11-10)

MJM:NAH:MPK:tmr

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COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF MINING AND RECLAMATION

# NONCOAL SURFACE MINING PERMIT

NO. 7974SM1C6

Permittee Name and Address <u>Hanson Aggregates Pennsylvania, LLC</u> <u>7660 Imperial Way</u> <u>Allentown, PA 18195</u>	Location of Operation: Municipality <u>East Rockhill Township</u> County <u>Bucks</u>
Name of Operation <u>Rock Hill Quarry</u>	
This Permit Approves the Following Type of Operation: <input checked="" type="checkbox"/> Noncoal Surface Mine <input type="checkbox"/> Surface Activity Connected with Underground Mining (Noncoal) <input type="checkbox"/> Other _____	
This approval is subject to the attached LIMITS OF AUTHORIZATION, MANDATED NONCOAL MINING ACTIVITY PERMIT CONDITIONS AND REQUIREMENTS and to: <input checked="" type="checkbox"/> PART A EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS and MANDATED NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) CONDITIONS AND REQUIREMENTS <input checked="" type="checkbox"/> PART B SPECIAL CONDITIONS OR REQUIREMENTS <input checked="" type="checkbox"/> PART C AUTHORIZATION TO MINE	
The permit is for <u>103.2</u> acres of which <u>103.2</u> acres are planned to be affected. Permittee may conduct surface noncoal mining activities only on that area of the permit outlined on the Authorization to Mine and accompanying maps contained in Part C of this permit. Initial authority to conduct mining activities is granted for an area of <u>103.2</u> acres described in Part C of this permit. Additional authority to conduct mining activities may be granted by written approval of the Department and attached to Part C of this permit. Permittee is prohibited from conducting noncoal mining activities on that portion of the permit area which has not been authorized for mining by the Department, in writing, and shown on the bond approval and mining authorization map(s) contained in Part C of this permit.	
This permit is hereby issued in accordance with the provisions of the Noncoal Surface Mining Conservation and Reclamation Act, Act of December 19, 1984 (P.L. 1093, No. 219), as amended, 52 P.S. §§3301 <i>et seq.</i> ; and The Clean Streams Law, Act of June 22, 1937 (P.L. 1987, No. 394), as amended, 35 P.S. §§691.1 <i>et seq.</i> , The Air Pollution Control Act, Act of January 8, 1960 (1959 P.L. 2119, No. 787), as amended, 35 P.S. §§4001 <i>et seq.</i> , and the regulations promulgated pursuant to these Acts. This permit is also issued in accordance with the following statutes and regulations if marked.	
<input type="checkbox"/> Coal Refuse Disposal Control Act, Act of September 24, 1968 (P.L. 1040, No. 318), as amended, 52 P.S. §§30.51 <i>et seq.</i> , and the regulations promulgated pursuant to this Act. <input type="checkbox"/> Dam Safety and Encroachments Act, Act of November 26, 1978 (P.L. 1375, No. 325), as amended, 32 P.S. §§693.1 <i>et seq.</i> , and the regulations promulgated pursuant to this Act. <input type="checkbox"/> Solid Waste Management Act, Act of July 7, 1980 (P.L. 380, No. 97), 35 P.S. §§6018.101 <i>et seq.</i> , and the regulations promulgated pursuant to this Act. <input type="checkbox"/> Surface Mining Conservation and Reclamation Act, Act of May 31, 1945 (P.L. 1198, No. 418), as amended, 53 P.S. §§1396.1 <i>et seq.</i> , and the regulations promulgated pursuant to this Act.	
Permittee is hereby authorized to conduct noncoal mining activities as described in the approved permit application and in accordance with the laws and regulations and terms and conditions as referenced above. A violation of any provision of these laws and regulations and terms and conditions is a violation of this permit.	
Permit Issuance Date <u>October 13, 1976</u> Permit Reissuance Dates <u>6/28/96; 11/10/97; 11/15/01; 1/21/03; 3/28/08 &amp; 11/30/10</u>	By <u>Michael J. Menghini</u> <u>Michael J. Menghini</u> Title <u>District Mining Manager</u>

