March 27, 2015

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 organization with over 15,000 members throughout the Delaware River Watershed, to express our continued opposition to the commencement and operation of Geryville Materials' proposed quarry operation. DRN previously submitted comment (April 29, 2014 and August 20, 2008) to the Pennsylvania Department of Environmental Protection (DEP), expressing opposition to the proposed quarry with a request for a public hearing.

DRN stated previously and continues to hold that it is premature for DEP to consider this permit at this time as Geryville Materials has not yet secured all necessary approvals at the local level. Geryville Materials received conditional preliminary approval for its Land Development Application in July 2014, but final approval has not been secured. Geryville Materials has one year from that July vote to seek that final approval, which must come from the Lower Milford Township Planning Commission as well as the Lower Milford Township Board of Supervisors. It should be noted that conditional approval of the preliminary plan does not constitute approval of the final plan. Lower Milford officials have a minimum 90 day period to act on the final plan once submitted. However, Geryville Materials must first secure from the Lower Milford Township Zoning Hearing Board the Special Exception approval to initiate mining. Geryville Materials land development plan will not move forward unless all of the conditions, including the zoning approval, are met.

In keeping with the key role local government plays in protecting the environmental and esthetic interests of those living within its borders, Lower Milford Township has been actively working to protect its communities from the harmful impacts of this proposed mine for over 10 years. The Pennsylvania Noncoal Surface Mining Conservation and Reclamation Act may place authority to regulate the operation of noncoal surface mining within the DEP, but Lower Milford Township also

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has the constitutional right to mitigate the impact of this proposed quarry development at the local level. Until the Township's obligations have been fulfilled, this application should be placed in inactive status or rejected by the DEP.

As part of its permitting process, DEP solicits input from local agencies whose interests may be affected by proposed mining activities. The municipal planning and permitting process is an important part of this local agency input. By moving on this permit application without local decisions finalized, DEP is giving inadequate consideration to the local input it should be seeking. It should also be noted that differences exist between the application before the Zoning Hearing Board (a quarry operation encompassing 84.56 acres) and the permit submitted to DEP (a permit area encompassing 127.64 acres), differences that should be resolved before permitting proceeds.

DRN also believe that the public notice of this permit application to be inadequate. Per the application materials submitted by consulting firm Earth Res on behalf of Geryville Materials, the applicant committed to provide public notice of this resubmission in the Morning Call (a locally circulated newspaper). DRN's search of the *Morning Call* online classifieds, http://classifieds.mcall.com/classifieds?category=public_notice, found no such public notice. The proof of public notice provided in application materials refer to the notice of the 2014 permit application rather than this revised application. The public has the right to know about and comment on this pending permit application. The applicant is required by state laws and regulations to place four weekly public notices in a local circulated newspaper, with an open public comment running during those four weeks and extending for 30 days following the last weekly notice. The public notice must be properly given before permitting proceeds.

Articulated in Article I, Section 27 of the Pennsylvania Constitution, the Environmental Rights Amendment, the people of Pennsylvania have a right to clean air, pure water, and to the preservation of the natural, scenic, historic, and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people now and in the future. The application before DEP, once approved, will permit mining operations on 127 acres in Lower Milford Township. No regular renewal of noncoal mining permits is required and these permits have no expiration date. The long-lived nature of such operations, with their potential for irreversible environmental impact, demands greater scrutiny of applications at the outset.

To ensure that the DEP does not fail in its trustee obligations under Article, I Section 27, now or for generations to come, the bar for permitting such irreversible, irreparable, and long-lasting impact must be high. DEP has an obligation to prevent degradation of the existing and designated uses of Pennsylvania's waters. DRN requests, due to the scope of this project and long-term impact that would result, that at least two public hearings are held on the proposal. Hearings should be held in the vicinity of this proposed impact as well as downstream in the Perkiomen Creek basin as headwaters disturbance has been proven to impact downstream waters. Opportunity for public comment should be extended to a time at least 30 days after the dates of the public hearings to ensure the public has ample time to review and comment about this proposed impact.

