



Public Hearing on
Geryville Materials' Proposed Quarry
Permit No. 39140301 and NPDES Permit No. PA0225444
Lower Milford Township
June 3, 2015

Delaware Riverkeeper Network Comment

The Delaware Riverkeeper Network (DRN) submits these comments to express our continued opposition to the commencement and operation of Geryville Materials' proposed quarry operation. DRN is a private, non-profit environmental organization with over 15,000 members throughout the Delaware River Watershed.

We greatly appreciate that the Pennsylvania Department of Environmental Protection (PADEP) recognizes the value of public comment and is holding this hearing tonight to get input from the community. DRN believes that it is important for the people and communities that will be affected by the proposed quarry development to be informed, to be given an opportunity to comment, and to have those comments fully considered in any permitting decision. For this reason, we are also concerned that Geryville Materials has not provided the required public notice about this now pending revised permit application, public notice to which Geryville Materials committed to in writing to PADEP in September 2014.

DRN previously submitted comment on the proposed quarry to PADEP (March 27, 2015, April 29, 2014 and August 20, 2008). Our comments supplement those already provided.

Under Pennsylvania law, PADEP is not to approve a permit, permit renewal, or revised permit application unless the application affirmatively demonstrates, and PADEP finds, no presumptive evidence of potential pollution of the waters of this Commonwealth.¹ DRN holds that PADEP should not approve this permit application because this presumption cannot be met for this application.

DRN commissioned Princeton Hydro LLC (PH) to study the potential impacts caused by the projected changes in land cover and the alteration of the hydrology that would result from the commencement and operation of the quarry. PH modeled the site using MapShed, a robust pollutant and hydrologic modeling tool developed by Penn State, and ran the developed scenario condition with and without stormwater and erosion control best management practices (BMPs). Even accounting for sediment retention onsite, PH estimated a 96.6% increase in sediment loading to the Hosensack Creek under the proposed quarry conditions.² This increase can only result in pollution of the waters of this Commonwealth.

Per the Environmental Hearing Board's decision in *Crum Creek Neighbors v. DEP*, PADEP must consider water quantity³ as well as water quality impacts when reviewing permit applications. The proposed quarry operation is likely to intercept groundwater and dewater wetlands. DRN's review of topography for the site wetlands and proposed infiltration trenches determined that Wetlands H actually appears to be upgradient of the location of both Outfall 1 and the associated infiltration trenches.⁴ The configuration of the infiltration trenches and the proximity to the proposed limit of mining suggest that the infiltration trenches will not maintain hydrology of these wetlands, but instead continually cycle flow back into the mining operation. This would result in dewatering of wetlands and harm to waters of this Commonwealth, in this case Exceptional Value wetlands as defined in 25 Pa. Code §105.17(1)(i).

Moreover, to construct the infiltration trenches, Geryville Materials is seeking approval to encroach on the 100-foot distance limitation for streams set by law.⁵ The encroaching construction Geryville Materials' proposes will likely harm the Hosensack's healthy headwaters tributaries, all for a suspect

¹ 25 Pa. Code § 77.126. Criteria for permit approval or denial.

² Princeton Hydro LLC. 2015. Hosensack Creek - Watershed Modeling.

³ *Crum Creek Neighbors v. DEP*, 2009 EHB 548

⁴ Geryville Materials, Inc. Rev. December 2014. Application for Non-Coal Surface Mining Permit, Figure 13: Steady State Infiltration Results and Trench Configuration.

⁵ 25 Pa. Code § 77.504. Distance limitations and areas designated as unsuitable for mining.

infiltration approach that the Pennsylvania Fish and Boat commission has suggested has a high probability of failing.⁶

DRN also notes that DRN, the Perkiomen Chapter of Trout Unlimited, and Lower Milford Township have petitioned the Environmental Quality Board (EQB) to upgrade the Hosensack Basin and all of its tributaries to Exceptional Value status. The petition was unanimously accepted for review by the EQB in April 2015. PADEP must take this petition into consideration when reviewing Geryville Materials permit application, and ensure that no degradation is allowed in any Exceptional Value waters.

Finally, as a result of the change in status of the northern long-eared bat (recently listed as threatened by the U.S. Fish and Wildlife Service), Geryville Materials must re-run its Pennsylvania Natural Diversity Inventory (PNDI) project environmental review receipts. Receipts run prior to May 4, 2015 are no longer valid. Geryville Materials most recent PNDI receipt is dated October 10, 2013.

As trustee of the Commonwealth's natural resources, PADEP shall conserve and maintain these resources for the benefit of all Pennsylvanians now as well as in the future. PADEP is tasked with considering, at the time of permitting, impacts such as dewatering of the Hosensack's Exceptional Value wetlands, whether those impacts will occur now or in the future. Again, with those impacts highly likely, DRN holds that PADEP can only find that the proposed quarry, stone crushing operation, and asphalt plant will harm the waters of the Commonwealth, and there for should not be permitted.

Thank you for the opportunity to speak here tonight.

⁶ Kepler, S.R. 1 May 2015. Pennsylvania Fish and Boat Commission. Email to Michael Kutney, Pennsylvania Department of Environmental Protection.