

2019 News

Paradise Watchdogs Ban the Quarry

P.O. Box 115, Frederick, PA 19435

www.banthequarry.org

August 2019 Newsletter

Mining Permit Renewal

Zoning Board Appeal

Land Development

Hoff VC site remediation

Background: Paradise Watchdogs is a not-for-profit, environmental preservation community group, established in 1987. Following a 12-year battle, the Watchdogs succeeded in preventing a landfill on the current Gibraltar Rock property. Sometime after 2001, the Paradise Watchdogs joined with "Ban the Quarry". BTQ had formed in opposition to the proposed hard-rock quarry, concrete plant, and asphalt plant . . . and has continued for the past 19 years.

In 2011: the state Department of Environmental Protection (PA-DEP) notified residents of the hazardous waste site at the former Good Oil Company. Almost six years ago, Gibraltar Rock purchased 18 acres of the hazardous site. **In 2014**, the company filed an application with the township Zoning Hearing Board, asking for approval to blast on 82+ acres next to the Good Oil site. The Paradise Watchdogs and New Hanover Township have opposed this application.

In Sept 2017, the Zoning Hearing Board granted a "special exception" to Gibraltar Rock to operate a quarry there. The ZHB decision has been appealed by New Hanover Township, the Paradise Watchdogs, and Gibraltar Rock.

Gibraltar Rock's current mining permit

The mining permit covers approximately 241 acres. The 18 acres purchased by Gibraltar Rock that is part of the Hoff VC HSCA hazardous waste site is not included in this permit, but it is included in GR's latest application to quarry.

GR's mining permit had expired in **2009**. In **2014**, the PA-Environmental Hearing Board (EHB) ordered Gibraltar Rock to apply for a permit renewal, and they did so. In the summer of **2018**, the PA-Dept. of Environmental Protection (DEP) issued the permit renewal, with conditions related to any migration into the quarry pit from the adjacent Hoff VC hazardous waste site.

As a result, *New Hanover Township* has appealed the permit renewal. (Attorney Andy Bellwoar)

Paradise Watchdogs has also appealed the permit renewal. (Attorney Chris Mullaney)

Gibraltar Rock was opposed to the "conditions" placed on the permit, and they also appealed. (Attorney Steve Harris)

This mining permit appeal is handled by the **Penna. Environmental Hearing Board**.

All parties agreed to consolidate these appeals into one case, as this will save time and costs for all.

During 2019, all parties were involved in the "discovery phase" of this case. All attorneys received "Interrogatories" from the Environmental Hearing Board. These are written questions required to be answered under the direction of the EHB. These questions also involve providing documents to the EHB to substantiate any objections to the permit renewal. The three attorneys involved also receive copies of all three appellants' interrogatories. *Translation: our attorney has had much reading to do, and many questions to answer.* In addition, our attorney took "depositions" from several DEP personnel at the DEP Southeast Regional Office in Norristown, regarding the current contamination at the Hoff VC site. All of these documents have been submitted to the EHB.

We have a tentative date of October 2019 - for the appeal to be heard by the Penna. Environmental Hearing Board – at the DEP office in Norristown.

Zoning Board Appeal

Following 20 hearings held from April 2015 through August 2017, the New Hanover Zoning Hearing Board rendered their decision on Gibraltar Rock's 4th application to quarry in the township. The ZHB granted a "special exception" to quarry in the HI (heavy industrial) zones only. The ZHB also included 16 conditions to the decision. This ZHB decision was appealed by: Gibraltar Rock, New Hanover Township, and our group, Paradise Watchdogs.

First, we needed the Court's decision to allow us to participate in this appeal on behalf of several residents close to the quarry site. In late 2017, we had already filed a "Petition for Leave to Intervene" with the Montgomery County Court.

On January 22, 2019, three residents travelled to Norristown to the court hearing, along with our attorney, Rowan Keenan, and several members of the PWD committee. The residents explained to the Judge how their private wells would be affected with blasting close to the hazardous waste site. They showed their proximity to the Swamp and Scioto creeks, and explained the potential effects to their family and livestock. On Jan 23, 2019, the Judge rendered his decision and granted our *Petition to Intervene* in the appeal. This means that the PWD-BTQ can join the appeal on behalf of the residents. We send a huge thanks to the residents who testified at this court hearing – and to those who attended the hearing.

Next step: We were notified in May 2019 that the oral argument for the above appeal was scheduled for July 9, 2019, in the Court of Common Pleas, Norristown, PA. Some of you joined us as we traveled to Norristown for this hearing. We were encouraged to hear that Judge Saltz is concerned about the welfare of the people here. He asked many questions about our position - that the quarry should not be started until the Hoff VC site is cleaned-up by the Dept. of Environment Protection (DEP). We are grateful that our township leaders agree with us on this.

Our township solicitor, Andy Bellwoar, presented two simple arguments. One is related to the law that quarrying operations can only be conducted in the HI-Heavy Industrial areas but that Gibraltar Rock is attempting to use the LI-Light Industrial for some of the quarry operations, and that is illegal. Andy's second argument (*meaning a majority of the Supervisory Board agrees*) was: of major importance is the *health, safety, and welfare of the residents*.

The Paradise Watchdogs' attorney, Rowan Keenan, was forceful and convincing in his arguments. He explained that the ZHB found our expert witness was "credible" in his report. Rowan tried to convince the Judge that the scientific findings should not be ignored, and that our expert proved beyond doubt what will happen if the quarry is permitted to blast with dynamite prior to the total clean-up of the hazardous waste site.

One of the chemicals already detected on Gibraltar land is *Dieldrin*. It cannot be remediated because it becomes "airborne" and everyone will be breathing it. The Agency for Toxic Substances and Disease says, "Exposure to *Dieldrin* also occurs when you drink water, breathe air, or come into contact with contaminated soil at hazardous waste sites". Dieldrin has been linked to: **Parkinson's, breast cancer, and immune, reproductive, and nervous system damage**. This is only one of many chemicals located underground adjacent to the proposed quarry.

The Judge asked many questions of both Gibraltar Rock's attorney and the Zoning Board attorney about the Hoff VC site, clean-up plans, and regulations if the toxic waste goes into the quarry pit. Township attorney, Andy Bellwoar, told the Judge that for 20 years now, Gibraltar Rock has never addressed the safety, health, and welfare of the community.

As of this mailing, we are awaiting the Judge's decision in this case.

Quarry Land Development

In 2015, Gibraltar Rock's preliminary plan was approved. They had submitted a "final plan" but have given an extension to the end of Nov 2019. We presume this will continue until the EHB makes a decision on the mining permit.

State Clean-up of Hoff VC HSCA Site

Since a public water line was installed in 2014 for approx. 40 homes and businesses, there has been one clean-up activity conducted by the PA-DEP. The toxins in the concrete pit located beneath the truck-washing area of the Good Oil Company were removed. We believe the DEP has discontinued the search for additional sources of the contamination. This is unacceptable to us – and to New Hanover Township. We will continue to appeal as long as we can.

How can you help us?

- Make a donation to help pay for legal and consultant fees. All operating expenses are paid by our committee. (*envelope enclosed*) *Any amount would be greatly appreciated.*
- Support our monthly bake sales at Freed's Supermarket, Gilbertsville. (3rd Saturday March through November, weather permitting)

Please make checks payable to:
Paradise Watchdogs - or - Ban the Quarry

Mail to:
P.O. Box 115 - Frederick PA - 19435

THANK YOU

