



TOWNSHIP OF WHITEHALL



MICHAEL P. HAKAL, JR.
MAYOR

Senate Majority Policy Committee, Senator Mario Scavello

July 9, 2018

As the Mayor of Whitehall Township, I would like to share with you our experiences with a particular property owner where we have experienced the limitations and inadequacies of the current Pennsylvania Clean and Regulated fill standards as compared to other states.

Whitehall Township is in the heart of limestone cement country, and we have several large quarries and former quarries within our boundaries. As the cement industry declined and continues to decline, property owners of these sites look to re-use or re-purpose the land for financial gain. Coplay Cement, in the late 1980's, auctioned off all of their land holdings in the Township, and Coplay Aggregates (a.k.a. Core Construction, Joseph Ciccone & Sons, etc., etc., etc.) purchased a large tract where there were two large quarry holes. One of the holes remains the subject of an active mining permit.

The other quarry hole is the subject of various DEP permits issued over the years, for various uses qualified over time by DEP to be 'beneficial' or acceptable for the reclamation of the quarry.

Although the hole was to be filled with 'clean fill' pursuant to the State's definitions, various iterations of that definition allowed not only dirt, but construction and demolition waste, mulch, glass and ceramic waste materials.

Repeatedly over the years this 'clean' fill, with its relaxed standards, was contaminated with *unclean fill*. Unfortunately, lax DEP oversight and poor communication from the Department to us as the host municipality allowed us to only be made aware of the violations when revealed in the newspaper or through our own investigation. In 2006 the Township became aware of a mercury contamination at the site, and as a result, attempted to more aggressively monitor activities, although we were told by DEP that we were pre-empted from any action pertaining to the mercury incident.

In 2006 and 2007 the Township noticed increased truck activity at the site and the police frequently found the vehicles entering the site in serious violation of PA weight restrictions. During this increased activity period, one of the vehicle drivers approached a township employee and indicated that CDL drivers were needed in case anyone was looking for employment, as the company hauling into the quarry had a 'huge' job for this site.

Subsequent to this contact the Township contacted the operator (CST Solutions) and inquired as to what materials were being brought in. They indicated that they were hauling for the Ground Zero site in New York City. This waste, according to DEP (as the Township contacted them regarding this proposal) was considered clean fill in Pennsylvania and would not require any additional permits from the Department for its placement. In 2014 Coplay notified the Township, in an extremely poorly worded letter, that they were going to request permission to be able to fill the quarry with not just clean but 'regulated' fill.

Prior to this time, Coplay had always maintained that they would accept only clean fill at the site, even testifying to this effect before the Zoning Hearing Board. Based on Coplay's past record of non-compliance to the *clean fill* regulations, the Township chose to challenge this *regulated* fill permission by filing an appeal to the permit issuance before the Pennsylvania Environmental Hearing Board.

During this appeal process, the quarry owner was tagged again by DEP for violations of permits when waste, including medical waste, was found at the site.

That appeal process, which was started in 2014, ended this June (EHB Docket 2015-109-M). The Township did not prevail. During this time, regulated fill, untested and unmonitored in a manner of any sufficiency, continued to be placed at the site. Numerous truck weight violations continue. In fact, in the last 18 months 19 trucks have been cited with overweight violations of up to 14,527lbs have been cited. Degradation to our road infrastructure continues. There appears to be a continued disregard for not only the vehicle load weights, but the materials contained therein.

In mid-June Coplay approached the Township to notify us that they will now be seeking two new approvals from the state: Permission to place a newly defined type of fill at the quarry site ... "reclamation fill" which we believe to be materials somewhere between "clean" fill and "regulated" fill (we have not seen the Department's official definition); and second, to advise us that their regulated fill permit would be expiring at the end of the year and they would be seeking renewal of same.

During this very meeting, I as Mayor received an email from Dean Ritter, Chief of Compliance Monitoring and Enforcement for DEP indicating that there was a major contamination of PCBs at the site, at levels that violated USEPA standards. Subsequent contact by the township to DEP requesting information as to how the department was going to react to this contamination resulted in a statement being issued by the Governor's Office of General Counsel that the PCB levels, while a violation of USEPA standards, were not a violation of DEP's.

