

EAST ROCKHILL TOWNSHIP BOARD OF SUPERVISORS

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October 30, 2019

Michael Kutney, P.G. (via email)
Chief, Permits & Technical Section
Commonwealth of Pennsylvania
Department of Environmental Protection
Pottsville District Mining Office
5 West Laurel Boulevard
Pottsville, PA 17901

Subject: Rockhill Quarry (Pierson Materials/Hanson Aggregates)
East Rockhill Township Comments on Hansons Response to PADEP
East Rockhill Township
File No. 11-225

Dear Mr. Kutney:

East Rockhill Township, in consultation with this office and other Township Consultants, offers the following comments, which are intended to: (1) provide support for the Pennsylvania Department of Environmental Protection's (the "Department") letter to Hanson Aggregates Pennsylvania, LLC ("Hanson"), dated September 20, 2019, ordering Hanson to take certain actions with respect to characterizing naturally-occurring asbestos present at the Rock Hill Quarry; (2) express concern regarding numerous misstatements and inaccurate conclusions contained in Hanson's response to the Department, dated October 3, 2019; and (3) provide support for a report submitted to the Department by the Rockhill Environmental Preservation Alliance ("REPA"), dated October 13, 2019, prepared by Dr. Bradley G. Erskine, Ph.D., PG, CEG, CHG, CAC, in which Dr. Erskine identified and explained in detail numerous flaws in Hanson's response to the Department.

In its letter dated September 20, 2019, the Department requested that Hanson:

1. Conduct transmission electron microscopy ("TEM") using EPA Method 600/R-93/116 (or equivalent) analysis for asbestos on all rock samples collected at the Rock Hill Quarry;
2. Prepare suitable samples for petrographic analysis;
3. Resample at all the water sampling locations using EPA Method 100.1; and
4. By October 7, 2019, provide the sample locations (boulder, core and aggregate) for all rock samples.

The actions ordered by the Department would further an effort to adequately characterize naturally-occurring asbestos present at the Rock Hill Quarry, which the Township believes is necessary before any further mining activities can be contemplated, for the health, safety and welfare of the public. The Township previously requested in a letter to the Department, dated September 11, 2019, that the Department require Hanson to take the action listed in item 1 and that the Department produce the information listed in item 4. The Township appreciates the Department's adoption of those requests.

In Hanson's response to the Department's letter, Hanson provided the information requested in item 4 above, but did not address the actions required by the Department listed in items 1 through 3 above, and instead expressed an unwillingness to address those items. Hanson

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attached to its correspondence a four-page letter prepared by its consultant, RJ Lee Group, which contains numerous critically-flawed scientific and legal conclusions. On October 13, 2019, REPA provided to the Department a report prepared by Dr. Erskine, in which Dr. Erskine identified and explained in detail those erroneous conclusions. Dr. Erskine's report reiterates, and supplements explanations and conclusions contained in three prior reports that he prepared, and which REPA submitted to the Department, dated June 6, 2019, September 1, 2019, and September 23, 2019. The Township has reviewed the Department's letter, Hanson's response (including the RJ Lee Group letter), and Dr. Erskine's four reports, and fully supports the Department's recent letter and the scientific analyses set forth in Dr. Erskine's reports. The Township agrees with Dr. Erskine that Hanson's letter (including the RJ Lee Group letter) provides no basis to second-guess the actions ordered by the Department in its letter of September 20, 2019.

While the Township does not intend to restate in these comments each and every flaw identified by Dr. Erskine in the RJ Lee Group letter, the Township would like to emphasize that RJ Lee Group is attempting to, as Dr. Erskine put it, relitigate a debate that was resolved years ago, as Dr. Erskine discussed at length in his June 6, 2019 report. Specifically, RJ Lee Group is advocating for a limited definition of "asbestiform" found in EPA Method 600/R-93/116: Method for the Determination of Asbestos in Bulk Building Materials, which was designed to detect commercially-processed asbestos in bulk building materials. In 2006, however, EPA specifically rejected RJ Lee Group's attempt to rely on that definition for naturally-occurring asbestos as "inappropriate and contradictory," and instead required use of a broader morphological definition when using EPA Method 600/R-93/116 to detect asbestos for purposes of assessing exposure risk. It appears that RJ Lee Group is requesting the Department to break from EPA's approach, without any scientific basis for doing so.

The Township has the following requests based on the correspondence discussed above:

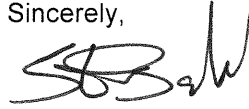
- The Township requests that the Department require Hanson to comply with the Department's directives in items 1 through 3 of its letter of September 20, 2019, including but not limited to requiring Hanson to reanalyze each of its 41 samples using TEM.
- The Township reiterates its earlier comments, submitted to the Department on April 17, 2019 and April 30, 2019, that the Qualitative Geologic Survey Sampling Plan ("QGSSP"), prepared on behalf of Hanson, which resulted in the 41 samples mentioned above, is inadequate to delineate the presence of asbestos at the Rock Hill Quarry and to ensure that mining activities will be protective of human health and the environment. Recent correspondence between the Department and Hanson focuses largely on laboratory analytical issues, and while the Township agrees that these issues are critical, we request that the Department require a thorough and complete characterization of the Rock Hill Quarry, such that asbestos releases can be adequately assessed.

Ultimately, Hanson's resistance to taking the actions ordered by the Department is obstructing the Department's ability to ensure that the site is adequately characterized so that any future mining activities at the Rock Hill Quarry do not endanger human health or the environment. We ask that the Department act to ensure that Hanson carries out the actions ordered by the Department in its letter of September 20, 2019.

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If you have any questions, do not hesitate to contact me.

Sincerely,



Steven Baluh, P.E.
Township Engineer
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SB/mew

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