



Sent via Fed-Ex

Hanson Aggregates Pennsylvania LLC  
7660 Imperial Way  
Allentown, PA 18195-1040  
Tel 610-366-4600  
Fax 610-871-5994

March 22, 2019

Michael Wehr, Compliance Specialist  
Pennsylvania Department of Environmental Protection  
Pottsville District Mining Office  
5 W Laurel Boulevard  
Pottsville, PA 17901-2522

**Re: Consent Assessment of Civil Penalty – Docket No. 18-5-039-N  
Hanson Aggregates Pennsylvania LLC  
Rock Hill Quarry  
SMP No. 7974SM1  
East Rockhill Twp., Bucks Co., PA**

Mr. Wehr:

Hanson Aggregates Pennsylvania LLC (Hanson) is submitting three (3) copies of the attached Consent Assessment of Civil Penalty and payment as requested by the Department.

Please feel free to contact me at (610) 366-4819 should you require additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "AGutshall".

Andrew J. Gutshall, P.G.  
Environmental Manager

encl: as stated

cc: Gary Latsha, PADEP – Pottsville DMO (e-mail only)  
Mark E. Kendrick, Hanson – Allentown (e-mail only)  
Matthew S. Burns, Esq., Hanson – Allentown (e-mail only)  
Curt Mitchell, R.E. Pierson (e-mail only)  
Slavic Mokienko, R.E. Pierson (e-mail only)  
Marianne Morano, East Rockhill Township (e-mail only)  
Environmental file

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In The Matter Of:

Hanson Aggregates Pennsylvania, LLC : Docket No. 18-5-039-N  
7660 Imperial Way, Suite A103 : East Rockhill Township  
Allentown, PA 18195-1040 : Bucks County

Richard E. Pierson Materials Corp.  
860 Oak Grove Road  
Bridgeport, NJ 08014

**CONSENT ASSESSMENT OF CIVIL PENALTY**

This Consent Assessment of Civil Penalty (CACP) is entered into this \_\_\_\_\_ day of \_\_\_\_\_ 2019, by and between the Commonwealth of Pennsylvania, Department of Environmental Protection (Department), Hanson Aggregates Pennsylvania, LLC (Hanson) and Richard E. Pierson Materials Corporation (Pierson).

The Department has found and determined the following:

A. The Department is the agency with authority to administer and enforce The Clean Streams Law, Act of June 22, 1937, P.L. 1987, *as amended*, 35 P.S. §§ 691.1-691.1001; the Noncoal Surface Mining Conservation and Reclamation Act, Act of December 19, 1984, P.L. 1093, *as amended*, 52 P.S. §§ 3301-3326 (Noncoal Surface Mining Act); Section 1917-A of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, *as amended*, 71 P.S. § 510-17A; and the rules and regulations promulgated thereunder.

B. Hanson Aggregates Pennsylvania, LLC, is a Delaware Limited Liability Company with a business address of 7660 Imperial Way, Suite A103, Allentown, Pennsylvania 18195-1016, whose business includes the mining of noncoal material by the surface mining method.

C. Hanson is authorized to mine in Pennsylvania pursuant to License No. 24143.

D. The principals and persons responsible for the daily activities of Hanson include: Henner Bottcher, Vice President and Chief Financial Officer; Jonathan P. Morrish, Chairman of the Board; Dennis M. Dolan, President; Thomas D. Capelli, Vice President; Carol Lowry, Vice President and Secretary; and Mark E. Kendrick, Vice President.

E. Richard E. Pierson Materials Corporation is a Non-Pennsylvania Corporation with a business address of 860 Oak Grove Road, Bridgeport, New Jersey 08014, whose business includes the mining of noncoal material by the surface mining method.

F. Pierson is authorized to mine in Pennsylvania pursuant to License No. 20880.

G. The principals and persons responsible for the daily activities of Pierson include: Richard E. Pierson, President, Secretary, and Treasurer and Slavic Mokienco, Vice President.

H. On December 18, 2017, Noncoal Surface Mine Permit No. 7974SM1 (SMP) was corrected to include Pierson as a contract operator on the SMP.

I. At all times material hereto, Hanson and/or Pierson was authorized to conduct surface mining in East Rockhill Township, Bucks County, Pennsylvania pursuant to Surface Mining Permit No. 7974SM1 at the surface mine known as the Rock Hill Quarry.

J. On July 6, 2018 or prior thereto, Hanson and/or Pierson failed to design/construct/maintain adequate erosion and sedimentation controls and allowed a discharge of muddy water which did not comply with the terms and conditions of NPDES Permit No. PA0594121. Specifically, Hanson and/or Pierson discharged muddy water into an unnamed tributary of Tohickon Creek from an area disturbed by mining. The sample discharge resulted in a Total Suspended Solids (TSS) of 262 mg/L, as noted in Paragraph 1 of Compliance Order Docket No. 18-5-039-N dated August 14, 2018.