The lax definitions of fill in Pennsylvania as compared to our neighboring states has made it BIG Business to bring in materials which are considered contaminated and unacceptable for use as fill or for construction in other states but are acceptable here. The fact that our region is fraught with these large quarry holes make us a prime candidate for continued contamination as we have seen over the years already.

Our legacy to the children of our municipality and Pennsylvania is the contamination of ground and water. Pennsylvania has become the dumping ground of other states due to our lax definitions and enforcement, and with the 'new' definition of 'reclamation fill' we are only enhancing that laxness. Lack of enforcement for uses that are permitted by the State, and municipalities are pre-empted from enforcing, combined with their low standards and liberal definitions has resulted in so much frustration on the part of our residents (and elected officials) that we are at the point of civil unrest, something no one wants to see happen.

Sincerely,



Michael P. Harakal, Jr.

Whitehall Township Mayor

April 2, 2009 Aerial

April 2, 2009 Aerial

April 2013 Aerial

April 22, 2011 Aerial

4/05 Lidar Contours NAVD88 MSL Datum
NAVD88 MSL Datum +0.72' = 1929 NGVD29

WHITEHALL TOWNSHIP Lehigh County, PA.

April 2015 Aerial

NOTE: Property Lines shown are APPROX. ONLY based upon County Tax Map Info.



Lee Rackus

From: Mayor
Sent: Wednesday, June 06, 2018 10:19 AM
To: Jack Meyers; Christopher Gittinger; Frank Clark; Lee Rackus; Melissa Wehr; climate@ptd.net; Dennis Hower (dhower@teamster773.org); jdutt@lccc.edu; jeffrey.j.warren; handyboy@rcn.com; theclarys3219@gmail.com; Thomas Slonaker
Subject: FW: Coplay Aggregates - USEPA TSCA Notice of Noncompliance
Attachments: 20180605110947513.pdf

We received this communication while in the middle of a meeting with representatives of Coplay Aggregates. What response, if any should we be sending to any of the interested parties? Are there any implications pertinent to our current action against Coplay Aggregates?

Mike

From: Ritter, Dean [mailto:dearitter@pa.gov]
Sent: Tuesday, June 05, 2018 11:15 AM
To: Mayor <Mayor@whitehalltownship.com>
Cc: Larissa Bruder <lbruder@whitehalltownship.com>
Subject: Coplay Aggregates - USEPA TSCA Notice of Noncompliance

Mayor Michael P. Harakal, Jr.,

The attached is being provided to you due to Whitehall Township's standing request for copies of DEP inspection reports/enforcements. While this is not a DEP enforcement action, I believe it is responsive as it will be filed in the DEP enforcement file for the facility.

USEPA holds jurisdiction over the matters raised within the Notice of Noncompliance.

Dean J. Ritter | Chief of Compliance Monitoring & Enforcement
Department of Environmental Protection
Waste Management Program | Operations Section
Northeast Regional Office (Region 2)
2 Public Square | Wilkes-Barre, Pennsylvania 18701-1915
Phone: 570.826.2366 | **Fax: 570.826.2357** *Note New Fax Number*
www.dep.pa.gov



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION III
 1650 Arch Street
 Philadelphia, Pennsylvania 19103-2029

WASTE MANAGEMENT

JUN 5 2018

[Handwritten signature]

FACILITY: Coplay Aggregates
 ID #: WMBR0517E005
 AGENCY: Lehigh
 FILE CODE: 6030000007

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

APR 24 2018

R. Miller
R. Bolles
BDO Copied

Mr. Brian Hilliard
 Coplay Aggregates
 5101 Beekmantown Road
 Whitehall, PA 18052

Re: Notice of Noncompliance
 Docket Number: 03-18-0028

Dear Mr. Hilliard:

This is a Notice of Noncompliance (Notice) and information request issued by the United States Environmental Protection Agency (EPA) for violations of the Toxic Substances Control Act (TSCA), 15 U.S.C. '2601 *et seq.* This serves as EPA's preliminary determination that you have violated the federal regulations concerning polychlorinated biphenyls ("PCBs") promulgated pursuant to Section 6(e) of TSCA, 15 U.S.C. '2605(e), and set forth at 40 C.F.R. Part 761, and that you have thereby violated Section 15 of TSCA, 15 U.S.C. '2614.

