

2021 News

**Paradise
Watchdogs**
Ban the Quarry

P.O. Box 115, Frederick, PA 19435

www.banthequarry.org

February 2021

Land Development

EHB Decision – Gibraltar Rock mining permit

Hoff VC site remediation

Paradise Watchdogs is a not-for-profit, environmental preservation community group in New Hanover Twp, established in 1987. A trash landfill and hospital-waste incinerator were proposed along Big Road, Church Road, Hoffmansville Road, and Layfield Road in the mid-1980s. After 12 years of hard work, the Watchdogs were successful in preventing the landfill, although the incinerator operated there until the land was sold to **Gibraltar Rock and Sahara Sand**, of Fairless Hills, Bucks County, PA.

Timeline:

2000: Gibraltar Rock applied to construct a hard-rock quarry, concrete plant, and asphalt plant, on approximately 240 acres. A group of residents formed **Ban-the-Quarry** to oppose the application. After a few years, the Paradise Watchdogs & Ban-the-Quarry joined together to educate residents & work with the township on environmental impacts to the community.

2011: The Penna. Dept. of Environmental Protection identified the former Good Oil Company as a hazardous waste site. Gibraltar Rock has since purchased approx. 18 acres of the hazardous site.

2020: The quarry has not started due to a 2010 court-ordered injunction preventing any quarry activity on the land until they have all the necessary permits and a township-approved final land development plan.

April 2020: Gibraltar Rock's non-coal surface mining permit, water discharge permit (NPDES), and Authorization to Mine were rescinded by the PA Environmental Hearing Board.

Current Status:

I. Gibraltar Rock's Mining Permits

In 2018, the PA Dept. of Environmental Protection (DEP), renewed Gibraltar Rock's mining permit which includes the NPDES permit (*water discharge*). Renewal of the permit was appealed by New Hanover Twp and our group (PWD-BTQ). Our Board of Supervisors voted to hire a licensed professional geologist and a hydrogeologist / environmental scientist to work with our township solicitor, Andy Bellwoar, in this appeal. Our attorney, Chris Mullaney, and the solicitor worked in tandem and in October 2019 the trial began.

The trial was held at the DEP-Southeast Regional Office in Norristown, PA, from Oct 21-25, 2019. The EHB judge was very interested in the health and welfare of the citizens who have private wells and would be exposed to quarry blasting adjacent to the hazardous waste site. Our attorneys submitted their final briefs for this case in January 2020.

The EHB decision was received on April 24, 2020. The panel of judges totally ruled in our favor:

"The DEP's permit issuance was inconsistent with other statutory and regulatory requirements. The DEP's effort to insert "special conditions" into the mining permit and the DEP's promises of future enforcement action did not justify issuance of the permits. The DEP's witnesses, during the hearing on the merits, expressed doubt whether the permits should have been issued, at least without further study.

The permits are rescinded rather than remanded because there is no schedule for future cleanup activities at the HSCA site."

II. Gibraltar Rock appeal

Unhappy with this decision by the EHB, Gibraltar Rock filed a "Petition for Review" with the Penna. Commonwealth Court. In June 2020, New Hanover Township filed a "Notice of Intervention" in this case. Our attorney has also filed an intervention.

We just received a date for this court hearing . . . March 18, 2021

*The proceeding with the panel of judges will be held "virtually".
Only the attorneys involved are permitted to participate.
Our goal is to convince the Court not to overturn the EHB decision (#1, above)*

III. Final Land Development Plan submitted by Gibraltar Rock

Aug 2017: Gibraltar Rock submitted Final Plan for review by township. Gibraltar Rock put this plan "on hold".
Summer 2020: Reviews were completed by the Township
Oct 2020: Planning Commission rejected Final Plan
Oct 2020: Board of Supervisors rejected same plan
Dec 2020: Gibraltar Rock submitted 4th revision of a Final Plan
Feb 2021: Planning Commission – unanimous vote to reject this 4th plan revision
Feb 2021: Board of Supervisors - unanimous vote to reject this 4th plan revision
One of the conditions of the Preliminary Plan approval in 2015 was that Gibraltar Rock would get all of the necessary state approvals (two mining permits, authorization to mine), but these necessary documents were 'rescinded' by the PA-Environmental Hearing Board.

IV. Hoff VC HSCA site remediation

At the current time, the Penna. DEP has no plans to remediate this site, as required by the PA-Environmental Hearing Board. The DEP Southeast Regional Office, in Norristown, is the "clean-up" division of the state DEP.

Latest news from the SERO office: In November 2020, DEP and its contractors initiated a Pilot Study of the remediation of groundwater at the Hoff VC HSCA Site. They injected chemicals into the shallow groundwater to break up the contaminants in the groundwater. This was performed near the Concrete Pit that DEP had previously identified as a source area of contaminants at the Site. We're now in a monitoring period to gauge the performance of those injections. *Notice: the concrete pit is just 'one source' of the contamination. The DEP has not yet located all sources of the contamination. The DEP has been searching for the sources since 2011.*

V. New Hanover Town Center:

The developer, Wynstone, submitted another plan in late-2019. One meeting was held before the Planning Commission (with the Board of Supervisors present) in January 2020. No progress has been made with this plan.

How can you help?

Make a donation to help with legal and consultant fees. Most operating expenses are paid by our committee.

Any amount would be greatly appreciated.
(envelope enclosed)

Monthly Bake Sales

.... at Freed's Supermarket, Gilbertsville

Please make checks payable to:

*Paradise Watchdogs **OR** Ban the Quarry*

Mailing address:

*PWD – BTQ
P.O. Box 115
Frederick PA 19435*

Website: banthequarry.org

THANK YOU