

SOLEBURY TOWNSHIP BOARD OF SUPERVISORS  
September 18, 2018 – 6:00 p.m.  
DEP Meeting – NHCS Quarry  
Solebury Township Hall

Minutes

Attendance: Mark Baum Baicker, Chair, Kevin Morrissey, Vice-Chair, Noel Barret, Robert McEwan, John Francis, Dennis H. Carney, Township Supervisor, Catherine Cataldi, Secretary. Jordan Yeager, Township Solicitor was also in attendance

Department of Environmental Protection (DEP) members in attendance: Michael Kutney, P.G. (Permits Chief), Michael Menghini (District Mining Manager), Gary Latsha (Compliance Manager), Nels Taber (Regional Counsel), Virginia Cain ( Office of Fields Operations), and Glenn Florence (AAMO Deputy's Office).

The chair opened the meeting to Mr. Kutney.

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

Discussion included:

- Permits
  - The National Pollutant Discharge Elimination System (NPDES) permit provides NHCS with authority to pump and discharge water. The NPDES Permit has been pending since June 2012. No actions were taken on the 2012 permit; it lapsed into the permit renewal application received in August 2017.
  - The DEP authorized the emergency pumping per the January 26, 2016 letter over the 500,000 GPD limit to prevent inundation of the in-pit electric transformers.
  - July 12, 2018 and July 23, 2018 DEP letters included the following nine items that were approved or required actions by NHCS:
    - The transformer has been relocated.
    - The DEP approved the maps and yardage calculations.
    - The DEP required additional information from NHCS regarding blasting for reclamation on the east wall. This is pending review.
    - A survey of reclamation work is due to DEP September 30, 2018.
    - The DEP modified the yardage per hour of reclamation NHCS must complete. Still on scheduled to make the March 2019 deadline.
    - The DEP has required NHCS to complete improvements to the inlet structure. Due to weather delays this is not complete at this time.
    - NHCS is required to provide the DEP with monthly reclamation reports.
    - The DEP authorized a pit water level of -40' MSL, in accordance with the January 26, 2016 letter.
- PCWA & PennFuture Settlement

- NHCS is obligated to perform the stream restoration work at Primrose Creek. The three different segments prioritized include: 1) The swallet area (instream sinkholes); 2) Downstream of swallet area to quarry; and 3) Upstream to school property.
  - Additional monitoring of NHCS is required of the discharge for total suspended solids. They are subject to weekly sampling or within 24 hours of a 1-year, 24 hour storm. This is currently ongoing.
  - The powerline gains access across Primrose Creek at the PECO culvert. Sediment has built up in this location, causing it to overflow. NHCS is required to clean out and check on the sediment build up.
- Stream Restoration
  - Authorization was granted for the restoration of Primrose Creek. Work has begun and is proceeding.
  - Included in the stream restoration is the inlet structure. The inlet structure is to prevent overflow from cascading over the wall into the quarry. All reclamation work that has been completed would be destroyed were it not for the inlet structure.
  - There have been discussions of outlet structure designs between DEP and NHCS to allow water flow back into Primrose Creek.
- Noise and Blasting Complaints
  - The DEP received two blasting complaints in the third quarter 2017. DEP investigations found that the blasting shots were in compliance.
- Well Complaints
  - In the third quarter of 2017, a well complaint was reported to DEP's Pottsville Office. DEP investigated and found that the well was not affected by surface mining activities.
  - In the fourth quarter of 2017, a well complaint was reported to DEP's Pottsville Office. DEP investigated and found that the well was not affected by surface mining activities.
- Sinkholes
  - In the third quarter 2017, a potential sinkhole was investigated north of the quarry. It was found to be an erosional feature, not in the limestone.
  - In the first quarter of 2018, sinkholes were identified southwest of the quarry. The Quarry and landowner are coordinating the repairs.
  - In the first quarter of 2018, sinkholes were identified west of the quarry. These have been repaired per permit.
- Monitoring Wells and Groundwater
  - DEP continually monitors wells around the basin of the quarry, wells closest to the quarry, and homeowner wells.
- Compliance Actions
  - DEP's January 29, 2016, letter ordered reclamation, limiting pumping, reporting requirements, and installing a well on Solebury School property.
  - NHCS failed to conduct reclamation and abatement on schedule as set in the January letter. This resulted in the issuance of the August 2016 Compliance Order, which was appealed by the quarry to the Environmental Hearing Board (EHB). This order instructed NHCS to supply DEP with a plan on how they would comply with the reclamation schedule and how they were to make up the yardage. The DEP approved and set the deadline of July 1, 2017. The Compliance Order was lifted in August 2017 when reclamation was back on schedule.