Based on the information obtained, EPA Region III has determined that Coplay Aggregates has violated the requirements of the Polychlorinated Biphenyls Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions, 40 C.F.R. Part 761 (the PCB Regulations), as described more fully below.

Specifically, on March 12, 2018 Coplay Aggregates accepted PCB-containing soils to be utilized as clean fill and/or beneficial-use construction material at your property at 5101 Beekmantown Road in Whitehall, PA. The table below contains pertinent information regarding the shipment. The shipment of soil originated in New York, and has a PCB concentration of 6.75 parts per million (ppm). The Pennsylvania Department of Environmental Protection (PADEP) notified EPA via e-mail of the shipment. The PCB-containing soil in the shipment had a PCB concentration equal to or greater than 2 ppm. The Toxic Substances and Control Act, 15 U.S.C. Section 2605(e), and EPA implementing regulations at 40 C.F.R. Part 761 impose limitations on and requirements for the use of PCB-containing materials. Further, the use of PCB-containing materials in a manner that is not permitted under TSCA or its implementing regulations is a violation of federal law. In accordance with 40 C.F.R. §761.20(a), no persons may use any PCB, or any PCB item regardless of concentration, in any manner other than in a totally enclosed manner within the United States unless authorized under Section 761.30. EPA considers the use of PCB-containing materials at or above 2 ppm but which are not authorized, exempted, or excluded by the PCB regulations at 40 C.F.R. Part 761 to be prohibited under those regulations.

Application Number	Generator Name and Address	Beneficial Use (BU) or Clean Fill (CF)	Site receiving PCB Waste	Highest PCB Concentration	Date of PADEP Email Notifying EPA
New Source #2736	La Central Redevelopment Project - Phase 1, Building B, 430 Westchester Ave. Bronx, NY	BU	Coplay Aggregates 5101 Beekmantown Road, Whitehall, PA 18052	6.75 ppm	03/12/18

Unauthorized Use

Pursuant to the Manufacturing, Processing, Distribution in Commerce, and Use of PCBs and PCB Items requirements of the PCB Regulations, 40 C.F.R. § 761.20, "No persons may use any PCB, or any PCB Item regardless of concentration, in any manner other than in a totally enclosed manner within the United States unless authorized under § 761.30,...". The use of PCB-containing materials is banned under TSCA 6(e) unless authorized by EPA. EPA's use authorizations for PCBs and PCB-containing materials in 40 C.F.R. § 761.30 do not provide for the use of PCB-containing materials as fill or construction materials. Although 40 C.F.R. § 761.30(u) provides for the use of decontaminated PCB-containing materials, such materials must be decontaminated or meet applicable decontamination standards in 40 C.F.R. § 761.79 prior to use. Coplay Aggregates has violated the Use Authorizations regulations by utilizing PCB-containing soils with PCB concentrations equal to or greater than 2 ppm for use as construction material at your site in Whitehall, PA.

To determine the potential impact to human health and the environment resulting from the use of PCB-contaminated soil as construction material at your Site, EPA is requesting the following information:

1. Provide copies of each New Source application submitted to the Pennsylvania Department of Environmental Protection (PADEP) as required under your Beneficial use Permit WMGR096NE005 which included PCB-containing materials with PCB concentrations of 2 ppm or greater. Provide the dates that you or your Whitehall, PA site accepted these PCB-containing materials.
2. Provide copies of each FP-001 application submitted to the PADEP as required under the PADEP Clean Fill Policy which included PCB-containing materials with PCB concentrations of 2 ppm or greater. Provide the dates that you or your Whitehall, PA site accepted these PCB-containing materials.
3. Provide the total amount of PCB-containing material with PCB concentrations of 2 ppm or greater that has been placed at the site in Whitehall, PA.

4. Provide a site map or schematic that describes and specifies the location, including lat/long coordinates of each cell or other specified unit, where PCB-containing material with PCB concentrations of 2 ppm or greater has been used as either construction material under PA Beneficial Use Permit WMGR096NE005 or as clean fill under the PADEP Clean Fill Policy. Include information related to the depth of this material if it has been buried, including a description of the overburden or cap material.
5. Describe the intended future use of the property where PCB-containing material with PCB concentrations of 2 ppm or greater has been placed and the anticipated timeline for that intended future use. Include any information related to potential sale, transfer, or other conveyance of the property.
6. Provide any documentation related to deed notices, deed restrictions, land-use covenants, and any other institutional controls as they relate to locations where PCB-containing materials with PCB concentrations of 2 ppm or greater were placed.

