

SOLEBURY TOWNSHIP BOARD OF SUPERVISORS

September 19, 2016 – 10:00 a.m.

DEP Meeting – NHCS Quarry

Solebury Township Hall

Minutes

Attendance: Helen Tai, Chair; Jim Searing, Vice Chair; Paul Cosdon, Kevin Morrissey, Christine Terranova, Administrator

Absent: Noel Barrett

DEP members in attendance: Michael Menghini (District Mining Manager), Craig Lambeth (Regional Counsel), Alicia Duke (Regional Counsel), Virginia Cain (Office of Field Operations), Gary Latsha (Inspector Supervisor), Glenn Florence (Bureau of Mining Programs) and Michael Kutney, P.G. (Permitting).

The meeting chair provided a brief summary of recent developments regarding New Hope Crushed Stone (NHCS).

Mr. Kutney provided an update on New Hope Crushed Stone's operations and regulatory matters. He reviewed a PowerPoint presentation with the Board and audience (attached).

Issues discussed included:

- Permits
 - NPDES Permit has been pending for 4 years. The NPDES permit provides NHCS with authority to discharge water. The January 29, 2016 letter (see below) specifies pumping rate. Without explicit approval or disapproval, the permit is administratively approved and allows the quarry to keep operating. DEP does not intend to decide on the permit until after the EHB hearing in March as the decision could affect pumping rates.
 - DEP issued emergency permits to allow repair of instream sinkhole areas in Primrose Creek. DEP also issued GP-104 storm water management permit for the stream work repair. The stream restoration is required as a result of a settlement with Primrose Creek Watershed Association and Penn Future.
- Blasting Complaints:
 - DEP received blasting and dust complaints in the third and fourth quarter 2015. DEP follows state standards to ensure no structural damage from blasts (per Mr. Menghini, the standards are site specific and consider location of physical structures, proximity to schools, etc.). DEP

investigations of the blasting complaints show that the shots were in compliance.

- Blasting frequency has increased and the quarry is blasting closer to surrounding properties. Supervisors inquired if DEP could tighten blasting standards or control the number of blasts. Mr. Kutney responded that the quarry has increased the number of blasts but that the blasts are smaller as they are closer to surrounding structures. There are no regulations on the number of blasts.
- No well complaints were received in the last year.
- Sinkholes
 - In December, 2015, 2-3 sinkholes were identified near the Spectra pipeline. They were repaired by NHCS and Spectra Energy.
 - Ms. Tai inquired as to whether stricter regulations may apply to quarrying/blasting in sink-hole prone areas near pipelines. DEP responded no such regulations exist.
- Complaints: Residents may contact DEP Complaint Coordinator Sarah Weinrich (570-621-3188) or the Township.
- Basin Sedimentation
 - DEP previously took samples of basin sedimentation at different locations near the quarry property.
 - DEP has not taken basin sedimentation samples over the last year but the Quarry will continue to take basin sedimentation samples regularly.
- Ground Water Elevations & Pumping Volumes
 - DEP regularly measures groundwater levels at several monitoring wells. Rainfall will make the numbers fluctuate with the quarry pumping
 - Historically the quarry pumping rates correlated to rainfall and could be as much as 2-3 million gallons per day (GPD), but since the January 29, 2016 letter (see below), the quarry is limited to 500,000 GPD. The 500,000 GPD rate was established several years ago by a township consultant as the normal rate of flow of Primrose Creek. 500,000 GPD must be pumped to ensure that Primrose Creek continues to flow.
 - Groundwater levels have not really changed over the last 10 years even though water is now filling the pit. DEP projects that the post-mining water level in the pit will be 98' MSL, which is the MSL of the creek. The water level is currently -95' MSL, up from -165' MSL prior to the pumping limitation. The water enters the pit at -35 to -15 MSL, and Mr. Kutney speculated that the groundwater levels will not rise until water reaches this level.
- Inspections & Violations
 - In October 2015, DEP issued a Compliance Order (CO) which required NHCS to provide an adequate reclamation plan. NHCS appealed the CO and subsequently withdrew their appeal.

- On January 29th, 2016, DEP sent a letter to NHCS which specified a reclamation plan, including pumping limitations
 - NHCS appealed the letter and the formal hearing is scheduled for March, 2017.
 - Inspections show that NHCS has been complying with the 500,000 GPD pumping limitation, however, in August, DEP determined that NHCS was out of compliance with respect to the amount of fill required to be placed for high wall reclamation. In the 2nd Quarter, NHCS had placed only about 15% of what should have been placed. DEP subsequently issued a Compliance Order (CO) and an assessment of \$20,370.
 - Mr. Menghini stated that the Compliance Order requires NHCS to provide a plan to make up the deficit in the next quarter or two. The plan is due by September 23. NHCS must also provide the number of truckloads moved in its monthly report. The first monthly report is due October 5. They will not get an extension on the overall timeline. Mr. Menghini stated that failure to comply with the CO will result in an order for NHCS to stop their mining operation. Reclamation work can continue during this time.
 - Mr. Searing questioned why it took so long for the DEP to determine that the quarry was out of compliance with the January 29, 2016 Compliance Order with respect to volume requirements for reclamation, despite weekly inspections. The monthly reports prior to August 2016 indicated no issues. Mr. Menghini responded that their inspector suspected the quarry was out of compliance and they asked NHCS to provide the data. The DEP does not have the resources to conduct surveys, and having NHCS provide the data themselves provides better legal standing.
 - Resident and Primrose Creek Watershed Association member Peter Grover expressed concern for the lack of compliance.
 - Mr. Searing asked the DEP to consider a process to rotate inspectors to ensure independence.
- Bond
 - NHCS bond has been increased from approximately \$400,000 to \$1.1 million. The amount of the bond may decrease as stream restoration and quarry reclamation continues.
- DEP Plans
 - Review NPDES renewal application
 - Enforce the EHB adjudication
 - Defend the appeal of the January 2016 letter

- Monthly Reports
 - DEP is now providing monthly reports of progress on quarry reclamation and stream restoration. The reports include photos from several vantage points.

Public Comment

Paul F, a resident on Chapel Road noted that the hours of operation of the quarry have increased. DEP does not regulate hours of operation and noted that this is a local zoning issue. Supervisor Kevin Morrissey will look into this.

David Benner, member of the Solebury Township Environmental Advisory Council, expressed concerns why the DEP allows the mining to continue.

It was noted that the PowerPoint presentation would be posted on the Solebury Township website.

The meeting was adjourned at 12:10 p.m.