## LIMITS OF AUTHORIZATION

1. The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights.
2. Nothing herein contained shall be construed to be an intent on the part of the Department to approve any act made or to be made by the permittee which is inconsistent with the permittee's lawful powers or with existing laws of the Commonwealth regulating noncoal mining activities and the practice of professional engineering. This permit shall not be construed to sanction any act otherwise forbidden by federal or state law or regulation, or by local ordinance, nor to pre-empt any duty to obtain state or local assent required by law for the noncoal mining activity.
3. The permittee's failure to comply with the laws of the Commonwealth and the rules and regulations of the Department regarding noncoal mining activities, or failure to comply with the terms and conditions of this permit, may result in an enforcement action, in permit termination, suspension, revocation and reissuance, or modification, or in denial of a permit renewal application. Nothing in this permit shall be construed to preclude the institution of any legal action of relieve the permittee of any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under the Acts pursuant to which this permit is issued or any other applicable provision of law.
4. The permittee is responsible for complying with local ordinances adopted pursuant to the Municipalities Planning Code, and all zoning ordinances in existence before January 1, 1972. Nothing in this permit shall be construed to relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee may be subject under federal, state, or local laws.

### NOTES:

1. As a result of a statutory merger in Pennsylvania and Delaware, with a change in name from The General Crushed Stone Company to Milestone Materials, Inc., NCSMP No. 7974SM1, NPDES Permit No. PA0594121 (replacing NPDES Permit No. PA0113684, originally issued July 19, 1988, through an administrative error) and Authorization to Mine Permit No. 300679-7974SM1-01 were reissued to Milestone Materials, Inc.
2. As a result of amendment of Articles of Incorporation, Milestone Materials, Inc., a Pennsylvania corporation owned by Hanson PLC, has changed its name to Hanson Aggregates Pennsylvania, Inc. In this regard the above-mentioned permits were reissued in the name of Hanson Aggregates Pennsylvania, Inc.
3. This SMP No. 7974SM1C3 was corrected 11/15/01 to revise the blasting plan.
4. This SMP No. 7974SM1C4 was corrected 11/21/03 to renew NPDES Permit No. PA0594121.
5. This SMP No. 7974SM1C5 was corrected 3/28/08 to renew NPDES Permit No. PA0594121.
6. This SMP No. 7974SM1C6 is hereby corrected per Application dated 3/18/10 to change the Permittee name and License No. from Hanson Aggregates Pennsylvania, Inc. (License No. 1848) to Hanson Aggregates Pennsylvania, LLC (License No. 24143) due to an internal corporate restructuring that resulted in no administrative changes.

**MANDATED NONCOAL MINING ACTIVITY PERMIT  
CONDITIONS AND REQUIREMENTS  
(Under 25 Pa. Code Chapter 77)**

1. Except to the extent that the Department otherwise directs in this permit that specific actions be taken, the permittee shall conduct noncoal mining activities as described in the approved application. 77.129(1)
2. The permittee shall allow the authorized representatives of the Commonwealth, without advance notice or a search warrant, upon presentation of appropriate credentials, and without delay, to have access to areas in which noncoal mining activities will or are being conducted. 77.129(2)
3. The permittee shall conduct noncoal mining activities only on the lands specifically approved in the permit for which a bond has been filed with the Department under Subchapter D (relating to bonding and insurance requirements). 77.129(3)
4. The permittee shall take all possible steps to prevent an adverse impact resulting from non-compliance with the terms or conditions of this permit or the environment or public health and safety, including:
  - a. Any accelerated or additional monitoring necessary to determine the nature and extent of non-compliance and the results of the noncompliance.
  - b. Providing warning immediately after learning of the noncompliance to persons whose health and safety is in imminent danger due to the non-compliance. 77.130(1)
5. The permittee shall dispose of solids, sludges, filter backwash, or pollutants removed in the course of treatment or control of waters or emissions to the air in the manner which prevents violation of an applicable state or federal law. 77.130
6. The permittee shall conduct the activities in accordance with measures specified in this permit that are necessary to prevent environmental harm or harm to the health or safety of the public. 77.130(2)

