
Environmental Rights Amendment: Article I, Section 27 of our State Constitution:

The people have a right to clean air, pure water, and to the preservation of natural, scenic, historic and esthetic values of the environment.

*Paradise Watchdogs is a not-for-profit, environmental preservation community group in New Hanover Twp, established in 1987. They worked for 10+ years to prevent a trash landfill on land bordering Rt 73, Rt 663, Church Rd, and Hoffmansville Rd. Although the landfill was defeated, a hospital-waste incinerator was approved & operating until the land was sold to **Gibraltar Rock / Sahara Sand**, of Fairless Hills, Bucks County, PA.*

*Gibraltar Rock, Inc. hopes to construct a rock quarry, asphalt plant & concrete plant. They first filed a land development plan in 2000, a plan that was denied by the Township. **As of January 2024**, they have been unable to gain approval of a final land development plan, nor the permits required by the PA-DEP District Mining Office in Pottsville, PA.*

Current Court Case

May 2022 - Philadelphia, PA.

*This case was appealed to the PA Supreme Court and involved the Commonwealth Court's decision in an appeal filed by Gibraltar Rock regarding the **2019** decision by the **PA Environmental Hearing Board** who rescinded Gibraltar's mining permits. Joining in this appeal were the PA-DEP, New Hanover Township, and our organization PWD-BTQ.*

December 2022 - Philadelphia, PA.

The PA Supreme Court ruled that Commonwealth Court exceeded its authority by considering the appeal of Gibraltar Rock. The Supreme Court vacated the appeal & returned the case to Commonwealth Court for re-consideration.

November 2023 - Philadelphia, PA.

The following attorneys met in Center City for the "revisited" Commonwealth Court hearing:

Andy Bellwoar (NH Twp) - Chris Mullaney (Paradise Watchdogs) - Craig Lambeth (DEP) - Steve Harris (Gibraltar Rock)

** Township Supervisor, Ross Snook, accompanied them to the hearing.*

This was an "en banc" session, meaning the case is heard before all the judges of the court (9 judges) rather than by one or a smaller panel of judges. This type of review is used for unusually complex or important cases - or when the court believes there is a particularly significant issue at stake. So, our case is viewed as important, the issues are significant, in the eyes of the PA Commonwealth Court.

Chris Mullaney reported that our group entered the courtroom by 8:00 am and our case was not heard until 12:30 pm. This was held in Center City, at the Widener Center. We were informed that location is the former "Wanamaker" building, an historic Phila. building that was constructed in 1876. We expect to hear a decision very soon. So, keep your fingers crossed, and keep on praying . . .

Another Current Court Case: Filed in 2023 at the Montgomery County Court, Norristown

On May 24, 2023, Andrew Bellwoar, special counsel for New Hanover Twp, filed a *Petition to Terminate* with the Court of Common Pleas in Norristown, PA. The township was attempting to terminate the following appeals by Gibraltar Rock and the Township *because they have never advanced to court.*

- *Land Development application by Gibraltar Rock (GR-2). This application was denied by the NHT Zoning Hearing Board in 2010, then was appealed by Gibraltar Rock on **2-02-2010**.*
- *An appeal was filed by New Hanover Twp. on **2-08-2010**. We joined with the Township in the above appeal by Gibraltar Rock re. their second application to quarry here, adding more acres to the plan.*

- Later in **February 2010**, both Gibraltar Rock and the Township filed Petitions to Intervene in each other's appeals above.

A meeting was held with Judge Moore and the attorneys involved on **August 1, 2023**. Shortly thereafter, Judge Moore **denied** the township's "Petition to Terminate" the above appeals. That decision allows Gibraltar Rock's appeal of the ZHB decision to continue or remain active.

Update – 2024: Currently there is a *stipulation from Gibraltar Rock* to consolidate the two appeals (quarry & township/ban the quarry) and set a briefing schedule.

Gibraltar Rock's stipulation states: "As these two (2) Land Use Appeals involve cross appeals from the same Decision, the parties desire to consolidate the appeals and move the matters forward by having the Court set forth a briefing schedule, consistent with the attached Proposed Order as is agreed by and between the parties."

As of this date: There is no deadline for this stipulation. Briefing and argument scheduling is being circulated between counsel, and our attorney is waiting for the scheduling paperwork to come to his office from Court Administration.

Proposed Town Center Project In Aug 2023, RP Wynstone submitted a *Revised Preliminary Plan Proposal* for the Town Center. In Dec 2023, Wynstone requested an extension. Their application has not yet come before the Planning Commission or Board of Supervisors, and now in March 2024 they have requested another extension. The township reports there are missing items on the application, therefore, the BOS has decided that on the **condition** that Wynstone submits the missing information by *March 21, 2024*, then the Township will grant the extension deadline to *June 11, 2024*.

Sunset Hill Brewery At the March 7, 2024 Board of Supervisors meeting, **the Board voted unanimously to appeal the variances granted by the NHT Zoning Hearing Board to the Sunset Hill Brewery**, that is operating on land surrounded by farmland protected as 'open space' by the Township.

On Feb 22, 2024, the Zoning Hearing Board voted to allow several uses to occur on 1.16 acres of land that is not part of the conservation easement that covers the surrounding 33.4 acres that comprised the former Suloman Dairy farm. In 2019, the Township paid \$700,000 taken from the "Open Space Fund" to protect the 33.4 acres. It is located on Leidy Road between Swamp Pike and Buchert Rd.

Hoff VC HSCA site (Good Oil Co) - DEP Pilot Study

In 2016, DEP located a concrete pit on the source property which contained hazardous waste. DEP removed 8,000 gallons of hazardous waste from the concrete pit and 217 tons of contaminated soil surrounding the pit.

Official Reports can be found at this website: **pa.gov (Hoff VC)**

Currently: In 2018, DEP initiated an in-situ remediation pilot study to address remaining groundwater contamination. This is still ongoing. To view Pilot Study activities conducted Jan 2020 through Dec 2021, go to:

September 2022 Hoff VC – Technical Summary Report (PDF) at: **pa.gov (Hoff VC)**

DEP will continue to monitor groundwater quality at the Site on a routine basis. To read the latest ground-water results in this Pilot Study, go to: **pa.gov (Hoff VC)** - and read these documents:

Results Map Pilot Study (PDF) & Results Map Site (PDF)

Next Sampling will take place in late March 2024.

For a complete history of the ground contamination at the Swann Oil Co. / Good Oil Co. site, go to:

pa.gov (then upper right – search): Hoff VC (look at): Result #1

HOW CAN YOU HELP PWD-BTQ?

Donations help with legal and consultant fees. Any amount would be greatly appreciated.

*Make check payable to: **Paradise Watchdogs** - or - **Ban the Quarry***

And mail to the Address at the top of this newsletter. Thank you!

*YOU can also help - by attending monthly meetings of the Supervisors, Planning Commission, and other committees of interest to you - AND - by voting in elections when supervisors are running for re-election. **None running in 2024!***