

July 6, 2018

Senator Mario Scavello  
C/O Taylor W. Munoz, Chief of Staff  
2 North Robinson Avenue  
Pen Argyl, PA 18072

RE: Pennsylvania's Clean Fill and Regulated Fill Standards

Dear Senator Scavello,

My name is John Tallarico. My partners and I, known as Barnsdale Associates, LLC, have been engaged in efforts to redevelop a 150-acre former limestone quarry that we acquired from Bethlehem Steel in 1988. Quarrying operations at the property began in the 1920s. At the time of our purchase, Bethlehem Steel had essentially abandoned those operations. The former quarry is located at 1600 Freemansburg Avenue in Freemansburg, Pennsylvania.

#### Prior Use of the Freemansburg Avenue Site

I would first like to provide some additional background information regarding the location and history of the property that we are redeveloping. The former limestone quarry was abandoned by Bethlehem Steel after the company's operations began winding down. For years, Bethlehem Steel blasted, excavated and crushed limestone creating a noisy and dusty operation within the quiet, populous community. When we purchased the former quarry, it had 100-foot high walls around the perimeter after Bethlehem Steel had extracted approximately 20 million tons of material from the location.

In addition to the gaping hole left after years of continuous mining, Bethlehem Steel left behind rusting mining equipment, no protection around the perimeter and no warning signs to prevent any accidents from occurring. Children frequently played on the flat fields surrounding the quarry and the quarry was an attractive nuisance to the community. Members of the community frequently rode motorcycles and four-wheelers through the space and someone could have seriously been injured. After we purchased the property, we prioritized safety and immediately fenced in the facility with over a mile of fencing as well as warning signs and gates. The property is zoned for industrial use in an otherwise urban environment and our reuse plan is to develop the property in a manner that will benefit the community as well as the environment.

#### Redevelopment of the Freemansburg Avenue Site

Our goal from the start was to fill in and restore the property so that the property can then be reused for beneficial purposes and generate tax revenue for Freemansburg. In order to restore the property, we have needed to obtain fill material to enable us to recontour the quarried area. We use fill material for this purpose that is classified as "clean fill" under technical guidance issued by the Pennsylvania Department of Environmental Protection ("PADEP"). At first, business was slow and it took several years to have enough material to fill in the lowest spots in the quarry just to be able to drive around on the floor of the location. In an effort to achieve our ultimate goal of

restoring the property, we have added the necessary equipment to manage activities at the property in compliance with Pennsylvania regulatory requirements. Working in an urban environment with trucks coming and going certainly has not been an easy task. We have spent hundreds of thousands of dollars on street cleaning equipment, water trucks, engineering as well as environmental reviews and approvals to minimize impacts from the project on the local community.

We pride ourselves on our compliance with all applicable environmental laws and regulations. We currently hold an NPDES permit for erosion and sedimentation control and have constructed two large retention basins to prevent any erosion from activities at the property. All of the fill material that we receive at the property is screened by us first to make sure that the fill material complies with PADEP's clean fill standards. Our environmental engineers then submit the information about the fill material to PADEP for review and approval. All trucks are weighed upon arrival to ensure compliance.

We feel that we also serve the local community by allowing customers like the City of Bethlehem and other contractors, doing both private and public construction projects, to reuse fill material generated from their projects. For years, contractors have struggled to find a suitable location to reuse excess amounts of construction soil, rock and concrete that qualify as clean fill and we provide a valuable outlet for that material. We are extremely cautious to ensure that we do not accept any trucks containing any type of construction demolition or waste. We have employees on location to inspect every load of fill material that enters our facility.

#### Redevelopment of the Former Bethlehem Steel Slag Bank

In addition to the property in Freemansburg, I am also a part-owner with a different group of partners of another industrial property formerly owned by Bethlehem Steel as well. This property is a 90-acre former Bethlehem Steel Slag Bank. This property is now known as Bethlehem Earth LP. Again, many problems initially existed at this property and a number of challenges remain to get this property up to grade to allow for successful redevelopment, with a projected need to import approximately 7 million tons of fill material to establish a buildable grade for redevelopment. This property is authorized under general permit WMGR-096 issued by PADEP to accept fill material classified as "regulated fill." In addition, clean fill can be used as fill material at this property. The property is also approved by EPA, meaning that the property can accept fill materials from sites being remediated under the oversight of EPA as long as the materials meet the requirements of general permit WMGR-096. The restoration of this property has the full support of the City of Bethlehem. This project is expected to take 10 years to complete and will eventually support 600,000 square feet of new commercial/ industrial space immediately adjacent to the Lehigh Valley Industrial Park. Without the use of PADEP's regulated fill general permit WMGM-096, this property simply could not be redeveloped for commercial purposes, resulting in the loss of significant economic development and tax revenues. Moreover, the environmental condition of the property would remain unaddressed and there would be increased pressure to develop projects on farmland, forested land, and other greenfields sites, which would be antithetical to the Commonwealth's policies designed to maximize the reuse of former industrial sites.

Bethlehem Earth LP has partnered with Clean Earth to run the facility, with Clean Earth bringing years of expertise to this operation. We also provide stream monitoring to keep track of the health of the local tributary in connection with the property.

### Conclusion

I strongly feel that these types of approved restoration projects provide significant benefits to local communities and the Commonwealth, address potential environmental hazards, and conserve greenfield sites. The ability to use clean fill and regulated fill to facilitate redevelopment activities is critical to the economic viability of the Commonwealth and enables surplus soil, brick, rock and concrete materials to be beneficially used rather than winding up in landfills. Also, through our compliance with local, state and federal regulations, we are ensuring that the properties that we are redeveloping remain available for use by future generations. We are also committed to providing additional local benefits. For example, at the Freemansburg property, we have dedicated a passive recreation area of about 25 acres to a BMX Bike Club (non-motorized). Through our efforts, we are committed to providing an environmentally sound and valuable surplus soil reuse option for the construction industry while at the same time making a positive contribution to the local economy in the communities where we operate through our redevelopment activities.

Thank you for your time and consideration on this matter, it is greatly appreciated.

Sincerely,

John J. Tallarico

Managing Partner, Barnsdale Associates  
Managing Member, Bethlehem Earth LP.