**PART A****NONCOAL SURFACE MINING PERMIT NO. 7974SM1C6  
NPDES PERMIT NO. PA0594121**

PERMITTEE NAME Hanson Aggregates PA, LLC ISSUANCE DATE 7/19/78 (PA0013684)  
 AND ADDRESS 7660 Imperial Way RENEWAL DATES 3/15/89 (PA0013684)  
Allentown, PA 18195 PA0594121 Renewal 3/4/93; 11/10/97; 1/21/03 & 3/28/08  
 NAME OF OPERATION Rock Hill Quarry REISSUANCE DATES 7/17/00 & 11/30/10  
 LOCATION OF OPERATION: EXPIRATION DATE July 19, 2013  
 MUNICIPALITY East Rock Hill Township COUNTY Bucks

**TYPE OF OPERATION**

- ☒ Noncoal Surface Mine  
☐ Surface Activity Connected With Underground Mining (Noncoal)  
☐ Other \_\_\_\_\_

DISCHARGE TO (RECEIVING WATERS) unnamed tributary to Tohickon Creek

**I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

- A. TYPE OF DISCHARGE FACILITY  
 (M.D.T.) Mine Drainage Treatment Facilities  
 (E&S) Erosion and Sediment Control Facilities  
 (O.D.) Other discharge facilities

Outfall Numbers	Type of Discharge Facility (Key to A.)	Latitude			Longitude		
<u>001</u>	<u>O.D.</u>	<u>40°</u>	<u>24'</u>	<u>19"</u>	<u>75°</u>	<u>18'</u>	<u>16"</u>
_____	_____	°	'	"	°	'	"
_____	_____	°	'	"	°	'	"
_____	_____	°	'	"	°	'	"
_____	_____	°	'	"	°	'	"

- B. The permittee is authorized to discharge during the period from July 19, 1978 through July 19, 2013.  
 C. Based on the hydrologic data and anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or revisions, the following effluent limitations and monitoring requirements apply to the above listed outfall numbers.

<u>DISCHARGE LIMITATIONS *</u>					<u>MONITORING REQUIREMENTS</u>	
Type of Discharge Facility	Discharge Parameter	Average Monthly	Maximum Daily	Instantaneous Maximum	Measurement Frequency	Sample Type
<b>E &amp; S</b>	<b>Total Suspended Solids</b> (or Total Settleable Solids as in Part A.1.D.1 below)	<b>35.0</b>	<b>70.0</b>	<b>90.0</b>	<b>Monthly</b>	<b>Grab</b>
<b>M.D.T. or O.D.</b>	<b>Total Suspended Solids</b>	<b>35.0</b>	<b>70.0</b>	<b>90.0</b>	<b>Monthly</b>	<b>Grab</b>
	<b>Average Discharge Rate</b>	<b>0.05 MGD</b>	<b>---</b>	<b>---</b>	<b>Daily</b>	<b>Measured Flow</b>

Note: The discharge limitations designated above for M.D.T. or O.D. facilities shall apply to all NPDES Point-Source discharges of groundwater or other discharges that are subject to mechanical control (i.e. pumping) at any point prior to the discharge.

pH not less than 6.0 standard units nor greater than 9.0 standard units at all times.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

\*Unless otherwise indicated, discharge limitations are concentrations expressed in mg/l, and the total (dissolved plus suspended fraction) is applicable for each parameter.

Samples taken in compliance with the monitoring requirements specified above shall be taken during a discharge at the following location(s):

At all major erosion and sediment pollution control facilities, whether NPDES point-source discharges as listed above or non-point-source discharges and all other NPDES point-source discharges (if any).

- D. Any discharge of water, whether listed under Part A, Section 1.A. or not, from areas within this surface mining permit disturbed by surface mining and reclamation operations must meet the Discharge Limitations listed in Part A, Section 1.C. except as described below.
1. Discharges of surface runoff (not subject to mechanical control), from major erosion and sediment pollution controls (i.e. sediment basins), that are a result of a precipitation event and occur within 24 hours of said precipitation event shall not be subject to the total suspended solids limitations listed in Part A, Section 1.C. above. Discharges described by this condition shall meet a maximum total settleable solids limit of 0.5 ml/l.
  2. Other discharges of surface runoff from minor erosion and sediment pollution controls (sheet flow from minor areas, outcrops, berms, etc.) shall meet the Department's standards for temporary control of sediment and timely stabilization of disturbed areas (Best Management Practices).
  3. Any discharges resulting from a precipitation event exceeding the expected 10-year, 24-hour precipitation shall not be subject to the limitations of Part A, Section 1.C.