However, DRN does not believe that the proposed quarry can be permitted without resulting in degradation of currently designated uses or existing uses that may already be attained in Hosensack Creek. DRN requests that this permit be denied because of the irreparable impacts it would cause to the Hosensack Creek watersheds as well as for the important habitats within the proposed quarry area that would be permanently altered.

DRN and co-petitioners have submitted a rulemaking petition to upgrade the Hosensack Basin and all of its tributaries to Exceptional Value status. This petition has been received by John Quigley, Acting Chair of the Environmental Quality Board. Consideration of the petition is on the Environmental Quality Board agenda for April 21, 2015. The Hosensack and its tributaries were among the streams included in the Upper Perkiomen Creek watershed rulemaking petition submitted by DRN and other co-petitioners in December 2006. In 2014, when the Environmental Quality Board accepted DEP's recommendation of no change in current designated uses for the Upper Pekiomen Creek watershed, it also waived the requirement for a two year wait period for consideration of any or all streams covered under the prior petition. Co-petitioners for the Hosensack redesignation petition include the Perkiomen Valley Chapter of Trout Unlimited and Lower Milford Township. In addition, at least 56 letters of support for the petition to designate the Hosensack as an Exceptional Value watershed have also been submitted.

DRN and its co-petitioners are requesting Exceptional Value designation for the Hosensack Creek basin due to the presence of Exceptional Value wetlands. In Pennsylvania law, a surface water of exceptional ecological significance meets the necessary condition for designation as an Exceptional Value stream.[1] Pennsylvania defines surface water of exceptional ecological significance as "[a] surface water which is important, unique or sensitive ecologically, but whose water quality as measured by traditional parameters (for example, chemical, physical or biological) may not be particularly high, or whose character cannot be adequately described by these parameters."[2] These waters include wetlands which are Exceptional Value wetlands under § 105.17(1)[3] because they serve as habitat for fauna or flora listed as threatened or endangered under the federal Endangered Species Act,[4] in this case the bog turtle (*Clemmys muhlenbergii*). In addition, the Hosensack's listing as a Wild Trout Water (*see pp 47, 48 and 66 in* Appendix D, Pennsylvania Wild Trout Waters (Natural Reproduction) – Jan 2015) [5] also merits designation of all wetlands located in or along the floodplain of the reach of a wild trout stream as Exceptional Value wetlands.[6]

DRN holds that Geryville Materials permit application threatens the Exceptional Value wetlands on site as well as tributaries of the Hosensack Creek with which these wetlands are hydrologically connected. Permitting this quarry is inconsistent with DEP's obligation to prevent adverse impacts to Exceptional Value wetlands. Moreover, the Pennsylvania Game Commission (PGC) informed DEP in 2014 of its concerns that the wetlands delineation for this application, completed in 2006, does not reflect the actual extent of wetlands on the site.[7] PGC called for the wetland delineation to be updated, but Geryville Materials has not done so. Considering that Geryville Materials proposes disturbance within 100 feet of unnamed tributaries of the Hosensack Creek, the potential for direct impacts to Exceptional Value wetlands exists.

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[1] *See* 25 Pa. Code § 93.4b(b)(2).
[2] 25 Pa. Code § 93.1 (see definition of surface water of exceptional ecological significance).
[3] 25 Pa. Code § 93.1 (see definition of surface water of exceptional ecological significance).
[4] 25 Pa. Code §105.17(1)(i).
[5] Pennsylvania Fish and Boat Commission. 2015. Pennsylvania Wild Trout Waters (Natural Reproduction). Retrieved from http://fishandboat.com/trout_repro.pdf.
[6] 25 Pa. Code §105.17(1)(iii).
[7] Painter, J. Pennsylvani Game Commission. Memorandum to Michael Kutney, Department of Environmental Protection. 27May 2014.