This collection of information is not subject to review by the Office of Management and Budget pursuant to the Paperwork Reduction Act, 44 U.S.C. §§ 3501 - 3520.

Providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

The violations identified in this Notice are prohibited by Section 15(1) of the Toxic Substances Control Act (TSCA), 15 U.S.C. ' 2614(1).

Section 16 of TSCA authorizes the assessment of a civil penalty of up to \$25,000 per day for each violation of TSCA and the regulations promulgated thereunder. Pursuant to the Debt Collection Improvement Act of 1996 and the Adjustment of Civil Monetary Penalties for Inflation promulgated thereunder and published at 40 C.F.R. Part 19, the maximum penalty for each violation of TSCA has been increased to \$27,500 per day for each violation occurring after January 30, 1997 (see 61 Federal Register 69360 (December 31, 1996)(codified at 40 C.F.R Part 19)), to \$32,500 for each violation occurring after March 15, 2004 (see 69 Federal Register 7121 (February 13, 2004)(codified at 40 C.F.R. Part 19)), and to \$37,500 for violations occurring after January 12, 2009 (see Federal register 75341 (December 11, 2008)(codified at 40 C.F.R. Part 19)). The PCB Penalty Policy can be viewed at:

<https://www.epa.gov/enforcement/polychlorinated-biphenyls-pcb-penalty-policy>

Based on the information currently available, EPA is issuing this Notice and information request in lieu of an administrative complaint proposing a civil penalty. Within thirty (30) days of receipt of this Notice and information request, you must respond to the questions presented in this Notice and you must certify by written statement that Coplay Aggregates' Whitehall, PA Site will no longer accept PCB-containing materials that contain PCBs at concentrations of 2 ppm or greater.

If you fail to respond to this Notice and information request within the designated time, EPA may issue an administrative complaint for the assessment of civil penalties for the violations described

above. This Notice does not preclude future enforcement actions for the violations cited herein, or for any other violations of statutes and regulations that EPA administers.

Please submit your written statement and response to questions within 30 days of receipt of this Notice to:

Mr. Scott Rice
Toxics Programs Branch (3LC41)
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Pursuant to the regulations appearing at 40 C.F.R. Part 2, Subpart B, you are entitled to assert a business confidentiality claim covering any part of the submitted information. Unless such a confidentiality claim is asserted at the time the required information is submitted, EPA may make this information available to the public without further notice to you. Information subject to a business confidentiality claim may be made available to the public only to the extent set forth in the above-cited regulations. Any such claim for confidentiality must conform to the requirements set forth in 40 C.F.R. 2.203(b).

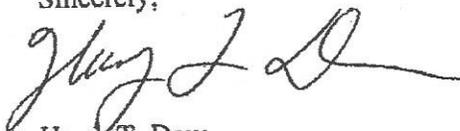
If any portion of your response(s) to this action contains information which you claim as business confidential, you should submit that portion of the response in accordance with the following procedures. The material itself should be marked to indicate that it is claimed confidential. It should be placed in an envelope addressed to the EPA representative identified at the end of this action. The envelope should be marked "Confidential Business Information - To be Opened By Addressee Only". The envelope should then be placed in a second, outer envelope addressed to:

Mr. Kyle Chelius
Document Control Officer (3LC41)
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

The package containing the confidential business information portion of your response should then be mailed, by registered mail, to Kyle Chelius, the Document Control Officer.

If you have any questions, please contact Scott Rice at 304 231 0501 or at rice.scott@epa.gov.

