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**Via Electronic Mail**

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

**RE: Rock Hill Quarry**

Dear Mr. Tallman:

On behalf of East Rockhill Township (the "Township"), please accept the following comments on the Pennsylvania Department of Environmental Protection's (the "Department") proposed renewal and modification of National Pollutant Discharge Elimination System ("NPDES") Permit No. PA0594121 to Heidelberg Materials Northeast LLC ("Heidelberg") in connection with the Rock Hill Quarry (the "Quarry") located in East Rockhill Township.<sup>1</sup>

**I. Background**

On November 28, 2018, the Department issued a renewal of the NPDES Permit. On December 5, 2018, the Department ordered Heidelberg to cease all mining and related activity at the Quarry due to the presence of asbestos. That cessation order remains in place. On January 2, 2019, the Township filed an appeal of the NPDES permit renewal before the Pennsylvania Environmental Hearing Board. That appeal remains pending.

The Department thereafter issued a technical deficiency letter to Heidelberg, dated November 18, 2020, requesting that Heidelberg update several of its surface mining permit modules. In response, Heidelberg sent a letter dated January 15, 2021, providing updates to certain permit modules and stating that it intends to conduct "only limited site activities once the Department lifts the cessation order. Those activities are: 1) removal of the requisite 500 tons annually from the site to maintain Large Noncoal Surface Mine Permit active status; 2) monthly collection of NPDES water discharge samples; 3) routine site inspection and security detail; 4) non-scheduled site maintenance; and 5) potential background air monitoring events" (herein referred to as the "Limited Site Activities"). Heidelberg further stated: "At some point in the future when [Heidelberg] desires to resume production of crushed aggregate at the Rock Hill Quarry, a

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<sup>1</sup> The foregoing comments do not necessarily reflect every comment that the Township may have on the proposed NPDES permit renewal and amendment, and the Township reserves the right to raise additional issues in the future.

minor amendment application will be submitted to the Department that details methods and type of mining, engineering techniques, major equipment to be used and anticipated sequencing. Currently, it is premature to attempt to describe in detail the future mining practices at the site.”

In response to the information provided by Heidelberg, the Department issued another technical deficiency letter, dated April 12, 2021. Heidelberg responded by letter dated June 14, 2021, stating its opinion that the information requested by the Department went beyond the Limited Site Activities that Heidelberg intends to conduct and that, as a result of that opinion, even though it was not Heidelberg’s intent to conduct activities beyond the Limited Site Activities, Heidelberg was going to provide information to “address activities associated with both a limited 500 ton aggregate removal scenario and full quarry operations under its mining permit,” including “stripping overburden from areas within the permitted mining boundary, drilling, blasting, hauling, crushing, stockpiling, and loading out crushed aggregate to our customers.” Since that time, Heidelberg has made several submissions to the Department that reiterate Heidelberg’s intent to conduct only the Limited Site Activities but that also include language identifying certain potential future activities that would go beyond the Limited Site Activities.

In January 2023, Heidelberg submitted an application to renew and amend its NPDES permit. The application proposed a substantial increase to Heidelberg’s currently permitted discharge rate to allow dewatering of the mine pit in anticipation of potential future full operations, even though Heidelberg is not seeking authorization to engage in those operations.

The Department issued two technical deficiency letters to Heidelberg, both dated April 1, 2025. One letter relates to Heidelberg’s surface mining permit modules, and the other letter relates to Heidelberg’s NPDES permit application. In response, Heidelberg provided two letters dated May 1, 2025, each of which included a number of attachments. In those letters and attachments, Heidelberg continued to reiterate that it is seeking approval only for the Limited Site Activities, yet the attachments continued to contain information relating to potential future activities and conditions that Heidelberg acknowledges would require separate authorizations from the Department. In fact, in one of the technical deficiency letters dated April 1, 2025, the Department asked Heidelberg to “[u]pdate the Module 12.2.4 narrative to reflect the limited scope of operations expressed in the January 15, 2021 response to deficiencies,” (i.e., the Limited Site Activities). In its response dated May 1, 2025, however, Heidelberg did not update the Module 12.2.4 narrative to reflect the Limited Site Activities and instead expanded the narrative to include a new subsection on “Quarry Pit Expansion,” which goes beyond the Limited Site Activities.