The Pennsylvania Fish and Boat Commission (PFBC) also expressed concerns to DEP regarding stream and wetland delineation.[8] PFBC's commented on inadequate mapping of streams and springs on site and hydrologically connected wetlands off site, wetlands that could be harmed as mining progresses below the elevation of the wetland complexes. PFBC also communicates clearly the need to protect wetlands onsite as Exceptional Value. Despite this information from PFBC, it appears that Geryville Materials has not revised *Module 14: Streams and Wetlands* to reflect impacts to Exceptional Value wetlands. In Module 14, Geryville Materials asserts that "No wetlands are to be directly affected with the proposed permit." DRN holds it is incumbent upon DEP to do more than just consider direct impacts. DEP must also ensure that there are no adverse impact on wetland functions and values; adverse impacts on wetlands need not result only from direct disturbance. DEP can accomplish the required protection by rejecting this application. At a minimum, DEP should require narrative descriptions of the functions and values of wetlands on- and offsite that will be affected by indirect impacts. DRN maintains that indirect impacts of Geryville Materials proposed actions have potential to alter wetland hydrology, cover type, species assemblage, wetland size, and extent of habitat fragmentation.

At this time, Geryville Materials proposed permit area comprises 127.64 acres which includes the area to be mined (46 acres) as well as area to be disturbed for support activities, berm construction, processing equipment, product storage, and erosion and sediment control.[9] As part of this application, Geryville Materials is applying for individual NPDES permit associated with mining activities. Two outfalls are proposed, discharge points 001 and 002. One discharge is planned for each of two unnamed tributaries of the Hosensack Creek[10]. The sources of these discharges are sedimentation ponds and the future groundwater sump. DRN holds that the proposed discharges from these outfalls will carry water laden with sediment despite the stormwater and sediment erosion control best management practices (BMPs) proposed.

Outfall 1 appears to discharge in the vicinity of Wetlands H. Outfall 2 appears to discharge in the vicinity of M. For both outfalls, infiltration trenches are proposed in conjunction with level spreaders and riparian buffers. Geryville Materials proposes to use the infiltration trenches "located upgradient of the adjacent wetlands" to maintain hydrology. However, DRN reviewed topography for the site and determined that Wetlands H actually appears to be upgradient of the location of both Outfall 1 and the associated infiltration trenches (See Infiltration Area D, *Figure 13: Steady State Infiltration Results and Trench Configuration*). The configuration of the infiltration trenches and the proximity to the proposed limit of mining suggest rather that the infiltration trenches will not maintain hydrology of these wetlands, but instead continually cycle the flow back into the mining operation.

DRN has other questions regarding the operation of the infiltration trenches, especially with quarry boundaries shown overlapping the infiltration trenches at locations (see *Figure 14: Infiltration Breakout Evaluation*), regarding the reliability of these features to perform as intended. Even if the infiltrations trenches upgradient of wetlands operate as planned in, we question whether much of the infiltrated flow may still be returned to the quarry pit, especially as the quarry is deepened. Over the operation of this quarry, pit floor elevations will be 100 feet or more below the elevation of the

[8] Kepler, S.R., Pennsylvani Fish and Boat Commission. Letter to Michael Kutney, Department of Environmental Protection. 4 June 2014.

[9] This acreage represents a reduction from Geryville Materials' 2014 application, however DRN believes the potential for expansion beyond the proposed permit area should continue to be a factor in review of this application as the applicant suggests that expansion remains a possibility (see *Module 4: Area Where Mining is Prohibited or Limited*).

[10] It should be noted that Geryville Materials *Module 2: NPDES Information*, *Application for Individual NPDES Permit Associated with Mining Activities* continues to list an unnamed tributary to Macoby Creek as a receiving stream. DEP should require Geryville Materials to remove this stream to correct this from before reviewing this application.

wetlands. Even if mining to the depth will not occur for years, DEP is tasked with being the trustee of these resources now and for future generations, and must consider now that future impact of these Exceptional Value wetlands.

In addition, Geryville Materials asserts that "[t]he level spreader has been placed within the setback in order to discharge in more moderately sloped land." However, a review of site topography suggests that the encroachment into the riparian area instead places the level spreader and infiltration trenches associated with Outfall 1 in steeper terrain.