Sincerely,



Harry T. Daw
Associate Division Director
Land and Chemicals Division
Office of Toxics and Pesticides

cc:

Walt Harner, Director
Bureau of Waste Management
Pennsylvania Department of Environmental Protection
Rachel Carson State Office Building
400 Market Street
Harrisburg, PA 17101-8471
(717) 787-7381



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

June 13, 2018

TELEPHONE: (570) 826-2519

FAX: (570) 820-4838
mference@pa.gov

Christopher W. Gittinger, Esquire
Gross McGinley, LLP
33 S. Seventh Street
P.O. Box 4060
Allentown, PA 18105

Re: Coplay Aggregates, Inc., 5101 Beekmantown Road, Whitehall Township, Lehigh County

Dear Mr. Gittinger:

Thank you for your letter dated June 8, 2018. There are a number of statements within your letter which are inaccurate and as such, I would like to take this opportunity to clarify the facts for both you and your clients' benefit.

The Department's March 12, 2018 correspondence, which you improperly characterize as "the March 12, 2018 PCBs contamination incident", is an email notifying Coplay that their submittal for this source meets the requirements of WMGR096 for beneficial use at the Coplay site in Whitehall Township. Since the United States Environmental Protection Agency ("EPA") separately regulates the use of PCBs under federal statute, the Department included the following language, that is used in all notifications for sources with samples over 2 ppm total PCBs to alert all fill sites that:

"Fill containing a concentration of total PCBs greater than 2 ppm may be subject to regulation under the Toxic Substances Control Act (TSCA), 15 U.S.C. Section 2601 *et seq.*, and 40 C.F.R. Part 761, which is administered and implemented by the USEPA. For all such material, contact the PCB Coordinator for EPA Region 3 by email at R3PCBCoor@epa.gov to determine the allowable PCB level for your site and situation and prior to transporting the material off the site of origin or accepting the material for use."

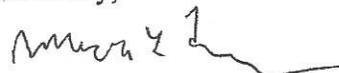
The Department copies EPA on all such notifications to merely inform them that they may be contacted or so that they can follow up if they should choose to do so. Since the material in question met all department requirements, and there was no "incident", there was no reason to inform Whitehall Township of the matter. Notwithstanding, the Department provided a copy of

the Notice as a courtesy. There were no nefarious intentions as you suggest in your June 8, 2018 letter.

As you may recall, contaminant concentration limits established by the Department under its beneficial use of regulated fill permit are based upon the non-residential state-wide health standards developed under the Department's Land Recycling and Environmental Remediation Standards Act, Act of May 19, 1995, P.L. 4, 35 P.S. §§ 6026.101-6026.908. The Department has deemed these levels safe for use at sites such as Coplay's.

Should you have further questions regarding EPA's notice to Coplay, I strongly encourage you to contact them as the Department is not the Agency with jurisdiction over this matter. As I explained above, based upon our review of the information submitted by Coplay, the PCB concentration levels within the regulated fill source in question was compliant with the standards set forth in WMGR096.

Sincerely,



Michael T. Ferrence
Assistant Counsel



TOWNSHIP OF WHITEHALL



BOARD OF COMMISSIONERS

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Consulting Engineers
CHARLES J. FONZONE, ESQ., *Solicitor*
DIANE HUNSICKER, *Treasurer*

MEMORANDUM

TO: WHITEHALL TOWNSHIP BOARD OF COMMISSIONERS

FROM: MAYOR ED HOZZA JR., FRANK CLARK, CHARLES FONZONE, ESQ., MELISSA WEHR & LEE RACKUS

RE: COPLAY AGGREGATES SITE – 5101 BEEKMANTOWN ROAD

DATE: MAY 6, 2014

Ladies and Gentlemen:

As you may recall, when Joseph Ciccone and Sons purchased the land at auction from the Coplay Cement Company along Chestnut Street and West Coplay Road, they formed Coplay Aggregates and developed portions of the property. Coplay Aggregates has over the years conducted various activities at their property at Beekmantown Road in Whitehall, including the construction of the office building they no longer own, improvements that are now owned by Giles and Ransome, they sold off land for the proposed Blaster's Family Fun Center, which was turned instead into Sheetz and Briarwood Commons, as well as various other activities on the parcel – the largest portion of the tract – that they retain. They have received various zoning approvals and DEP permits – relating to the existing and former quarry areas and various uses they conduct thereon.

Most recently, they appeared before the Township for a major subdivision/land development plan to create two industrial lots, one for a new office building and one for a proposed self storage facility. They have made it very plain that their intention is to further develop the property by filling in the north quarry, with what, up to this point, was considered 'clean fill' according to PA DEP regulations, but at no time did they represent during the review process that their intent was to change the type of fill that they were using to achieve this.