By letter dated August 28, 2025, the Township provided a number of examples of language in Heidelberg’s submissions to the Department, dated May 1, 2025, that reference activities beyond the Limited Site Activities. The Township requested that the submissions be revised to reflect only the Limited Site Activities and to remove any references to potential future activities and conditions beyond the Limited Site Activities.

On or about February 13, 2026, Heidelberg resubmitted its NPDES permit-related submission dated May 1, 2025 and revised a number of forms and reports to clarify that it is not currently seeking to engage in activities beyond the Limited Site Activities.<sup>2</sup>

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<sup>2</sup> Heidelberg did not change the date at the top of the resubmission, which remains May 1, 2025.

**II. The Department Should Confirm that Certain Extraneous Information Provided by Heidelberg is not Part of the Permit Application.**

Despite that Heidelberg's resubmission on February 13, 2026 clarified that Heidelberg is not currently seeking to engage in activities beyond the Limited Site Activities, the revised submission continues to include superfluous and irrelevant information based on hypothetical activities that go beyond the Limited Site Activities.

Heidelberg's NPDES Permit is incorporated into its Surface Mining Permit as Module 2. The Department's noncoal mining regulations require that information contained in a permit application "shall be current" and that a permit application cannot be approved unless the application is "accurate and complete." 25 Pa. Code §§ 77.104(c); 77.126(a)(1).

The NPDES permit application materials provided to the Department on February 13, 2026 are not current or accurate. Any references to activities or conditions beyond the Limited Site Activities should be removed from these documents. The proposed permit modules and NPDES permit application materials should not contain 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.

For example, the Anti-Degradation Supplement, Non-Discharge Alternatives Evaluation, Water Quality Assessment, NPDES Discharge Point Modification Report, and Groundwater Pumping Evaluation Addendum are each intended to address and evaluate impacts from pumping of the mine pit. The general instructions for the Anti-Degradation Supplement states that it is "to be completed if the operation is proposed within areas of Special Protection Waters where a new, additional or increased discharge is proposed." The Department's Fact Sheet, however, states that the proposed NPDES permit renewal does not involve a new, additional, or increased discharge, which would mean that the Anti-Degradation Supplement would be inapplicable. The Non-Discharge Alternatives Evaluation and the Water Quality Assessment, by their own terms, were provided in support of the Anti-Degradation Supplement. The NPDES Discharge Point Modification Report and the Groundwater Pumping Evaluation Addendum were provided in support of an increased discharge associated with pumping the mine pit, which Heidelberg is no longer pursuing at this time.

The Township requests that the Department (1) clarify that the above-referenced documents are not part of Heidelberg's permit application that is supporting the Department's proposed permitting action, and (2) specifically list which documents (or specific portions thereof) are part of Heidelberg's permit application that forms the basis of the Department's proposed permitting action. The Department is certainly free to discuss hypothetical future actions with Heidelberg, but those discussions and analyses should be separate from, and not included in, the permit application. The Township requests that these issues be resolved before the Department takes any final action.

**III. The NPDES Permit Should Expressly Prohibit Pumping.**

The Department has renewed the NPDES Permit a number of times. In a renewal application dated February 15, 2013, Heidelberg proposed an average discharge rate of 0.050 MGD and a maximum discharge rate of 0.238 MGD. The average discharge rate of 0.050 MGD was consistent with the then-existing NPDES permit and was consistent with the average discharge rate that Heidelberg included in prior permit applications. The maximum discharge rate

of 0.238 MGD was calculated based on the 10-year storm event, or 4.75 inches of rain in a 24-hour period.