Geryville Materials proposes that "discharge from the sediment basin will be evenly distributed to Outfalls 001 and 002" (see *Module 2: NPDES information: Attachment 2-22, Evaluation of Thermal Impacts*). However, a review of elevation suggests a difference in elevation of 20 feet between the two outfalls. The elevation of Outfall 1 is 538 while the elevation for Outfall 2 is 518 feet.[11]

Geryville Materials is also proposing to place a berm around the entire mining operation, including the quarry pit and processing facilities to divert off-site upslope waters from around the mine area to the surrounding natural drainages. Geryville Materials proposed collecting precipitation and groundwater inflow to the pit with a sump in the pit floor which will be pumped to a sediment basin for discharge to Outfalls 1 and 2. DRN has concerns as to how this berming combined with the proposed quarry and other associated site disturbance will alter hydrology. Wetlands in and around the proposed quarry site provide the function of natural recharge for surface waters. One result of the proposed diversion and quarry pumping could be to reduce baseflow to wetlands downgradient of the quarry, starving both the wetlands and streams, while increasing storm flows in other areas and causing stream scour.

Geryville Materials' proposed BMPs notwithstanding, the Hosensack's Exceptional Value wetlands remain at risk for adverse impacts. Wetland F and the other wetlands downgradient of the quarry, including one shown to support the Pennsylvania endangered bog turtle (State Rank: S2 Global Rank: G3), are likely to suffer a loss of baseflow associated with the drawdown of groundwater as the quarry is mined. The harm to these wetlands, whether to occur now or decades on, must be considered equally seriously with the other more immediate harms because DEP is tasked with being the trustee of these resources now and for future generations. DRN again requests that this permit be denied because the proposed quarry operation will dewater these wetlands, degrade sensitive headwaters, impair the Hosensack, and destroy habitat for an S2 ranked endangered species.

Numeric concentration limits for Outfalls 1 and 2 are listed for Total Suspended Solids (TSS); a daily average 35 mg/L would be permitted with a daily maximum of 70 mg/L. However, no numeric limit for any other parameter related to sediment pollution, such as Total Dissolved Solids (TDS), turbidity, water temperature or dissolved oxygen are included in the permit. As such, the proposed discharge limits are grossly unprotective to these productive and diverse streams.

In addition to soils being moved and stored onsite, disturbed slopes, and the rock materials being mined, other activities proposed for the Geryville Materials site have the potential to contribute other to pollutants the site stormwater. Vehicles, mining equipment and a proposed asphalt plant on site are likely to contribute diesel fuel, gasoline, motor oil, lubricants, hydraulic fluid, anti-freeze, solvents, degreasers, and more. Spills of oil, degreasers, hydraulic fluids, transmission fluid, and radiator fluids can result in oil, arsenic, heavy metals, polycyclic aromatic hydrocarbon, chlorinated solvents,

[11] DRN utilized gps-coordinates.net(http://www.gps-coordinates.net/) to determine elevation of the latitude and longitude provided in *Module 2: NPDES Information*.

ethylene glycol and more contaminating quarry stormwater. Geryville Materials is requesting a waiver of monitoring requirements for chemical oxygen demand (COD), biochemical oxygen demand (BOD), ammonia (NH3), and total organic carbon (TOC).

When an asphalt plant is included within the mining permit area, DEP must address the stormwater aspects of the facility, including potential stormwater pollution, with the mining permit. DRN believes DEP must reject this permit because of the potential, exacerbated by the presence of the asphalt plant, for contaminated stormwater to adversely affect Exceptional Value wetlands. At a minimum, DRN recommends adding the following parameters to Geryville Materials discharge permit: COD, TDS, oil and grease, surfactants, benzene, and copper, lead, and zinc. The minimum measurement frequency should be quarterly grab sample during a rain event. DRN also encourages DEP to include the option to increase monitoring frequency in the event of frequent or serious violations.