On March 5, they submitted the attached letter to the Township, indicating that they were applying to the Pennsylvania Department of Environmental Protection (PADEP) under "...*their* established General Permit WMGR096" to bring in fill for the two lots of the proposed subdivision. We asked that Mr. Hilliard of Coplay Aggregates come in and discuss with us this letter as we were not exactly clear what permit he was referring to. At this meeting, it became evident that 'their' in the context of this letter did not mean Coplay Aggregates, but instead PA DEP, and that Coplay did not yet *have* a permit from DEP for what they were proposing to do, and instead they were putting us 'on notice' that they were intending to apply to DEP under "their" (DEP's existing permit guidelines) to commence using '**regulated fill**' instead of '**clean fill**' to complete their filling operations.

Both 'clean fill' and 'regulated fill' are DEP defined terms – "**Clean fill**" being defined as:
"uncontaminated, nonwater-soluble, nondecomposable inert solid material. The term includes soil, rock,

stone, dredge material, used asphalt, and brick, block or concrete from construction and demolition activities that is separate from other waste and recognizable as such. The term does not include materials placed in or on the waters of the Commonwealth unless otherwise authorized.

“Regulated fill” is defined as: “soil, rock, stone, dredged material, used asphalt, historic fill, and brick block or concrete from construction and demolition activities that is separate from other waste and recognizable as such that has been affected by a spill or release of a regulated substance and the concentrations of regulated substances exceed the values in Table FP-1a and b.”

Emphasis is added to ‘regulated substance’ because this too is a PA DEP defined term... which is: “Regulated substance – the term shall include hazardous substances and contaminants regulated under the Hazardous Sites Cleanup Act, and substances covered by the Clean Streams Law, the Air Pollution Control Act, the Solid Waste Management Act, the Infectious and Chemotherapeutic Waste Law, and the Storage Tank and Spill Prevention Act.” At this meeting we were also presented with a copy of the application to DEP.

We are not confident that this activity has been properly approved by the Township, as we were never made aware of the fact that they intended to apply for a *new* permit to DEP. Therefore they do not have zoning approval, nor any other approval from the township for this activity, despite what their permit application paperwork to DEP indicates. A review of their permit paperwork by Frank Clark reveals several inconsistencies with the document that we feel the need to contact PADEP about the permit. In addition, we feel it is appropriate to have our environmental consultant review the application to determine what impacts, if any, this new permit will have.

We have been put on notice, both by this letter that was submitted, as well as a published advertisement in the Pennsylvania Bulletin, of this pending approval. We have a limited window of time to submit our objections or comments. With your endorsement, we would like to do so, to make certain that all proposed activities at this site are in compliance with the Township regulations, and are in the best interest of the health, safety and welfare of all of the property owners of the Township.

To that end, we have placed a motion on your 5-12-14 regular meeting agenda regarding this item for action.

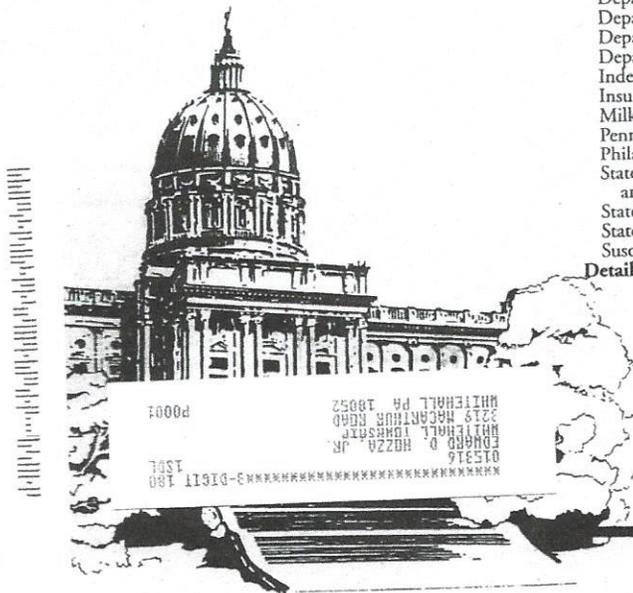
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PENNSYLVANIA BULLETIN

