



Sent via E-mail Only

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October 3, 2025

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

**Re: East Rockhill Township Letter
Rock Hill Quarry**

Dear Mr. Tallman:

Please accept this response from Heidelberg Materials Northeast LLC (“Heidelberg”) to the August 28, 2025 letter (the “Letter”) submitted by Mr. Thomas Duncan, Esq. on behalf of his client East Rockhill Township (the “Township”).

Through the Letter, the Township argues that Heidelberg’s mining activities at the Rock Hill Quarry (“Quarry”) should be limited to an annual removal of 500 tons of aggregate material, along with other limited support activities (the so-called “Limited Site Activities”). The Township offers no legal or technical basis for this limitation. More importantly, the Township *completely* ignores its own prior statements on the Limited Site Activities and scope of Quarry operations and generally misrepresents Heidelberg’s permit application. Through its Letter, it is clear that the Township’s real goal is to pressure the Pennsylvania Department of Environmental Protection (the “Department”) to limit Quarry operations to the maximum extent possible out of a general opposition to the Quarry and not because of any legal or technical basis.

The Township Misrepresents the Quarry Permit Application History

In January 2021, Heidelberg (then Hanson) responded to a Department letter with a brief statement outlining its intended near-term scope of operations, which included the annual removal of 500 tons of aggregate materials, as well as other support activities (e.g., maintenance and NPDES sample collection).¹ At that time, Heidelberg included a revised Module 10 to reflect this near-term scope. Shortly thereafter, in a subsequent response letter, Heidelberg reiterated its commitment to full-scale operations at the Quarry and to providing information reflecting that intent:

¹ See Hanson letter to the Department (Jan. 15, 2021)

[I]t is Hanson's plan to now provide information, in response to your April 12, 2021 letter, to address "full" quarry operations. Hanson believes that the information it is providing to the Department will fully address activities associated with both a limited 500 ton aggregate removal scenario and full quarry operations under its mining permit (e.g., operations plans, engineering controls, monitoring, sampling, and corrective actions).

To be clear, full quarry operations will likely include stripping overburden from areas within the permitted mining boundary, drilling, blasting, hauling, crushing, stockpiling, and loading out crushed aggregate to our customers.²

Consistent with that, Heidelberg has since submitted revised modules, including a revised Module 10 that clearly describes the scope of Quarry operations to be pursued under its permit – e.g., drilling, blasting, crushing, aggregate stockpiling, and overburden removal.³ This is consistent with the Department noncoal mining regulations, which require that an application contain a description of the "noncoal mining activities proposed to be conducted within the proposed permit area." 25 Pa. Code § 77.452. To be clear, Heidelberg is not bound by a prior Module 10 submittal where the Department did not authorize mining pursuant to that submittal and where Heidelberg has since revised it.

Despite this, the Township argues that Heidelberg's permit application must be limited to the Limited Site Activities and, further, that each subsequent Department request for information is similarly bound by that scope. The Township's questionable legal theory is that Heidelberg's permit application "shall be current" and "accurate and complete" (see 25 Pa. Code § 77.104(c) and § 77.126(a)) which, per the Township, allegedly means that Heidelberg's permit application must be scrubbed of the actual "current" operational plans and replaced with the now-outdated "Limited Site Activities." The Township's argument strains credulity because it requires that the Department ignore Heidelberg's clear intention regarding Quarry operations, as well as the actual revised permit modules and information that Heidelberg has submitted to the Department.

The Township also misrepresents Heidelberg's permit application on several occasions to suit its argument. Below are examples:

- The Township claims that Heidelberg's submittals "reiterate [its] intent to conduct only the Limited Site Activities." As noted above, shortly after its January 2021 response letter, Heidelberg clarified its intent to conduct full Quarry operations and has since submitted a revised Module 10, along with other modules, to clearly reflect that intent. The Township's statement that Heidelberg is seeking approval only for "Limited Site Activities," especially in its May 1, 2025 submittals, is inaccurate and ignores Heidelberg's clear statements to the contrary.
- The Township incorrectly claims that Heidelberg submitted its NPDES renewal and modification application in September 2023, whereas Heidelberg timely submitted its application on January 19, 2023, which was acknowledged that day by the Department.
- The Township claims that Heidelberg "proposes to increase [its] discharge to an Exceptional Value waterbody to allow dewatering of the quarry pit in anticipation of potential future full

² See Hanson letter to the Department (June 14, 2021)

³ See Heidelberg letter to the Department (May 1, 2025), at Module 10

operations.” However, in its May 1, 2025 submittal, Heidelberg proposed a Quarry discharge of 0.238 mgd from Outfall 004, which is consistent with the rate in the existing permit. With its permit application, Heidelberg also included additional information related to Quarry dewatering and a higher discharge rate of 2.88 mgd, while acknowledging that “the evaluation in this report under the 2.88 MGD rate is for planning purposes only” and, further, that “Heidelberg Materials is not proposing any discharge beyond that which is already currently permitted.” The Township confusingly acknowledges these statements but still incorrectly claims that Heidelberg is proposing an increase to its discharge. To be clear, the Township’s statement that Heidelberg proposes to increase its discharge at this time is inaccurate.