Without explanation, however, the Department issued an NPDES permit renewal in 2014 that increased the average discharge rate from the proposed rate of 0.05 MGD to 0.238 MGD, or a 4.76x increase. The effect is that the permitted average discharge rate is equal to the calculated rate from a 10-year storm event. This could very well have been an administrative error because the Township has not been able to uncover any documentation to support what appears to have been an unsolicited increase. The Township requests that the Department investigate why this change was made and whether the required amendment procedures were followed. Both the subsequent application that Heidelberg submitted in January 2018 and the pending application carried this apparent error forward and indicate that both the average discharge rate and the maximum discharge rate are 0.238 MGD. The pending permit application materials contain multiple references to a mine pit “sump,” which implies that Heidelberg could potentially intend to use the additional permitted average discharge capacity to conduct some level of pumping under the proposed NPDES permit renewal and amendment.

In addition, PFAS has been detected in groundwater at and near the Quarry. Based on sample results reported in 2018 and 2022, concentrations of PFAS are present in groundwater at the Site and in the mine pit and the clarifying pit. In 2018, PFOA was detected in groundwater at a concentration of 4 ppt. In 2022, PFOA was detected at higher concentrations of 6.18 ppt and 5.58 ppt in the mine pit and clarifying pond, respectively. There were also detections of PFOS in the mine pit. In December 2025, samples collected from a well just south of the Quarry (MW-13), in connection with the Ridge Run PFAS HSCA Site, contained multiple PFOA and PFOS detections, including a PFOA concentration of 4.03 ppt and a PFOS concentration of 9.09 ppt. The Department’s groundwater standard for both PFOA and PFOS is 4 ppt.<sup>3</sup> In the Township’s appeal of the current NPDES Permit, the Township objected that the NPDES Permit does not contain any specific conditions to address the impact that pumping from the mine pit will have on water supply wells in proximity to the Quarry and on a PFAS plume in proximity to the Quarry. The Township also objected that the NPDES Permit does not address how water from the mine pit is to be treated if the PFAS plume is drawn into the mine pit.

Considering that the average discharge rate in the NPDES permit is now based on a calculated 10-year storm event and is significantly higher than the historical average (and actual average) discharge rate, and that PFAS has been detected in groundwater and surface water at the Quarry and in groundwater near the Quarry, the Township requests that the Department include an individual permit condition in the NPDES permit that expressly prohibits pumping from the mine pit.

**IV. The Department Should Confirm Whether the Proposed Action Triggers an Antidegradation Evaluation Under the Department’s Regulations.**

The Department’s Fact Sheet states that there are no proposed changes in connection with the proposed permitting action (including no new, additional, or increased discharge) that would trigger antidegradation requirements. At the same time, however, the Fact Sheet refers to Heidelberg’s Anti-Degradation Supplement and Water Quality Assessment which focus virtually entirely on pumping of the mine pit. The general instructions for the Anti-Degradation Supplement

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<sup>3</sup> The Department’s Fact Sheet states that the MCL for PFOA is 14 ppt and the MCL for PFOS is 18 ppt, but the Department has adopted the federal MCLs, which is now 4 ppt for both PFOA and PFOS.

state that it is to be completed only “if the operation is proposed within areas of Special Protection Waters where a new, additional or increased discharge is proposed.”

The Township requests that the Department clarify and confirm its position that the proposed NPDES permit renewal and amendment does not trigger the need for an antidegradation evaluation under the Department’s regulations, including a nondischarge alternatives evaluation.

**V. The Permit and Application Are Inconsistent with Heidelberg’s Erosion and Sedimentation Plan and Fail to Account for Discharges to Three Mile Run.**

In Section B.18 of the Application, Heidelberg indicated that rather than include a separate erosion and sedimentation (“E&S”) plan in the application, Heidelberg was incorporating by reference the E&S plan that is included in Module 12 of Heidelberg’s surface mining permit. Individual permit condition number 1 in the proposed NPDES permit requires Heidelberg to implement the current E&S plan.

The E&S plan that is incorporated into the application shows that sediment traps have been installed to the south of the main entrance to the Quarry for discharges of water which follow a drainage ditch and drain to the south to Three Mile Run. Such discharges are neither covered by nor authorized by the NPDES Permit and are not accounted for in the application materials. The Township raised this concern in 2019 in its appeal of the existing NPDES Permit and raised this issue again in a comment letter to the Department, dated May 5, 2023. The proposed NPDES permit should account for discharges to the south to Three Mile Run.