- NHCS made up some yardage but failed to meet the reclamation yardage by July 1, 2017. Another Compliance Order was issued for failing to meet the July 1, 2017 deadline. All mining operations were ceased until the order was met. In August 2017 the quarry was able to get the reclamation back on schedule. The Compliance Order was lifted and the quarry went back to normal operations.
  - Inspection reports were forwarded to Solebury Township.
- EHB Activities
  - The hearing held in May 2016 denied NHCS's petition for a supersedeas of the January 29, 2016 letter.
  - The appeal hearing of the January 29, 2016 letter was held in March 2017. EHB upheld the requirements of the January 2016 letter. NHCS has appealed the adjudication to Commonwealth Court. DEP staff is unable to comment due to this being in litigation.
  - A hearing was scheduled for September 2017 for the appeal of the August 2016 Compliance Order. The August 2016 Compliance Order was withdrawn prior to this hearing.
  - In September 2017 adjudication for the March 2017 hearing upheld the January 29, 2016 letter. NHCS appealed to PA Commonwealth Court.
  - Solebury School appealed the increased pumping authorization in April 2018
  - Solebury School withdrew its appeal in August 2018
- PA Commonwealth Court
  - Oral argument was held on June 7, 2018 regarding the appeal of the January 26, 2018 letter adjudication.
  - On July 20, 2018 the PA Commonwealth Court affirmed the EHB's September 2017 adjudication, keeping the January 26, 2016 letter in effect.
- PADEP Plans
  - Review NPDES renewal application.
  - Enforcement of the January 2016 letter.
  - Collect updated information on the outlet structure.
  - Review blasting information for the east wall.
  - Review monthly updates from NHCS.
- Numbers
  - NHCS is limited to the minimum pumping volume of 500,000 gallons per day. The 500,000 GPD rate was established several years ago by a consultant for Solebury Township to ensure the normal rate of flow of Primrose Creek.
  - Currently the permitted post-mining water level is 98 MSL. Chapter 77.594 requires the reclamation slopes to extend 50 feet lower than the post-mining water level, which is 48 MSL.
  - The current water level is approximately -40 MSL.
  - The bond amount posted under Payment in Lieu of Bond (PILB) was \$1,144,029. The amount currently paid in by NHCS is \$464,882. The current PILB payment is \$54,341 per year.
  - The approximate total reclamation yardage moved to date is 220,000 with 152,000 remaining.
  - Approximately 2,100 lineal feet of highwall has been reclaimed, with approximately 2,100 lineal feet remaining.
- Reclamation photos
  - Progress on the quarry reclamation and stream restoration was presented in the form of photos.

- Supervisor Comments
  - Mr. Morrissey thanked residents for attending the meeting. Mr. Morrissey commented that blasting is to continue until the east wall is at a 35° incline. The reclamation is scheduled to end March 2019.
  - Mr. McEwan inquired about how much of the east wall would be removed to meet the 35° incline. Mr. McEwan also inquired about the final water level of the quarry. Mr. Kutney showed the approximate depth of the east wall and where the water level would reach on a reclamation photo.
  - Mr. McEwan questioned who is responsible for monitoring the outlet structure once the reclamation is completed. Mr. Kutney explained that the DEP will monitor the structure for five years. The monitoring would then become the responsibility of the property owner.
  - Mr. Baum Baicker inquired about any concerns the DEP has regarding NHCS completing the reclamation by the deadline, March 2019. Mr. Kutney and Mr. Menghini explained that there are many factors that can affect the completion of reclamation. At this time NHCS is on track to complete the reclamation on time. The DEP will continue to review and will take enforcement actions if needed.
- Public Comment
  - A Solebury resident inquired about what the quarry will become once reclamation is completed. Mr. Yeager explained that the property is owned by NHCS and there has been no indication of the plan for the property yet. The property is zoned Residential and Agricultural so the plan for the property has to comply with the regulations of the zoning district.
  - Mr. Kutney and Mr. Menghini explained that the DEP will continue to monitor the quarry while the permits are open and the Bond will not be returned until NHCS meets all the requirements set. The site is still a permitted site so they can continue to crush stone.
  - Tom, resident, questioned when the mining would end. Mr. Kutney commented that this is unknown at this time. NHCS will have to retreat mining once the east wall is reclaimed. NHCS will still be able to haul excess material once mining is ceased.
  - Tom, resident, questioned if it would be an accurate conclusion that mining would be complete in April 2019. Mr. Kutney commented that is what is scheduled.
  - Deb Holbrooke, questioned why excess material needed to be hauled instead of dumped. Mr. Kutney explained that dumping the excess material could create other unsafe issues.
  - Eric Sauer, resident, inquired about any meetings or conversations that may have occurred regarding Solebury Township buying the quarry property. Mr. Yeager commented that the Township is unable to get into discussion regarding any meetings or conversations that may have occurred.
  - Carol Smith, resident, questioned if there will no longer be dump trucks coming and going from the property after March 2019. Mr. Kutney explained that this is unknown. NHCS has years' worth of surplus that they can haul off the property.
  - Mark Houser, resident, inquired if there is another area on the property that NHCS can start another quarry. Mr. Carney and Mr. Kutney explained that there is a location on the east side of the property that can be mined. The stone quality is not as good. At this time there is no approved permit to mine in any other location on the property.

- John Leuven, resident, inquired about the DEP's perspective on any restrictions of long term industrial use due to health reasons. Mr. Kutney and Mr. Menghini explained that there are no restrictions due to health reasons. There are safety concerns regarding the distance between the top of the walls and the water. There will be an estimated 80 foot drop from the top of the one wall to the water. This wall was enacted prior to 1972 so there are no reclamation requirements. The other walls will be at a 35° incline. This incline is meant to allow an individual to get out of the water if need be. A 35° incline is a steep slope that one must crawl up.

The meeting was adjourned at 7:03 pm.

Respectfully submitted,  
Catherine Cataldi  
Secretary