## II. MANDATED NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT CONDITIONS AND REQUIREMENTS

### 1. CONDITIONS RELATING TO NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM REGULATIONS

The following permit conditions implement mandatory federal National Pollutant Discharge Elimination System (NPDES) requirements of 40 C.F.R. Part 122 and also the mandatory state requirements of 25 Pa. Code §77.522, 92.2a(a), and 92.31(a)(7).

### 2. DEFINITIONS

- a. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. 122.41(m)(1)(i)
- b. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production. 122.41(m)(1)(ii)
- c. "Average monthly" discharge limitation means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month. 122.2
- d. "Maximum daily" discharge limitation means the highest allowable "daily discharge." 122.2
- e. "Daily discharge" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day. 122.2
- f. "Average" refers to the use of an arithmetic mean, unless otherwise specified in this permit. 122.41(l)(4)(iii)
- g. "Instantaneous Maximum" means the level not to be exceeded at any time in any grab sample.
- h. "Composite Sample" means a combination of individual samples obtained at regular intervals over a time period. Either the volume of each individual sample is proportional to discharge flow rates, or the sampling interval (for constant volume samples) is proportional to the flow rates, over the time period used to produce the composite.  
  
The maximum time period between individual samples shall not exceed two hours, except that for wastes of a uniform nature the samples may be collected on a frequency of at least twice per working shift and shall be equally spaced over a 24-hour period (or over the operating day if flows are of a shorter duration).
- i. "Grab Sample" means an individual sample collected at a randomly-selected time over a period not to exceed 15 minutes.
- j. "Measured Flow" means any method of liquid volume measurement, the accuracy of which has been previously demonstrated in engineering practice, or for which a relationship to absolute volume has been obtained.

- k. "At Outfall XXX" means a sampling location in outfall line XXX below the last point at which wastes are added to outfall line XXX, or where otherwise specified.
- l. "Estimate" means to be based on a technical evaluation of the sources contributing to the discharge including, but not limited to, pump capabilities, water meters, and batch discharge volumes.
- m. "Toxic Pollutant" means any pollutant listed as toxic under Section 307(a)(1) of the Clean Water Act. 122.2
- n. "Hazardous Substance" means any substance designated under 40 CFR Part 116 pursuant to Section 311 of the Clean Water Act. 122.2

### 3. SELF-MONITORING, REPORTING, AND RECORDS KEEPING

#### a. Representative Sampling

- (1) Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. 122.41(j)(1)

- (2) Records Retention 122.41(j)(2)

All records of monitoring activities and results (including all original strip chart recordings for continuous monitoring instrumentation and calibration and maintenance records), copies of all reports required by this permit, and records of all data used to complete the application for this permit shall be retained by the permittee for three (3) years. The three-year period shall be extended as requested by the Department or the EPA Regional Administrator.

- (3) Recording of Results 122.41(j)(3)

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- (i) The exact place, date, and time of sampling or measurements;
- (ii) The person(s) who performed the sampling or measurements;
- (iii) The date(s) the analyses were performed;
- (iv) The person(s) who performed the analyses;
- (v) The analytical techniques or methods used; and the associated detection level; and
- (vi) The results of such analyses.

- (4) Test Procedures 122.41(j)(4)

Unless otherwise specified in this permit, the test procedures for the analysis of pollutants shall be those contained in 40 CFR Part 136, or alternate test procedures approved pursuant to that part.

#### b. Reporting of Monitoring Results

- (1) Monitoring results obtained each month shall be summarized for that month and reported on a Discharge Monitoring Report (DMR). 122.41(l)(4)(i)

The DMR shall be submitted quarterly within 28 days after the end of the quarter to the appropriate Department District Mining Office. 122.41(l)(4)

- (2) The completed DMR form shall be signed and certified either by the following applicable person (as defined in 40 CFR 122.22(a)) or by that person's duly authorized representative (as defined in 40 CFR 122.22(b)):

- for a Corporation - by a responsible corporate officer;
- for a Partnership or Sole Proprietorship - by a general partner or the proprietor, respectively;
- for a Municipality, State, Federal, or other public agency - by a principle executive officer or ranking elected official.