~~M. Miller~~
L. Rackus
L. Bruder
R. Benner
S. Christoff
G. Mooney
L. Kulp
E. Hozza (last)

Volume 44 Number 17
Saturday, April 26, 2014 • Harrisburg, PA
Pages 2497—2608

Agencies in this issue
The Governor
The General Assembly
The Courts
Department of Banking and Securities
Department of Community and Economic
Development
Department of Education
Department of Environmental Protection
Department of General Services
Department of Health
Department of Public Welfare
Department of Transportation
Independent Regulatory Review Commission
Insurance Department
Milk Marketing Board
Pennsylvania Public Utility Commission
Philadelphia Parking Authority
State Board of Vehicle Manufacturers, Dealers
and Salespersons
State Conservation Commission
State Employees' Retirement Board
Susquehanna River Basin Commission
Detailed list of contents appears inside.



Atwater Drive, Suite 110, Malvern, PA 19355, and Eugenia Naversen, 5198 Oley Turnpike Road, Reading, PA 19606 submitted a Notice of Intent to Remediate site soils contaminated with No. 2 fuel oil. The site will be remediated to the Statewide Health standard and remain residential. The Notice of Intent to Remediate was published in the *Reading Eagle* on January 15, 2014.

RESIDUAL WASTE GENERAL PERMITS

Application(s) Received Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.

Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915

General Permit No. WMGR096. Program I.D. WMGR096-NE005. Coplay Aggregates, Inc. P.O. Box 143, Orefield, PA 18069. An application for determination of applicability for the use of regulated fill as construction material at a site located on Beekmantown Road in Whitehall Township, **Lehigh County**. The application was received by the Regional Office on March 17, 2014 and accepted as complete on April 7, 2014.

Comments concerning the application should be directed to William Tomayko, Environmental Program Manager, Waste Management Program, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

The Department has developed an "integrated" plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department received applications for Plan Approvals or Operating Permits from the following facilities. Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office listed before the applications. Persons interested in reviewing the application files should contact the appropriate regional office to schedule appointments.

Persons wishing to receive a copy of a proposed Plan Approval or Operating Permit shall indicate interests to the Department regional office within 30 days of the date of this notice and shall file protests or comments on a proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed documents to persons or within 30 days of its publication

in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that hearings be held concerning a proposed Plan Approval or Operating Permit. A comment or protest filed with the Department regional office shall include a concise statement of the objections to the issuance of the Plan Approval or Operating Permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: James Beach, New Source Review Chief—Telephone: 484-250-5920

15-0146: Wallquest, Inc. (465 Devon Park Drive, Wayne, PA 19087) for the operation of four (4) existing rotogravure printing presses, one (1) existing custom string press, three (3) existing rotary proof presses, a flat screen printing area, and a 8.0 MMBtu natural gas-fired boiler that is used to heat thermic oil at their facility in Tredyffrin Twp., **Chester County**. As a result of potential emissions of VOCs, the facility is not a Title V facility. The operation of the existing presses will not exceed the following site-wide pollutant emission limits: volatile organic compounds (VOCs): 24.9 tpy; hazardous air pollutants: 10 tpy (single HAP) and 25 tpy (combined HAPs). In addition, the Plan Approval will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702.

28-03064A: A.J. Stove and Pellet, LLC (PO Box 152, South Mountain, PA 17261) for the construction of a wood-fired dryer to support wood pellet production in Antrim Township, **Franklin County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received an application and intends to issue a Plan Approval to the abovementioned company for the abovementioned project. This plan approval may be incorporated into the company's facility-wide permit via an administrative amendment at a later date.

DISTRIBUTION: LAR 3/12/14
Edward Hozza
Frank Clark
Melissa Wehr

Coplay Aggregates, Inc.

PO Box 143
Orefield, PA 18069
(610) 262-3804 ◊ (610) 262-4375 Fax

March 5, 2014

Whitehall Township
3219 MacArthur Rd
Whitehall, PA 18052

Dear Mrs. Rakus;

Coplay Aggregates, Inc. is applying to the PADEP to operate under their established General Permit WMGR096 on the two lot construction site on Beekmantown Rd Whitehall, PA. The site is a industrial subdivision that has been granted the proper township zoning and planning approvals for commercial development. The site also has been issued NPDES Erosion and Sediment Control and Post Construction Stormwater Management Permit PAG02-0039-12-017 for earth disturbance construction activities. The fill permitted under WMGR096 is to be utilized as construction material to develop the subdivision to the approved design. The site meets the requirements as outlined in the permit.