With the potential for pollution from the vehicles, mining equipment and the asphalt plant, it is essential that the applicant have an effective Stormwater Pollution Prevention Plan. Section F. Preparedness, Prevention and Contingency (PPC) Plan of the Application for Individual NPDES Permit Associated with Mining Activities constitutes applicants the Stormwater Pollution Prevention Plan. Geryvile Materials PPC is woefully inadequate and can be summarized in three words, "To Be Determined." Only one PPC team member is identified. The section on potential pollutant sources is not completed.

DEP identifies the following as elements of PPC.[12]

ELEMENTS AND FORMAT OF A PPC AND SPR PLAN

A. Description of Facility

1. Description of the Industrial or Commercial Activity
2. Description of Existing Emergency Response Plans
3. Material and Waste Inventory
4. Pollution Incident History
5. Implementation Schedule for Plan Elements Not Currently in Place

B. Description of How Plan is Implemented by Organization

1. Organizational Structure of Facility for Implementation
2. List of Emergency Coordinators
3. Duties and Responsibilities of the Coordinator
4. Chain of Command

C. Spill Leak Prevention and Response

1. Pre release Planning
2. Material Compatibility
3. Inspection and Monitoring Program
4. Preventive Maintenance
5. Housekeeping Program
6. Security
7. External Factor Planning
8. Employe Training Program

D. Countermeasures

1. Countermeasures to be Undertaken by Facility

[12] Pennsylvania Department of Environmental Protection. 2005. Guidelines for the Development and Implementation of Environmental Emergency Response Plans. Retrieved from http://www.elibrary.dep.state.pa.us/dsweb/Get/Document-102017/5600-PM-BMP0032%20Form%20Rev%20Aug2014.pdf.

2. Countermeasures to be Undertaken by Contractors
3. Internal and External Communications and Alarm Systems
4. Evacuation Plan for Installation Personnel
5. Emergency Equipment Available for Response

E. Emergency Spill Control Network

1. Arrangements with Local Emergency Response Agencies
2. Notification Lists
3. Downstream Notification Requirement for Storage Tanks

DEP should not approve the application by Geryville Materials unless and until a fully compliant PPC plan is provided.

Because of concerns for adverse impacts from sediment-laden stormwater on the Exceptional Value wetlands and Hosensack tributaries, DRN commissioned Princeton Hydro, Inc. (PH), to undertake a study of the sediment moving from the site under current conditions and as an operational quarry. PH studied the potential impacts caused by the projected changes in land cover and the alteration of the hydrology primarily modeling the site using MapShed, a robust pollutant and hydrologic modeling tool developed by Penn State. Using MapShed, PH established the stream's sediment load and hydrologic budget under existing conditions and under the developed condition. PH ran the developed scenario condition with and without stormwater and sediment erosion control BMPs.

PH found the sediment load under current conditions to be 66.39 kg*1000/yr. Even with the proposed BMPs, PH found that, under the operational quarry condition, even with BMPS, the sediment load increased by nearly 97%:

> Current conditions modeled with MapShed show 66.39 kg*1000/yr of sediment loading to the Creek with 93.5% of that load derived from overland, watershed erosion. The remaining amount of sediment is attributed to streambank erosion and scour. Modeling of the sediment load derived under active quarrying conditions was conducted by changing the land use category to disturbed and manipulating the DEM to mimic the proposed quarry topography. After MapShed was ran the effects of sediment capture by the sedimentation/retention basin proposed as part of the quarry were integrated into the model. Specifically, we applied a retention coefficient of 0.70, which is consistent with TSS retention in wet ponds/retention basins as set forth in the Pennsylvania Stormwater Best Management Practices Manual (PADEP, 2006). After accounting for sediment retention on site we estimate a total sediment load, under active quarry conditions, of 130.49 kg*1000/yr. Of this total load, 97% is from watershed sources with the remainder derived from streambank erosion. A 96.6% increase in sediment loading is estimated to occur under proposed quarry conditions.[13]

The PH study is attached for reference.