Written notification of delegation of DMR signatory authority must be submitted to the Department. 122.41(k)

- (3) If the permittee monitors any pollutant, using analytical methods described in B.3.a(4) above, more frequently than the permit requires, the results of this monitoring shall be incorporated, as appropriate, into the calculations used to report self-monitoring data on the DMR. 122.41(l)(4)(ii)

c. Non-Compliance Reporting

- (1) 24-Hour Reporting - The permittee shall orally report to the Department within 24 hours of becoming aware of the following:
- (a) Actual or anticipated non-compliance with any term or condition of this permit which may endanger health or the environment. 122.41(l)(6)(i)
  - (b) Actual or anticipated non-compliance with any "maximum daily" discharge limitation which is identified in Part A of this permit as being either: 122.41(l)(6)(ii)(A), 122.41(l)(6)(ii)(C)
    - (i) A toxic pollutant effluent standard established by EPA pursuant to Section 307(a) of the Clean Water Act,
    - (ii) A toxic or hazardous pollutant which, if not adequately treated, could constitute a threat to human health, welfare, or the environment, or
    - (iii) Any pollutant identified as the method to control a toxic pollutant or hazardous substance (i.e., indicator pollutant).
  - (c) Any unanticipated bypass which exceeds any effluent limitations in the permit. 122.41(l)(6)(ii)(A), 122.41(m)(3)(ii)

Where the permittee orally reports this information within the above mentioned 24-hour time period, a written submission outlining the above information must be submitted to the Department within 5 days of becoming aware of such a condition, unless this requirement is waived by the Department upon receipt of the oral report. 122.41(l)(6)(i) and (iii)

(2) Anticipated Non-Compliance Reporting

- (a) The permittee shall give advance notice to the Department of any planned changes to the permitted activity or facility which may result in non-compliance with permit requirements. 122.41(l)(2)
- (b) Where the permittee knows in advance of the need for a bypass which will exceed effluent limitations, it shall submit prior notice to the Department at least 10 days, if possible, before the date of the bypass. 122.41(m)(3)(i)

- (3) The permittee shall report all other instances of non-compliance which are not reported above, at the time of DMR submission. 122.41(l)(7)
- (4) All of the reports and notifications required above shall contain the following information: 122.41(l)(6)
  - (a) A description of the discharge and cause of non-compliance;
  - (b) The period of non-compliance, including exact dates and times and/or the anticipated time when the discharge will return to compliance; and
  - (c) Steps being taken to reduce, eliminate, and prevent recurrence of the non-complying discharge.
- d. Specific Toxic Substance Notification Levels - The permittee shall notify the Department as soon as it knows or has reason to believe the following:
  - (1) That any activity has occurred, or will occur, which would result in the discharge of any toxic pollutant which is not limited in the permit, if that discharge on a routine or frequent basis will exceed the highest of the following "notification levels": 122.42(a)(1)
    - (a) One hundred micrograms per liter;
    - (b) Two hundred micrograms per liter for acrolein and acrylonitrile;
    - (c) Five hundred micrograms per liter for 2, 4-dinitrophenol and 2-methyl -4, 6-dinitrophenol;
    - (d) One milligram per liter for antimony;
    - (e) Five (5) times the maximum concentration value reported for that pollutant in the permit application;
    - (f) Any other notification level established by the Department.
  - (2) That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels": 122.42(a)(2)
    - (a) Five hundred micrograms per liter;
    - (b) One milligram per liter for antimony;
    - (c) Ten (10) times the maximum concentration value reported for that pollutant in the permit application;
    - (d) Any other notification level established by the Department.

