

What's new?

**Paradise
Watchdogs**
Ban the Quarry

P.O. Box 115, Frederick, PA 19435

www.banthequarry.org

February 2019 Newsletter

Zoning Board Appeal

Mining Permit Renewal

Land Development

Hoff VC site remediation

Background: *Paradise Watchdogs is a non-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. We have been opposing a hard-rock quarry, asphalt plant, & concrete plant for the past 18 years.*

In 2011: *the state Department of Environmental Protection notified residents of the hazardous waste site at the former Good Oil Company. Almost five 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. We, and New Hanover Township, have opposed this application.*

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

Zoning Board Appeal

The township Zoning Hearing Board, at the conclusion of twenty hearings held from 4-9-2015 through 8-3-2017, rendered their decision on Gibraltar Rock's 4th application to quarry in the township. The ZHB granted a "special exception" (state law requirement) to quarry in the HI (heavy industrial) zones only. The ZHB also included 16 conditions to the decision.

With the decision, the ZHB named 7 residents who live closest to the quarry acreage in that application. The ZHB agreed to accept these residents as "parties" to the application, and they are represented by our attorney, Rowan Keenan, Esq. Gibraltar Rock disagreed with the zoning board – and would not accept that these residents have the right to be parties. Therefore, in 2017-18, the Paradise Watchdogs and the residents 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. They each testified about the location of their properties, how their water would be affected with blasting close to the hazardous waste site, their proximity to the Swamp and Scioto creeks, and the potential effects to their family and livestock. On the following day, Jan 23, 2019, Judge Jeffrey Saltz rendered his decision. ***He agreed with our witnesses and granted the Petition to Intervene. This means that the Paradise Watchdogs, on behalf of the residents, may participate in the pending appeals of the zoning hearing board's decision. Our position is that the ZHB should not have given Gibraltar Rock the "special exception" to quarry – until the Hoff VC site (Good Oil) is totally remediated.***

Status of GR's Mining Permit

The mining permit covers approximately 241 acres. Because the permit is in the *renewal process* with the Dept. of Environmental Protection, the acreage purchased by Gibraltar Rock in the past 5 years is not included in this permit.

The permit expired in 2009. In 2014, the PA-Environmental Hearing Board (EHB) ordered Gibraltar Rock to apply for a permit renewal, and the company did so. In July 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. *(From our perspective, we want the Hoff VC site totally remediated before Gibraltar Rock is permitted to conduct blasting.)*

In July 2018, the township Board of Supervisors voted to appeal the permit renewal with the PA-EHB. We have also filed an appeal of the permit renewal. Earlier in 2019, New Hanover Township, Paradise Watchdogs, and Gibraltar Rock filed documents to "consolidate the appeals" into one case. This will save time and money for all.

At this time, all parties are working on the “discovery phase” of this case. Our attorney, Christopher Mullaney, has received the applicable “Interrogatories” from Gibraltar Rock and the EHB. This involves providing many documents to substantiate our objections to the permit renewal. Gibraltar Rock and the township must also submit documentation to the EHB.

Originally, the deadline to submit the Interrogatories was Jan 29, 2019. But, due to the fact that New Hanover Township’s Board of Supervisors, at their Jan 7, 2019 Reorganization Meeting, voted to change the position of “special counsel for Gibraltar Rock issues”, this deadline has been extended for 90 days. Robert Brant, Esq. had been the special counsel since 2001; the new special counsel is Andrew Bellwoar, the New Hanover Township solicitor.

Quarry Land Development

In 2015, Gibraltar Rock received township approval for a “preliminary” land development plan. Since 2009-2010, there has been an injunction ordered by the county court, preventing any constructions until the company has a township-approved final plan and has their mining permit and NPDES permit. Even though the company has submitted a “final plan”, the Township will not review this plan until the company obtains both of these permits.

State Clean-up of Hoff VC HSCA Site

The last activity at this site was the completion of removal of toxins in the concrete pit located beneath the truck-washing area of the Good Oil Company. It appears that the State DEP has discontinued the search for additional sources of the contamination that has affected approximately 16 homes and businesses since 2011. Several surface wells and observation wells on Gibraltar Rock’s property also contain contaminants. In 2014, a public water line was installed for approximately 40 homes and businesses in that area.

New Hanover Town Center (Wynstone)

This planned development has recently submitted a new plan. In early 2019, the township consultants examined the plan and submitted “review letters” to the developer. The township expects their concerns to be addressed and another plan to be offered for review. When the township consultants are satisfied that the plan details meet state and local criteria, the plan will be submitted to the township Planning Commission. At that time, the public will have the opportunity to view the plan and offer comment.

How can you help us?

- **Make a donation** to help pay for legal and consultant fees. All operating expenses are paid by our committee.
- **Stop by our monthly bake sales** at Freed’s Supermarket, Gilbertsville. (Saturdays: March through November) **Upcoming dates: March 23, April 27, May 18.**
Along with yummy baked goods, we usually offer for sale: shrubs, perennials, fresh garden flowers. This year we hope to add some flea market items.

Donation envelope is enclosed. No amount is too small. Thanks for your support!

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

Send to: PWD-BTQ - P.O. Box 115 - Frederick PA 19435

THANK YOU!