

2022 News

Paradise Watchdogs Ban the Quarry

P.O. Box 115, Frederick, PA 19435

www.banthequarry.org

FEBRUARY 2022

Gibraltar Rock land development & mining permit Hoff VC site remediation Proposed Town Center

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 Paradise Watchdogs were successful in preventing the landfill, but 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2020: The PA Environmental Hearing Board (EHB) rescinded Gibraltar Rock's permits and Authorization to Mine.

FIRST ORDER OF BUSINESS:

We are long overdue in thanking the following people for helping us over many years. Their dedicated service, supported by their concern for our community, has enabled us to delay the start of the proposed quarry for over 20 years. We would like to offer our thanks to our attorneys: Christopher P. Mullaney, Thomas M. Keenan, Rowan C. Keenan, and to our current township solicitor, Andrew J. Bellwoar . . . for their excellent advice, hard work, and dedication on our behalf.

We would also like to thank the NH Board of Supervisors and the NH Planning Commission for working with us, caring about the entire township, and making difficult decisions in order to keep us safe. A *special thanks* to our Township Manager also. We are grateful for their never-ending willingness to listen to our concerns and consider what is best for the community. If you see any of them in passing, please show your appreciation to them.

And finally . . . we wish to thank the first president of Ban-the-Quarry, John Zuchero and his original committee. John was instrumental in launching BTQ along with numerous residents surrounding the quarry property. Under John's leadership, Ban-the-Quarry joined with the Paradise Watchdogs and enlisted the organization's officers. The early BTQ'ers were very busy with many time-consuming and energy-depleting fundraisers. Would you believe that early-on, men and women washed trucks at *Car Corner* to raise funds? They also washed cars at the New Hanover Lutheran Church (monthly events). The men washed, the women dried with towels. Thanks to John also for developing the Ban-the-Quarry website. John continues with the site updating and keeping us "online".

CURRENT STATUS *Gibraltar Rock's Mining Permits:*

2020 - In Apr 2020, the PA Environmental Hearing Board (*five judges-Harrisburg*), rendered their decision in our appeal of the Penna. DEP's renewal of Gibraltar's mining permit and NPDES permit. The Board found that the DEP erred in issuing the mining permits and *Authorization to Mine*. The permits were rescinded because there is no schedule for future cleanup activities at the Hoff VC hazardous waste site.

2020 - Gibraltar Rock appealed the EHB decision to the PA Commonwealth Court, and our Township and PWD-BTQ intervened in this case.

6-30-2021 - Commonwealth Court of PA, issued their opinion and voted to reverse the EHB's order that the permits be rescinded. The court instructed the EHB to remand this matter to the PA-DEP to direct Gibraltar Rock on what they must do to obtain renewal of their mining permits pursuant to the Non-coal Act of Dec. 1984.

7-2021 - Three organizations have filed an appeal of the above Commonwealth Court opinion of 6-30-2021. This appeal was sent to the Penna. Supreme Court. On our side: PA-DEP (*Harrisburg*), New Hanover Township, and Paradise Watchdogs-Ban the Quarry.

2021-2022 - For the first time in over 20 years, the PA Dept. of Environmental Protection is working with us! They believe that the PA-DEP should not issue any permits unless and until 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 doing exactly that.

Jan 2022 - Our appeal has been submitted to the PA Supreme Court. The township solicitor is writing the brief for this case. Our attorney has submitted the Reproduced Record to the court as of 1-13-2022. This "record" alone will exceed 6,000 pages. Currently, the PA Supreme Court judges are reading the briefs of: Gibraltar Rock, the PA-DEP, New Hanover Twp, and more than 6,000 pages from BTQ. We believe that these judges will agree with us - that Gibraltar Rock should not re-apply for a mining permit until the Hoff VC HSCA site (Good Oil site) is remediated.

We're not sure when the Supreme Court will hear this case, likely not until April or later. As yet, we don't know if the court hearing will be "virtual" or in-person.

CURRENT STATUS

1) *Gibraltar Rock – Final land development plan:*

Feb 2021 - Both the NH Planning Commission and the Board of Supervisors voted unanimously to reject the 4th plan revision of Gibraltar Rock. Gibraltar filed two appeals in county court. The Court ordered consolidation of these appeals, and they are still pending.

2) *Hoff VC HSCA site remediation:*

Nov 2020 - the DEP Southeast Regional Office (SERO) in Norristown, initiated a *Pilot Study* of the remediation of groundwater at the Hoff Site. **Sept 2021** - DEP office began the second phase of the pilot study.

In Nov. & Dec 2021 - the PA-DEP's contractor, Tetra-Tech Inc, collected water samples from seven (7) monitoring wells on Gibraltar property. The samples were analyzed by SGS North America, Inc. for: *volatile organic compounds, semi-volatile organic compounds, pesticides, and total and dissolved metals.*

RESULTS: There are substances related to the Hoff VC HSCA site present in the samples that exceed their **Medium Specific Concentrations (allowed)** for Used, Residential Aquifers, established by the PA Land Recycling & Environmental Remediation Standards Act. The substances in these samples: 1,1, Dichloroethene (*amount 4X the MSC*); Trichloroethene (*almost 3X above the MSC*); and 1,4 Dioxane (*3.5X the MSC*).

CURRENT STATUS New Hanover Town Center

R.P. Wynstone submitted another plan this year for the town center project. At a meeting on Feb 9, our Planning Commission expressed multiple concerns over the latest proposal for the 186-acre site. There was a long debate over engineering issues, and the township manager identified 5-10 issues of non-compliance. This latest plan would now include 90 hotel rooms - 187 single family homes; 487 townhouses, a supermarket, two restaurants, office space and 13 mixed-use structures that would include the hotel rooms (*hotel rooms above stores / businesses*).

Following the 5-hour meeting, the Planning Commission recommended denial of the plan if the developer failed to request an extension prior to the Feb 28th Board of Supervisors meeting. The developer stated that they have already submitted a letter requesting an extension. **At the Feb 28th** Board of Supervisors meeting, the Board may vote on the plan - or grant an extension for revision.

The Township would appreciate the input of the community as these meetings.

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)*

*Please make checks payable to:
Paradise Watchdogs **OR** Ban the Quarry*

Mailing address:

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

THANK YOU