#### 4. MANAGEMENT REQUIREMENTS

- a. Compliance Schedules 122.47(a), 122.41(l)(5)
  - (1) Where applicable, the permittee will comply with the schedule identified in this permit relative to NPDES discharge requirements.
  - (2) The permittee shall submit reports of compliance or non-compliance with, or progress reports as applicable, any interim and final requirements contained in this permit. Such reports shall be submitted no later than 14 days following the applicable schedule date or compliance deadline. 122.47(a)(4)

b. Permit Modification, Termination, or Revocation and Reissuance

- (1) This permit may be modified, terminated, or revoked and reissued during its term for any of the causes specified in 25 Pa. Code, Chapter 92. 122.41(f)
- (2) The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated non-compliance, does not stay any permit condition. 122.41(f)
- (3) The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time specified in the regulations that establish those standards or prohibitions. 122.41(a)(1)

c. Duty to Provide Information

- (1) The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. 122.41(h)
- (2) The permittee shall furnish to the Department, upon request, copies of records required to be kept by this permit. 122.41(h)
- (3) Other Information - Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information to the Department. 122.41(l)(8)
- (4) The permittee shall give advance notice to the Department of any planned physical alterations or additions to the permitted facility.

Such notice is required when:

- (i) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source, or
- (ii) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are not subject to effluent limitations in the permit, or are not subject to the toxic substance notification requirements of Part B.3.d.(1) above. 122.41(l)(1)

d. Facilities Operation

The permittee shall at all times maintain in good working order and properly operate and maintain all facilities and systems which are installed or used by the permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes, but is not limited to, adequate laboratory controls including appropriate quality assurance procedures. This provision also includes the operation of backup or auxiliary facilities or similar systems which are installed by the permittee, only when necessary to achieve compliance with the terms and conditions of this permit. 122.41(e)

e. Adverse Impact

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. 122.41(d)

f. Bypassing

- (1) Bypassing Not Exceeding Permit Limitations - The permittee may allow a bypass to occur which does not cause effluent limitations to be violated, but only if the bypass is essential for maintenance to assure efficient operation. This type of bypassing is not subject to the reporting and notification requirements of Part B.3.c above. 122.41(m)(2)
- (2) Other Bypassing - In all other situations bypassing is prohibited unless all of the following conditions are met: 122.41(m)(4)(i)
  - (a) A bypass is unavoidable to prevent loss of life, personal injury or "severe property damage"; 122.41(m)(4)(i)(A)
  - (b) There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed (in the exercise of reasonable engineering judgment) to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; 122.41(m)(4)(i)(B)
  - (c) The permittee submitted the necessary reports required under Part B.3.c above. 122.41(m)(4)(i)(C)
- (3) The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the three conditions listed above. 122.41(m)(4)(ii)

5. **PENALTIES AND LIABILITY**

a. Duty to Comply 122.41(a), (a)(2), (a)(3)

Failure to comply with the terms or conditions of this NPDES permit is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

- (1) The Clean Water Act provides that any person who violates section 301, 302, 306, 307, 308, 318, or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed \$25,000 per day for each violation. The Clean Water Act provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than 2 years, or both. Any person who knowingly violates such sections, or such conditions or limitations, is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both. Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318,

or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both. Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318, or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.

- (2) Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318, or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act. Administrative penalties for Class I violations are not to exceed \$10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$25,000. Penalties for Class II violations are not to exceed \$10,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$125,000.

b. Falsifying Information

- (1) The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both. 122.41(j)(5)
- (2) The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both. 122.41(k)(2)

c. Enforcement Proceedings

It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. 122.41(c)

6. **OTHER RESPONSIBILITIES**

a. Right of Entry 122.41(i)

Pursuant to Sections 5(b) and 305 of Pennsylvania's Clean Streams Law and 25 Pa. Code, Chapter 92, and 40 C.F.R. 122, the permittee shall allow the head of the Department, the EPA Regional Administrator, and/or their authorized representatives, upon the presentation of credentials and other documents as may be required by law:

- (1) To enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit; 122.41(i)(1)
- (2) To have access to and copy at reasonable times any records that must be kept under the conditions of this permit; 122.41(i)(2)
- (3) To inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; 122.41(i)(3)
- (4) To sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location. 122.41(i)(4)

b. Transfer of Ownership or Control

NPDES discharge permit requirements may not be transferred unless approved by the Department as a permit modification or revocation and reissuance. 122.61(a), 122.41(l)(3)

c. Property Rights

The issuance of this NPDES permit does not convey any property rights of any sort, or any exclusive privilege. 122.41(g)

d. Renewal of NPDES Permits

Application for renewal of this NPDES permit, or notification of intent to cease discharging by the expiration date, must be submitted to the Department at least 180 days prior to the above expiration date (unless permission has been granted by the Department for submission at a later date). 122.41(b)