K. The violations described above constitute unlawful conduct under Section 611 of the Clean Streams Law, 35 P.S. § 691.611, and Section 23 of the Noncoal Surface Mining Act, 52 P.S. §3323, and subject Hanson and Pierson to civil penalty liability under Section 605 of The Clean Streams Law, 35 P.S. § 691.605, and Section 21 of the Noncoal Surface Mining Act, 52 P.S. §3321.

After full and complete negotiations of all matters set forth in this CACP and upon mutual exchange of the covenants herein, the parties desiring to avoid litigation and intending to be legally bound, it is hereby ASSESSED by the Department and AGREED to by Hanson and Pierson as follows:

1. Assessment. In resolution of the Department's claim for civil penalties, which the Department is authorized to pursue under Section 605 of The Clean Streams Law, 35 P.S. § 691.605, and Section 21 of the Noncoal Surface Mining Act, 52 P.S. §3321, the Department hereby assesses a civil penalty of ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00), which Hanson and/or Pierson hereby agrees to pay.

2. Civil Penalty Settlement. Hanson and Pierson consent to the assessment of the civil penalty assessed in Paragraph 1, which shall be paid in full upon signing this CACP. This payment is in settlement of the Department's claim for civil penalties for the violations set forth in the paragraphs above for the date[s] set forth therein. The payment shall be by corporate check or the like, made payable to the Commonwealth of Pennsylvania and sent to the Department of Environmental Protection.

Michael Wehr  
Mining Permit and Compliance Specialist  
District Mining Office  
5 W. Laurel Boulevard  
Pottsville, PA 17901-2522

3. Findings.

a. Hanson and Pierson agree that the findings in Paragraphs A through K are true and correct and, in any matter or proceeding involving Hanson, Pierson and the Department, Hanson and Pierson shall not challenge the accuracy or validity of these findings.

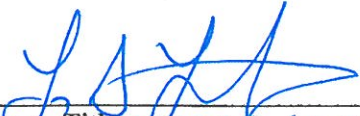
b. The parties do not authorize any other persons to use the findings in this CACP in any matter or proceeding.

4. Reservation of Rights. The Department reserves all other rights with respect to any matter addressed by this CACP, including the right to require abatement of any conditions resulting from the events described in the Findings. Hanson and Pierson reserve the right to challenge any action which the Department may take but waive the right to challenge the content or validity of this CACP.

IN WITNESS WHEREOF, the parties have caused this CACP to be executed by their duly authorized representatives. The undersigned representatives of Hanson and Pierson certify, under penalty of law, as provided by 18 Pa. C. S. § 4904, that they are authorized to execute this CACP on behalf of Hanson and Pierson, that Hanson and Pierson consent to the entry of this CACP as an ASSESSMENT of the Department; that Hanson and Pierson hereby knowingly waive any right to a hearing under the statutes referenced in this CACP; and that Hanson and Pierson knowingly waive their right to appeal this CACP, which rights may be available under Section 4 of the Environmental Hearing Board Act, Act of July 13, 1988, P.L. 530, 35 P.S. § 7514; the Administrative Agency Law, 2 Pa. C.S. § 103(a) and Chapters 5A and 7A; or any other provision of law. (Signatures by Hanson's and Pierson's attorneys certifies only that the agreement has been signed after consulting with counsel.)

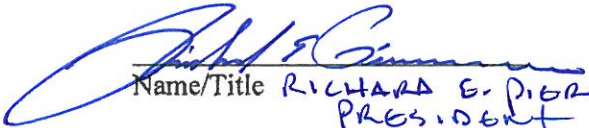
FOR HANSON AGGREGATES  
PENNSYLVANIA, LLC:


  
Name **MARK E. KENDRICK**  
Title **VICE PRESIDENT**

  
Name, Title **LARRY S. LAURITZEN**  
**ASST. SECRETARY**

Attorney for Hanson Aggregates PA, LLC

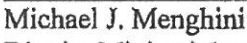
FOR RICHARD E. PIERSON MATERIALS CORP.:

  
Name/Title **RICHARD E. PIERSON**  
**PRESIDENT**

  
Name/Title **Slavic Mokienko**  
**Vice President**

Attorney for Richard E. Pierson Materials Corp.

FOR THE COMMONWEALTH OF  
PENNSYLVANIA, DEPARTMENT OF  
ENVIRONMENTAL PROTECTION:

  
Michael J. Menghini  
District Mining Manager

Attorney for the Commonwealth

**COMMENT:** If the Operator is a corporation, this document must be signed by both (1) the President or Vice President *and* (2) the Secretary or Treasurer, unless a resolution from the Board of Directors is attached that authorizes the signatory to sign on behalf of the corporation.