

SOLEBURY TOWNSHIP BOARD OF SUPERVISORS
October 4, 2017 - 7:00 p.m.
DEP Meeting - NHCS Quarry
Solebury Township Hall

Minutes

Attendance: Kevin Morrissey, Chair, Helen Tai, Vice-Chair, Paul Cosdon
Absent: Mark Baum Baicker, Noel Barrett

Department of Environmental Protection (DEP) members in attendance: Michael Kutney, P.G. (Permitting), Michael Menghini (District Mining Manager), Glenn Florence (Bureau of Mining Programs), Nels Taber (Regional Counsel), Unknown (Regional Counsel) .

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 Mining permit provides NHCS with authority to extract stone and sell it.
 - 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.
 - DEP reissued the GP-104, storm water management permit for the stream restoration work.
 - In early spring of 2017, the DEP approved a minor revision to the groundwater monitoring program. Well Nest 1, Bucciarealli, Holbrow, Diodati and Gerold were removed from the monitoring program. Well Nest 1 is in the quarry and no longer safely accessible. The monitoring frequency was reduced from continuance to monthly for MW-3 and MW-6. Well SS-1, located on the property of Solebury School was added to the monitoring program. Solebury Township and Solebury School were provided with the application contents for review.
- PCWA & PennFuture Settlement
 - Primrose Creek Watershed Association entered into an agreement with the DEP to restore Primrose Creek. The three different segments included in the agreement are: 1) The swallet area (instream sinkholes); 2) Downstream of swallet area to quarry; and 3) Upstream to school property. NHCS is obligated to perform stream restoration work. In the permit application NHCS opted to complete the repairs all at once.

- Additional monitoring of NHCS is required of the discharge for total suspended solids. They are subject to weekly sampling instead of the required amount of twice a month as per the NPDES permit. 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
 - DEP received a noise complaint in the third quarter 2017. DEP investigators found a problem with the crusher. The problem has been fixed and no notice of violation was issued.
 - DEP received two blasting complaints in the third quarter 2017. DEP investigations found that the blasting shots were in compliance for the first complaint. The other complaint is still under investigation.
 - Blasting may seem louder than before because frequency has increased and the quarry is blasting in the upper benches. The blasts are smaller but more frequent. If the quarry did a larger blast then it would cause vibrations that would not be in compliance. The quarry is in compliance with the noise decibel limit.
- No well complaints were reported to DEP's Pottsville Office.
- Sinkholes
 - In the first quarter 2017, a sinkhole was identified northwest of the quarry. It has been repaired.
 - Other potential sinkholes were investigated but found to be an erosional feature and animal burrows.
- 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.
- 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 bond amount posted under Payment in Lieu of Bond (PILB) was \$1,144,029. The amount currently paid in by NHCS is \$410,541. The current PILB payment is \$54,341 per year.
- Reclamation photos
 - Progress on the quarry reclamation and stream restoration was presented in the form of photos.
- Supervisor Comments
 - Mr. Morrissey inquired about the amount of dirt NHCS has moved. The goal for NHCS is to move 620,000 square yards by March 2019. The monthly data shows that only 222,000 square yards of dirt has been moved so far. Mr. Kutney explained that due to the hurricanes and other weather, the focus had to be shifted from moving dirt to stream restoration. Once everything is stabilized, then NHCS will go back to moving more dirt.
 - Ms. Tai inquired what is to prevent the reclamation fill from falling into the pit. Mr. Kutney explained that the benches and vegetation will stabilize the quarry.
 - Mr. Cosdon inquired about testing for heavy metals. DEP has no requirements to test the quarry unless there are reasons to. Mr. Cosdon suggested that Primrose Creek test the water.
 - Mr. Cosdon inquired if residents were notified when wells were abandoned. Mr. Kutney was unaware if residents were or were not informed.
- Public Comment

