

# 2021 News

**Paradise  
Watchdogs**  
Ban the Quarry

P.O. Box 115, Frederick, PA 19435  
[www.banthequarry.org](http://www.banthequarry.org)

**AUGUST 2021**

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**Gibraltar Rock land development & mining permit**

**Hoff VC site remediation**

**Proposed Town Center**

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**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.

**2010:** The court issued an **Injunction**, preventing any quarry activity on their land until they have all the necessary permits and a township-approved final land development plan. Currently, Gibraltar Rock has neither the permits nor an approved final plan.

**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**2020:** The PA Environmental Hearing Board (EHB) rescinded Gibraltar Rock's permits and Authorization to Mine.

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## CURRENT STATUS

### **Gibraltar Rock's Mining Permits:**

**2018** - The PA-DEP renewed Gibraltar's mining permit which includes the NPDES permit (*water discharge*). Renewal of the permit was appealed by New Hanover Twp and our group, Paradise Watchdogs / Ban the Quarry.

**2019** - The Township Solicitor, Andy Bellwoar and our attorney, Chris Mullaney worked together on the appeal. In *October 2019* a five-day trial was held at the DEP office in Norristown. The township had hired a licensed professional geologist and a hydrogeologist / environmental scientist to conduct studies to address the Hoff VC contamination site which is adjacent to the quarry property.

**2020** - On April 24, 2020, the Environmental Hearing Board (*five judges-Harrisburg*), rendered their decision in the above appeal. The Board's *Conclusions of Law* listed at least 15 reasons to rescind Gibraltar's mining permits.

The EHB found the township's experts to be credible and their studies valid and compelling; whereas the testimony by Gibraltar's experts was found to be misleading and their studies negligent in several areas.

The EHB stated: "*Gibraltar's application is not complete because it does not describe how a discharge potentially containing hazardous substances will be treated. The DEP erred in issuing to Gibraltar Rock, Inc. the mining permits and Authorization to Mine. The permits are rescinded rather than remanded because there is no schedule for future cleanup activities at the HSCA site.*"

Gibraltar Rock appealed this EHB decision to the Penna. Commonwealth Court. In June 2020, New Hanover Twp filed a *Notice of Intervention* in this case, and our attorney did likewise.

**2021** - On June 30 2021, the Commonwealth Court of PA, issued their opinion (*3 judges*), as follows: *On this day, the Order of the Environmental Hearing Board is REVERSED. This matter is REMANDED to the EHB with instruction to remand this matter to the PA-DEP who will direct Gibraltar Rock, Inc. on what it must do to obtain mining permits pursuant to the Noncoal Surface Mining Conservation & Reclamation Act of Dec 19, 1984.*

**JULY 2021** - Three organizations have filed a "Petition for Allowance of Appeal" from the Commonwealth Court decision of 6-30-2021 (*above*). This Petition was sent to the Penna. Supreme Court by:

Penna. DEP, Office of Chief Counsel, Harrisburg, PA  
New Hanover Township  
Paradise Watchdogs-Ban the Quarry

It is evident from the details of the DEP petition that the DEP is now working *with us* and the Township – they strongly believe that the PA-DEP should not issue any permits until and unless the Hoff VC Site is totally remediated. We have always hoped that the DEP would do what is required to protect us and now they are determined to do nothing less.

***This is a huge accomplishment for us - the PA-DEP is now on our side to protect our citizens & drinking water.***

***We are waiting*** - Will the PA Supreme Court agree to hear the case? If they agree to hear us, we hope to convince the Supreme Court to overturn the opinion of the Commonwealth Court.

## **CURRENT STATUS**

### ***Gibraltar Rock – Final land development plan:***

- Dec 2020: Gibraltar Rock submitted 4<sup>th</sup> revision of a Final Plan
- Feb 2021: Planning Commission – unanimous vote to reject this 4<sup>th</sup> plan revision
- Feb 2021: Board of Supervisors - unanimous vote to reject this 4<sup>th</sup> plan revision

Currently, that action is now in the "appeal" process, in the Montgomery County Court of Common Pleas.

## **OTHER NEWS:**

### **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 Penna. DEP in Harrisburg agrees that a clean-up of the Hoff VC Site is imperative, prior to the issuance of any permits to Gibraltar. In **Nov. 2020**, the DEP Southeast Regional Office in Norristown, initiated a *Pilot Study* of the remediation of groundwater at the Hoff Site. The initial two rounds of data have demonstrated substantial decreases of the concentrations of contaminants in the pilot study area. They sampled again at the end of June and expect to have those results ready to share with the Township by the end of this month. Soon, BTQ will request the details of the three round of sampling.

Moving forward, the DEP-SERO office is looking to conduct the second phase of the pilot study, deploying in-situ chemical oxidation slow release sleeves in a number of wells and monitoring their performance. They anticipate a report detailing the findings of pilot study to be completed and available by the end of this calendar year.

### **New Hanover Town Center:**

The first plan application was submitted and accepted by the Township on 7-13-2005; then received preliminary approval on 10-22-2007. When the property was sold and renamed *New Hanover Town Center*, the first preliminary plan was submitted on 5-31-2016. This plan has been revised seven times, the last revision occurring 12-18-2019.

Currently, the township is unsure what plan application the owner considers to be before the BOS for approval. At their meeting on 8-5-2021, the Board of Supervisors approved a 90-day extension from the date of the meeting, expiring on 11-3-2021. The township has asked for clarification regarding the application that would provide an opportunity for the Township to respond and provide an explanation on fundamental points. Unless the Township receives a complete revised plan application by **9-30-2021**, the current revised plan of **12-18-2019** will be discussed at the Planning Comm. meeting on **10-13-2021**, and by the Board of Supervisors on **10-25-2021**.

#### 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  
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**THANK YOU**