- The Township claims that Heidelberg’s permit application should be revised to remove “information relating to potential future activities that would require separate authorizations from the Department or any hypothetical conditions that might be proposed for those potential future activities.” Heidelberg has not proposed any “hypothetical” activities – it has generally identified those mining operations that have been authorized at the Quarry for decades. Further, the Township purposefully misconstrues any reference to “separate authorizations,” which are otherwise an acknowledgement that Heidelberg may also need to seek separate permit authorization – e.g., a state only operating permit – for some of its mining activities such as mineral processing.

Heidelberg respectfully requests that the Township correct and/or retract its misstatements, which otherwise misrepresent Heidelberg’s permit application, Heidelberg’s responses to the Department’s requests for information, and Heidelberg’s intended Quarry operations. The Township’s misrepresentations, if left uncorrected, prejudice Heidelberg and confuse the local community.

The Township Ignores its Previous Opposition to the “Limited Site Activities” that it Now Advocates

In addition to its misstatements and misrepresentations, the Township’s argument to limit Quarry operations to the so-called “Limited Site Activities” stands in *direct* conflict with its previous statements that Heidelberg should submit sufficient information and revised permit modules to address full-scale mining operations. To be clear, in its February and June 2021 response letters, the Township explicitly and vehemently opposed any suggested “Limited Site Activities”:

Township letter to the Department (Feb. 22, 2021) ⁴

“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.”

“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.”

⁴ Available at [2021-02-22 ERT to DEP response to Hanson Aggregates 1-15-21 submission.pdf](#)

“Hanson should be required to provide a comprehensive and detailed plan for handling NOA at the Site, as requested by the Department.”

Township letter to the Department (June 30, 2021) ⁵

“Hanson has not requested to recommence full-scale operations, nor has Hanson submitted the many revised permit modules and other necessary applications that would be required for the Department to even consider what information it would need from Hanson to enable the Department to make a decision on whether to allow full-scale mining operations to recommence.”

“If Hanson intends to convert its request before the Department from the removal of 500 tons of minerals per year to full-scale mining operations, Hanson would need to submit the required revised permit modules and other necessary applications before the Department could assess what additional information the Department would need to enable the Department to make a decision relating to full-scale operations.”

As noted above, in June 2021, Heidelberg reiterated its intention to provide the necessary scope of information to address “full-scale operations.” Consistent with that, Heidelberg has submitted the following documents and modules to the Department:

1. NPDES permit renewal and modification;
2. Water Quality Assessment Report;
3. Anti-Degradation Supplement;
4. SMP Module 1 – Large Noncoal Mine Permit Application Replacement Page;
5. SMP Module 5 – Property Interest/Right of Entry;
6. SMP Module 6 – Environmental Resources Map;
7. SMP Naturally Occurring Asbestos (“NOA”) Supplement with (1) Mineral Identification and Management Guide (“MIMG”) and (2) Asbestos Monitoring and Mitigation Plan (“AMMP”);
8. SMP – Module 8 – Hydrology;
9. SMP – Module 9 – Operations Map;
10. SMP Module 10 – Operational Information;
11. SMP Module 12 – Erosion and Sediment Control;
12. SMP Module 17 – Air Pollution and Noise Control Plan;
13. SMP Module 18 – Land Use and Reclamation Map; and,
14. SMP Module 23 – Revegetation

Heidelberg’s Module 10, Module 17, NOA Supplement with MIMG, and AMMP, in particular, address the Township’s prior claims that Heidelberg should be required to “submit the required revised permit modules and other necessary applications” related to full scale operations and, further, to “provide a comprehensive and detailed plan for handling NOA at the Site.” Heidelberg’s revised Module 10 identifies the intended scope of Quarry operations. Its revised Module 17 identifies the types of activities that are planned to be conducted and further includes revised air pollution control plan details. And, directly to the Township’s prior comments about handling any NOA, Heidelberg has submitted revised AMMP and MIMG for the Department’s review that address how Heidelberg will monitor and address any NOA, as well as properly handle any NOA that may be identified at the Quarry during operations.

⁵ Available at [2021-06-30 ERT to DEP Comments on Extension.pdf](#)

The Township cannot credibly ignore its prior statements that stand in direct contrast to its current argument, decline to provide any technical comment on Heidelberg's current permit application, and expect to pressure the Department into a permitting decision that is not supported by the Department's regulations or any data generated at the Quarry over the last four (4) years. It is clear that, through its Letter and other communications, the Township seeks to pressure the Department to limit Quarry operations to the greatest extent possible.

Heidelberg reiterates its commitment to working with the Department, as it has throughout this process, to address questions regarding the presence of asbestos at the Quarry and to allow for the removal of the Cessation Order so that quarrying activities can safely resume. The extensive amount of data developed over several years of sampling and analysis at the Quarry demonstrates that Quarry operations authorized under Heidelberg's mining permit can be performed safely and will not result in an unacceptable risk of off-site exposure to asbestos associated with quarrying activities.

Regards,



Andrew J. Gutshall, P.G.
Mine Permitting Manager



David A. Assalone, Esquire
Senior Associate General Counsel

cc: The Honorable Jarrett Coleman, PA Senate, 16th Senatorial District
The Honorable Craig Staats, PA House of Representatives, 145th Legislative District
The Honorable Brian Fitzpatrick, U.S. House of Representatives, PA, 1st District
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