



February 5, 2016

Michael Menghini
District Mining Manager
Pottsville District Mining Office
Department of Environmental Protection
5 West Laurel Boulevard
Pottsville, PA 17901

RE: Permit No. 39140301 and NPDES Permit No. PA0225444, Geryville Materials, Inc.

Dear Mr. Menghini:

I am writing on behalf of the Delaware Riverkeeper Network (DRN), a private, non-profit environmental advocacy organization with 16,618 members throughout the Delaware River Watershed, to request that the Pennsylvania Department of Environmental Protection (DEP) deny Geryville Materials' application for the commencement and operation of a proposed quarry operation.

DRN understands that EarthRes, on behalf of Geryville Materials (GM), has determined that a 14 month timeframe is required to address the 95 deficiencies identified by DEP in its October 22, 2015 letter to GM. However, in that October 22 letter, DEP had requested a response from GM within 30 days and warned GM that, should it fail to respond to "all of the deficiencies listed," its application could be denied. Although GM appears to have requested a meeting within the 30 day window, it did not respond to DEP with the information necessary to address the numerous deficiencies or even to provide a timetable by which it planned to address the deficiencies. Therefore, DRN requests that DEP use its discretion to deny this application.¹

GM, via EarthRes, has now requested 14 more months to complete additional monitoring. DRN is concerned that this request represents a continuation of GM stalling tactics, rather than a good faith effort to comply with environmental regulations. GM has demonstrated a preference for recycling old data, rather than a willingness to update important environmental studies as advised by agency regulators.

GM's current non-coal mining application was received by DEP on December 23, 2014,² but it is a revision of an application that was submitted in March 4, 2014.³ We also note that GM's March 2014

¹ 25 Pa. Code § 77.127. Final permit action.

² 45 Pa.B. 967 (28 February 2015)

³ 44 Pa.B. 1886 (29 March 2014)

application was itself a revision of an application that was initially submitted on June 25, 2008 and returned on September 13, 2012.⁴

The current application, like the March 2014 application before it, relies on environmental studies (some undertaken as long ago as 2005) that were submitted with the 2008 application. Moreover, DEP's October 22 deficiency letter lists numerous failures by the applicant to update information (including information as simple but essential as the proposed extent of the disturbed and the proposed receiving streams) in the current application.

The application should have had ample notice that additional monitoring was needed. In April 2014, over 20 months ago, DRN encouraged DEP to ask for updated wetlands delineations as well as updates to modules required for a complete permit application including: Module 6 - Environmental Resource Maps; Module 8 - Hydrology; Module 12 - Erosion and Sedimentation Controls; and Module 14 - Streams-Wetlands. In May 2014, the Pennsylvania Game Commission (PGC) requested that the extent of wetlands be defined and updated, that prior mining disturbance be documented, that surface flows be monitored for base level of potential metals (as a result of prior mining), and that the Indiana Bat Mist Survey be updated. In June 2014, The Pennsylvania Fish and Boat Commission (PFBC) requested that the wetlands delineation be updated.

In September 2014, GM decided, after meeting with DEP, that it would revise its March mining application and resubmit that application. GM had the opportunity at that time to update studies and correct deficiencies. And yet the wetlands delineation, along with other environmental studies, has not yet been updated. A new wetlands survey (among updates to the many other environmental studies) is essential to ensure a complete and accurate permit.

Rather than taking the time for studies in support of its revised application, GM submitted its revision in December 2014. To do so, GM continued to recycle the same dated studies from 2005, 2006, and 2008. DRN questions why GM should now be given more time to revise and complete this application when it has not shown enough attention to detail to properly update application materials.

Criteria for permit denial include accuracy and completeness of the permit application and compliance with "the requirements of the act, the environmental acts and this chapter have been complied with."⁵ GM has shown that it does not have the capability or desire to accurately and completely prepare this permit application. Therefore, DRN requests that PADEP deny GM's request for additional time, and that DEP deny GM's application for the commencement and operation of a proposed quarry operation.

Thank you for your time and your diligence in assuring the water resources of Pennsylvania are protected. Don't hesitate to contact me with questions.

Sincerely,



Maya K. van Rossum
the Delaware Riverkeeper

cc: Michael Kutney, P.G., Pottsville District Mining Operations, PA Dept of Environmental Protection

⁴ 42 Pa.B. 6145 (29 September 2012)

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