DRN also questions how DEP will ensure effectiveness of the proposed level spreaders which can fail to maintain the intended diffuse flow and cause erosion instead. Causes of level spreader failure include poor siting, poor design, poor construction, use of easily erodible materials, and lack of maintenance. As with level spreaders, BMP failure in the real world can have adverse impacts on streams and wetlands. DRN questions how DEP can ensure successful implementation of BMPs when Geryville Materials' *Operation and Maintenance Narrative* does not specify inspection frequency of the infiltration areas. Geryville Materials' *Operation and Maintenance Narrative* does note that "Sediment

[13] Princeton Hydro, LLC. 2015. Hosensack Creek – Watershed Modeling.

basin shall be inspected for litter and sediment accumulation on a regular basis or as directed by the PA DEP Inspector." However, the frequently cited "regular basis" for inspection is not defined in the *Operation and Maintenance Narrative.*

It is also important to consider the need to verify proposed disturbance with real world disturbance should this permit be approved. In a review of general permitting for earth disturbances associated with oil and gas drilling, DRN found that drilling operators were reporting areas of earth disturbance as under the five acre requirement which allowed the operator to avoid having to obtain an individual permit. In two permit applications (Teeple Well 1-1 and Woodland Management Partners) for exploratory wells, both in High Quality watersheds and both reported as being under five acres in area, DRN found significant inaccuracies including major discrepancies in acreage estimates that were not corrected before permit approval.

When considering the proposed impact to the wetlands on site, it should be noted that in April 2014, the U.S. Army Corps of Engineers (USACOE) and the Environmental Protection Agency (EPA) proposed a new rule to clarify scope of waters protected under the Clean Water Act (CWA). The new rule adds all tributaries of traditional navigable waters, interstate waters, territorial seas, and impoundments of such tributaries; adjacent waters including adjacent wetlands; and other waters that alone or in combination can be shown to have a "significant nexus" to a traditional navigable water.

In 2013, in preparation for issuing this rule, EPA released through the Scientific Advisory Board (SAB) a report entitled *Connectivity of Streams and Wetlands to Downstream Waters: A Review and Synthesis of the Scientific Evidence* (September, 2013 External Review Draft, EPA/600/R-11/098B) which contained this finding: wetlands and open-waters do have a strong influence on downstream water quality, quantity and integrity. Listed influences include streamflow, nutrient storage, and movement of amphibians, aquatic seeds, macroinvertebrates, reptiles, and mammals. Another key finding is that even wetlands that are considered to be geographically isolated are not necessarily functionally isolated from downstream waters. In light of the draft rule on waters covered under the CWA, and the findings reported in *Connectivity of Streams and Wetlands to Downstream Waters,* DRN again encourages DEP to consider the need for updated wetland delineation as well as updates to studies on sensitive species such as the Indiana Bat Mist Net Survey as requested by PGC.[14]

In addition to wetlands, the proposed quarry site has been identified as having regional significance as a natural area:

> This site [Mill Hill] is a several mile long diabase ridge which is partly in both Lehigh and Montgomery counties. It has extensive diverse second growth forest with good potential for several plant species of special concern.[15]
>
> Numerous plant and animal species depend on the variety of habitats provided by these forests and associated riparian areas. Some portions of this site have been selectively logged in the recent past. This area will be best managed by retaining its forested condition and preventing further fragmentation that may be caused by roads, right-of-ways, and development. The majority of the Montgomery County portion of this site has

[14] Painter, J. Pennsylvani Game Commission. Memorandum to Michael Kutney, Department of Environmental Protection. 27May 2014.