**PART B**  
**NONCOAL SURFACE MINING PERMIT NO. 7974SM1C6**  
**Hanson Aggregates Pennsylvania, LLC**  
**SPECIAL CONDITIONS OR REQUIREMENTS**

The following special conditions or requirements are hereby incorporated into the permit and represent permit conditions.

1. Reclamation shall be accomplished as set forth in revised reclamation plan (sheets 5 & 6 of 6) dated January 29, 1975.
2. Mining activity is prohibited within 300 feet of any designated wetland area, unless otherwise authorized by the Department.
3. All quarry production blasts shall be monitored by the permittee with seismographic and sound equipment at the nearest structure neither owned nor leased by the permittee. A record of each blast shall be maintained by the permittee for a period of at least five (5) years.
4. The limits of mining and/or support area(s) approved by this permit are to be field marked and shall remain marked for the duration of mining and reclamation activity.

MS1-Hanson SC10

**PART C**

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF MINING AND RECLAMATION**

**NONCOAL  
AUTHORIZATION TO MINE**

Number 24143-7974SM1-02

under issued SMP Number 7974SM1C6

PERMITTEE NAME	<u>Hanon Aggregates PA, LLC</u>	ISSUANCE DATE	<u>November 30, 2010</u>
AND ADDRESS	<u>7660 Imperial Way</u>	MUNICIPALITY	<u>East Rockhill Township</u>
	<u>Allentown, PA 18195</u>		
		COUNTY	<u>Bucks</u>
NAME OF OPERATION	<u>Rock Hill Quarry</u>		

## TYPE OF OPERATION

- ☒ Noncoal Surface Mine
- ☐ Surface Activity Connected with Underground Mining (Noncoal)
- ☐ Other \_\_\_\_\_

- A. Permittee is hereby authorized to conduct noncoal mining activities on lands of TUB, Inc. situated in East Rockhill Township, Bucks County. Surface owners' consent is attested to by inclusion of a properly executed Consent of Landowner form submitted in support of this approval.
- B. Surface noncoal mining activities are limited to the area designated as bonded in the map submitted in support of the request for this Mining Authorization, which covers 103.2 acres.
- C. The maximum allowed depth of pit or height of highwall is 335 feet per Sheet 6 of 6 daed 1/29/76, but shall not extend below the elevation of pit floor which is 454 feet MSL per Sheet 6 of 6 dated 1/29/76. The maximum length of highwall allowed is as shown on Sheet 5 of 6 dated 1/29/76.
- D. Bond Description
- ☒ Original Bond \$101,700 ☐ Additional Bond
- ☒ Surety Bond No. 64S105470805BCM in Amount of \$101,700 with Traverlars Casualty & Surety Co. of America as surety.
- ☐ Collateral Bond dated \_\_\_\_\_ in Amount of \_\_\_\_\_ supported by \_\_\_\_\_.
- ☐ PILB
- ☐ Additional Remarks:
- E. The approved erosion and sediment control facility related to the area to be mined in accordance with this authorization must be constructed in accordance with the approved plan. These facilities shall be certified to the Department by a qualified registered professional engineer (where required by Chapter 105) or by a qualified registered land surveyor prior to the commencement of other noncoal mining activities in this area.
- F. The attached sheet contains one (1) additional special conditions or requirements relating to this authorization.

cc: Licensing & Bonding  
Amiee Bollinger, SMC1  
File

By:

Title:

Michael J. Menghini

District Mining Manager

For the Department of Environmental Protection

7974SM1

**ADDITIONAL SPECIAL CONDITIONS AND/OR REQUIREMENTS:**

1. The outer limits of the area approved by this Authorization to Mine shall be field marked prior to commencement of surface mining activities and shall remain marked for the duration of surface mining and reclamation activities.