- Bob Dorsham inquired if abandoned wells are capped. Mr. Kutney informed Mr. Dorsham that the DEP has a process that must be followed once a well is removed from monitoring.
- Joseph Duffy expressed his concern for the dewatering of the aquifer and development of sinkholes. He inquired as to who is going to handle the remediation after the quarry ceases operation. Mr. Kutney noted that once the nuisance is eradicated, and the DEP releases the quarry's bond, they are no longer responsible for these items.
- Mr. Duffy inquired about the long term reclamation protection plan.
- Phillip Getty expressed concern about the safety of the quarry. Mr. Getty inquired if the high wall can be minimized to reduce the risk of individuals jumping into the quarry.
- Mr. Getty asked if the quarry helped pay the electric bills for the residents whose wells had to be dug deeper resulting in their pumps working harder. The DEP was unable to state what the quarry did for those residence fifteen (15) years ago, but this is part of the process today.
- Mr. Cosdon inquired if the slopes of the quarry walls were at a degree that would allow someone to walk out if they did jump or fall in. Mr. Kutney noted that the quarry wall requirement is at a 35 degree angle. This would allow an individual to crawl out.
- Mr. Cosdon addressed an earlier comment; this area is what is called a Quarry Agricultural District and can only be used for mining, single family home and forestation.
- Mr. Kutney stated that currently there is a fence that NHCS is required to maintain. Additional signage was posted and trail cams were installed around the quarry to help with security.
- Ms. Tai inquired about the height of the high wall in comparison to the water height, if it reaches 98 feet. The high wall is 170 feet so there is a significant distance.
- John Hutchings inquired into what happens in March 2019. Mr. Menghini advised that enforcement actions would take place if all does not go well. If all goes according to plan, then the following would happen:
 - All quarry high walls will be reclaimed.
 - The stream will be replaced.
 - Outlet structure will be in the stream.
 - Most of the infrastructure should be eliminated.
 - Mining should have ceased prior to March 2019.
- Mr. Hutchings inquired as to who will be responsible for the property if NHCS is gone. Mr. Kutney and Mr. Menghini advised that actions can be taken in Court. A bankruptcy does not discharge any environmental obligations.
- Barbara Vehling stated that she owned one of the wells that went dry fifteen (15) years ago. She asked the quarry about help with the electric bill due to the depth of the well and pump size. The quarry's answer was no.
- Ms. Vehling inquired if there would be any other conditions to make the bond increase. Mr. Kutney and Mr. Menghini addressed this

- question. Reasons for an increase would be if NHCS disturbed more area or were to unreclaim property, but this is extremely unlikely.
- TJ Francisco stated that the upper and lower structures of the quarry are more critical now. He inquired as to who is responsible for the design of these structures. Mr. Kutney explained that the applicant submits an application of design for inlet and outlet structure to the DEP to review and comment. If comments are made then the applicant needs to address them. The plan is then approved. Once the outlet structure is received Solebury School, Solebury Township and Primrose Creek will get to review and make comments.
 - TJ Francisco inquired if any milestone dates in the schedule would be a concern if NHCS did not complete them on time. Mr. Menghini advised that as of right now the Inlet structure is the only area that is date sensitive. The outlet structure can wait 6 months to a year.
 - Chris Caputo inquired into the estimated size of the lake when it is filled. He also, asked what the site size is. Mr. Kutney stated the lake will be about 60-80 acres with the total size of the permit site being 141 acres.
 - Bob Dorsham inquired if the bond amount of \$1.1 million is big enough. Mr. Dorsham inquired about what enticement NHCS has to complete reclamation. Mr. Morrissey answered that NHCS would walk away from 210 acres that is zoned for residential. Mr. Dorsham inquired about what the downstream flow is expected to be in 2-3 years. He also inquired about the money for the erosion at that time. Mr. Kutney stated there are formulas used to determine the costs for reclamation. The reclamation bond is for the full amount, based off of those formulas, not a percentage like construction bond. The DEP does not control the financials of the quarry. The bond and legal actions are the enticement DEP has for NHCS to complete reclamation. Mr. Kutney explained the flow pattern and that with 14 million gallons of water a day the creek is not showing signs of erosion. The creek downstream will no longer see a huge flashing flow due to the lake. The outflow structure is designed to handle storm events and there will be an overflow structure.
 - Eleanor Miller noted that due to the constant flowing of the stream it has caused silt to form. This has resulted in FEMA changing their flood maps causing residents to pay flood insurance. Eleanor asked how much of the silt will be cleaned out. The DEP stated there is no plan of cleaning the silt.
 - Tom Wilschutz inquired into the ballpark lifespan of mining in the quarry. Mr. Kutney noted 1 year.
 - Mr. Dorsham inquired if a comprehensive plan that displays the landscape with milestone dates is available to the public. Mr. Kutney and Mr. Menghini noted the plan process and that NHCS has not supplied all the plans to the DEP. Mr. Morrissey advised that he will look into this.
 - Mr. Morrissey noted that Solebury Township will post the DEP website for residents on the Township website.

- Resident Sheila, last name not audible, inquired if the costs for the outflow structure are being paid for by the quarry. Mr. Kutney stated yes and explained the legal actions if they do not.
- Sheila Elser inquired how the DEP knows what the quarry pumps out a day. Mr. Kutney and Mr. Menghini noted that there are monitoring devices on the discharge pumps that are checked by DEP inspectors.
- Ms. Vehling inquired about the browning of water. Mr. Kutney noted that a broad answer for this is when the quarry blasts, it shakes the ground, causing sediment to stir up in the wells. This causes the water to temporarily turn brown. This does not apply to every complaint and the DEP is unable to address this due to it being case by case basis.
- Ms. Tai inquired into the recourse residents have for the sediment in the water. Mr. Kutney advised that any resident having an issue should report a complaint so that it can be inspected and addressed. All complaints made through the DEP are private unless the quarry needs to be involved.
- Mr. Cosdon noted that any complaint made to the Township is forwarded to both, the quarry and the DEP. This is part of the 2012 agreement between Solebury Township and NHCS.

The meeting was adjourned at 9:00 pm

Respectfully submitted,
Catherine Cataldi
Administrative Assistant