[15] Pennsylvania Science Office of The Nature Conservancy. 2005. A Natural Areas Inventory of Lehigh and Northampton Counties, Pennsylvania Update 2005. Lehigh Valley Planning Commission.

been acquired by Upper Hanover Township and has been designated for conservation and recreation purposes.[16]

Mill Hill Woods (Lower Milford Township and Upper Hanover Township). This wooded diabase ridge in the Hosensack Creek subwatershed supports an extensive forested area with possible plant species of special concern. Beech, tulip poplar, sugar maple, basswood, ash, hickory, and oak are dominant species on lower slopes. Herbaceous plants are diverse, with numerous species of woodland wildflowers and ferns. The upper slopes are dominated by chestnut oak, sweet birch, tulip poplar and red oak, with witchhazel, dogwood, choke-cherry and maple-leaved viburnum common in the shrub layer. A rich herbaceous plant community is present in the upper slopes. Mill Hill is noted for its diversity of forested and stream habitats. Upper Hanover Township has acquired the majority of the Montgomery County portion of the site as a protected area.[17]

These regionally significant habitats will be destroyed by the permitting of the Geryville Materials quarry operation. Authority to regulate the operation of noncoal surface mining lies with DEP as do trustee obligations for protecting clean air and pure water. Permitting the proposed quarry would unreasonably causes actual or likely deterioration of the very features that DEP is charged with protecting.

DRN also notes that the Lehigh Valley Planning Commission has stated this project is not compliant with the Lehigh County Comprehensive Plan, *Comprehensive Plan The Lehigh Valley . . . 2030,*[18] and has taken a position opposing the quarry.[19]

Recommendations

DRN fully opposes this application and requests that DEP deny the permit and protect the Hosensack Creek watershed. In the absence of permit denial, DEP should also place the permit application in inactive status until Geryville Materials has secured all necessary approvals at the local level. DRN requests at a minimum that DEP hold public hearings and extend the public comment period to ensure informed public participation in the permit process.

In the absence of permit denial, minimum conditions that should be incorporated into the miming permitting include:

- Nondischarge alternatives – Two discharges (Outfalls 1 and 2) are proposed. DRN believes that, BMPs notwithstanding, these discharges will degrade water quality and negatively impact the ability of the stream to support its designated use. Especially in light of DRN's pending rulemaking petition to upgrade the designation of the Hosensack to Exceptional Value, Geryville Materials should be required to pursue nondischarge alternatives.
- Surface water monitoring - Only limited monitoring (TSS) of proposed discharge effluent is proposed. DRN recommends adding TDS, turbidity, water temperature, dissolved oxygen as well as quarterly grab samples during a rain event for COD, TDS, oil and grease, surfactants, benzene, and copper, lead, and zinc.

[16] Ibid
[17] Natural Lands Trust, Upper Perkiomen Watershed Coalition, and Pennsylvania Environmental Council. 2001. Upper Perkiomen Creek Watershed Conservation Plan.
[18] Rockwell, S. Lehigh Valley Planning Commission. Letter to David F. Allen, EarthRes. 11 March 2014.
[19] Berryman, D. Lehigh Valley Planning Commission. Letter to Richard Kinsey, Lower Milford Planning Commission. 31 July 2009.

- Flow monitoring – Flow should be monitored in the unnamed receiving streams as well as in the Hosensack Creek.
- Sediment loads – DRN believes this application should be rejected because that the proposed change will result in significant increase in sediment load that will have adverse impacts to Exceptional Value wetlands, the Hosensack Creek, and its unnamed tributaries. , in the absence of permit denial, DRN request that DEP require practices proven to completely eliminate the likely sediment load increase.
- Groundwater monitoring - Geryville Materials should be required to maintain monitoring wells to test groundwater levels and submit quarterly reports. Drawing down ground water that dewaters onsite wetlands or the unnamed tributaries should not be allowed.
- Agency access to data – DEP should have access to the monitoring wells to check water levels and collect samples for chemical analysis to provide additional and needed oversight
- Expanded buffer widths– Buffers provide a variety of functions that serve to protect streams from erosion control to water temperature control through shading to serving as key recharge points for renewing groundwater supplies. The width of a riparian area varies with the functions the buffer serves; it is reasonable to base buffer width requirements on environmental and wildlife needs. DRN recommends 100 foot buffer for all wetlands and the unnamed streams as well as the preservation of a minimum of 300 foot buffer of native vegetation for all potential bog turtle habitat. DRN opposes encroachment into stream and wetland buffers.

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