



**COMMONWEALTH OF PENNSYLVANIA  
BEFORE THE ENVIRONMENTAL HEARING BOARD**

<b>EAST ROCKHILL TOWNSHIP</b>	:	
	:	
v.	:	<b>Docket No. 2019-002-M</b>
	:	
<b>COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF ENVIRONMENTAL PROTECTION and RICHARD E. PIERSON MATERIALS CORP., Permittee</b>	: : : : : :	

**NOTICE OF WITHDRAWAL OF APPEAL**

Appellant East Rockhill Township (the “Township”), pursuant to 1 Pa. Code § 35.51 and 25 Pa. Code § 1021.141(a)(1), hereby withdraws its appeal in the above-captioned matter as moot and states as follows:

1. On December 5, 2018, the Pennsylvania Department of Environmental Protection (the “Department”) issued to Richard E. Pierson Materials Corp. (“Pierson”) Plan Approval No. 09-0241, governing the construction and operation of a 1,000 ton per hour non-metallic mineral processing plant at the Rock Hill Quarry (the “Plan Approval”)
2. On January 2, 2019, the Township filed a Notice of Appeal challenging the Plan Approval.
3. By letter, dated May 22, 2020, Pierson’s consultant, Compliance Plus Services, Inc., notified the Department that Pierson “no longer plans to construct and operate the crusher at the East Rockhill Quarry site and does not intend to seek a renewal of the Plan Approval.”
4. The Plan Approval expired by its own terms on May 30, 2020.

5. By letter, dated June 2, 2020, the Department acknowledged that the Plan Approval expired by its own terms on May 30, 2020.

6. Appellant's withdrawal of this appeal is based solely on the expiration of the Plan Approval, which has rendered this appeal moot, and the Township has not waived any of its factual or legal objections based on this withdrawal.

7. Although this matter has been stayed by Order of the Board, Pierson and the Department consent to the filing of this Notice of Withdrawal of Appeal.

WHEREFORE, based on the expiration of the Plan Approval, Appellant withdraws its appeal in the above-captioned matter as moot.

Respectfully submitted,

Dated: June 9, 2020

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 :  
 **v.** : **Docket No. 2019-002-M**  
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 **DEPARTMENT OF ENVIRONMENTAL** :  
 **PROTECTION and RICHARD E. PIERSON** :  
 **MATERIALS CORP., Permittee** :

**ORDER**

AND NOW, this \_\_\_ day of June, 2020, in consideration of the expiration of Plan Approval No. 09-0241, which renders the above-captioned appeal moot, the above-captioned appeal is marked closed and discontinued without any determination on the merits of the issues raised in the appeal.

**ENVIRONMENTAL HEARING BOARD**

\_\_\_\_\_  
**RICHARD P. MATHER, SR.**  
**Judge**

**DATED: \_\_\_\_\_, 2020**

**c: For the Commonwealth of PA, DEP:**  
Douglas White, Esquire  
(via *electronic filing system*)

**For Appellant:**  
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Carol F. McCabe, Esquire  
Thomas M. Duncan, Esquire  
(via *electronic filing system*)



**For Permittee:**  
Joel Bolstein, Esquire  
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(via *electronic filing system*)



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**CERTIFICATE OF SERVICE**

I hereby certify that I am this day serving via the Board’s electronic filing system the foregoing Notice of Withdrawal of Appeal upon the person listed below in accordance with 25 Pa. Code § 1021.34.

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Dated: June 9, 2020

/s/ Thomas M. Duncan  
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