**VI. Additional Effluent Limitations Should be Included in the NPDES Permit**

In its letter to the Department, dated May 5, 2023, the Township provided comments on Heidelberg’s Effluent Characterization Study. The Township largely reiterates those comments below.

- **Asbestos:** Sampling conducted by Heidelberg shows that asbestos is present in surface water discharged to Bog Run. Heidelberg states in the application, however, that, while asbestos is expected to be present in discharges, the levels of asbestos are “not anticipated . . . to present any risk.” Asbestos is expected to be present in the discharge, and therefore a waiver should not be granted. The Township raised this concern in its appeal of the NPDES Permit and requested that asbestos-related conditions be included in the NPDES Permit.
- **Common Parameters/Pollutants:** The Fact Sheet states that a waiver for chemical oxygen demand, biochemical oxygen demand, ammonia, and total organic carbon is being granted based on the fact that the operator tested for these constituents and that they were either non-detect or de-minimis levels. That testing occurred when operations at the Quarry were dormant. There is a reasonable basis to expect these constituents based on the anticipated use of fuels, oils, lubricants, solvents, and other materials associated with the equipment storage and maintenance areas, potential use of explosives, and other activities at the Quarry. Heidelberg should therefore not be granted a waiver for chemical oxygen demand, biochemical oxygen demand, ammonia, total organic carbon, and conductivity.

- **Organic Toxic Pollutants:** The application states that organic toxic pollutants are not expected in the discharge, but there is a reasonable basis to expect them based on the anticipated use of fuels, oils, lubricants, solvents, and other materials associated with the equipment storage and maintenance areas, potential use of explosives, and other activities at the Quarry. Heidelberg should therefore not be granted a waiver for organic toxic pollutants.
- **Other Toxic Pollutants:** The Fact Sheet states that none of the EPA Table III pollutants are expected or identified as being present in the effluent. As explained in the Township's letter dated May 5, 2025, Antimony, Beryllium, Thallium, Cobalt, and Magnesium are present in the geology at the Quarry and would be expected to be present in the discharges at the Quarry. Heidelberg should therefore not be granted a waiver of these parameters.
- **Conventional and Nonconventional Pollutants:** Total organic nitrogen would reasonably be expected in Heidelberg's discharge based on the use of explosives at the Quarry during blasting. In addition, fuels and solvents used (or to be used) at the Quarry have the potential to be carried off-site in discharges to Bog Run. The Township raised this concern in its appeal of the NPDES Permit and requested that the Department establish effluent limitations for oil and grease and acidity in the NPDES Permit. Also, surfactants might be used in maintenance areas. The application states that bromide is expected to be present in discharges but attempts to avoid conditions relating to be bromide, claiming that bromide is not used at the Quarry, which is not relevant. Heidelberg should therefore not be granted a waiver of these parameters.
- **PFAS:** As explained above, surface water and groundwater sample results indicate that PFAS will be present in discharges at the Quarry. Heidelberg should therefore be required to monitor for PFAS in its discharges.

**VII. Amendment to NPDES Permit**

The Township requests that the Department confirm whether the amendment to the NPDES permit is a minor amendment or a major amendment under the Department's regulations.

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Thank you for your consideration of the Township's comments.

Very truly yours,



Thomas M. Duncan

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

The Honorable Steven Santarsiero, PA Senate, 10th Senatorial District  
The Honorable Robert Harvie, Jr., Chair, Bucks County Board of Commissioners  
The Honorable Diane Ellis-Marseglia, Vice Chair, Bucks County Board of Commissioners  
The Honorable Gene DiGirolamo, Secretary, Bucks County Board of Commissioners  
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David Nyman, Chairperson, East Rockhill Township Board of Supervisors  
Gary Volovnik, Vice-Chairperson, East Rockhill Township Board of Supervisors  
Jim Nietupski, Member, East Rockhill Township Board of Supervisors  
Steve Baluh, Township Engineer, East Rockhill Township  
William Oetinger, Township Solicitor, East Rockhill Township