This letter is to give you notification of our application to the PADEP as required in the permit and application forms. I have attached a copy of the PADEP approved WMGR096 conditions. If you have any questions please contact us.

Sincerely;



Brian Hilliard
Director of Compliance

I think we should discuss further - lee



SPORTS

Brian Heckman of Whitehall won the boys soccer scholar athlete award.

Page A7

1 *1 *4 *****5-DIGIT 18052
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ATTN: ADMINISTRATION
3219 MACARTHUR RD
WHITEHALL PA 18052 2900

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WHITEHALL-COPLAY PRESS

JANUARY 15, 2015

THE HOMETOWN NEWSPAPER



FOR THE WHITEHALL-COPLAY SCHOOL DISTRICT

50¢ A COPY

Site fails DEP inspection Medical items found in quarry site



PRESS PHOTO BY AL RECKER

The operations of Coplay Aggregates Inc. in Whitehall has fallen under the scrutiny of the Pennsylvania Department of Environmental Protection.

By AL RECKER
Special to The Press

Whitehall Township is concerned with a recent Pennsylvania Department of Environmental Protection inspection that concluded Coplay Aggregates violated its state issued permit.

The inspection revealed that crushed glass at the quarry site off West Coplay Road included syringes, feminine hygiene products, vials and other items.

Mayor Edward D. Hozza Jr. said the township is awaiting word of the fine the DEP will impose on Coplay Aggregates and whether it will grant the company's request "for the next level of regulated fill" to be permitted at the quarry.

The township administration and board of commissioners oppose the DEP granting such a per-

mit to Coplay Aggregates.

At a recent meeting, commissioners President Linda Snyder commented on the 12-page DEP report that included photographs.

"I don't really think it should be kept quiet," she said. "Residents should be made aware what is happening or better yet of what is being dumped there. What about our water table?"

The state inspection conducted in October revealed crushed glass has been used as a fill material. Also observed among the debris were batteries, rusty saw blades, plastic utensils, pens, pencils, toys, toy parts, plastic and metal bottle caps.

"In the clean fill placement area we encountered a crew dumping and spreading loads of incom-

See **Quarry** on Page A2

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VOLUME 22, ISSUE 23

INSIDE
THE PRESS



MONEY AND TAXES

Local professionals are available to help with financial and tax preparation needs.

Page A5

Coplay pavilion no longer free

Council continues to discuss CFC rent

He is a member of several community organizations including the

Club. He has also served as a Little League coach for local youth teams.

Stations 36 and 37 responded to a reported gas leak at 833 Fairmont Street, 5:21 p.m.

A fire alarm at Whitehall High School, 3800 Mechanicsville Road, found to be set off by cooking, brought out Stations 36 and 37, 7:57 p.m.

A motor vehicle crash with injuries on Copley Road brought out Stations 35 and 40, 5:30 p.m.

Station 38 provided mutual aid to the Copley Fire Department for smoke in the basement at 13 S. Third St., 12:58 a.m.

Quarry

Continued from page A1
ly use regulated fill to bring a site to construction grades and to use paper sludge as a soil amendment to stabilize and promote vegetation growth in soils lacking adequate nutrients.

The report also concluded crushed glass does not appear to be used as proposed.

Coplay Aggregates said it has met the state DEP requirements in accepting crushed glass in the construction of embankments around an existing sump pit.

The state notes Coplay Aggregates, located at Beekmantown Road between North Coplay and Stiles, submitted applications for coverage under two waste management rules in March of 2014. The purpose of the permits is to beneficial-

ly use regulated fill to bring a site to construction grades and to use paper sludge as a soil amendment to stabilize and promote vegetation growth in soils lacking adequate nutrients.

“We have a list of many violations from the DEP, so what is the outcome or penalties?” Snyder asked.

Township Solicitor Charles Fonzone said he expects a response from the DEP regarding the fines and next steps taken. Photographs in the DEP report show a tipped load that has medical tubing, syringe and crushed glass piled around an existing pump. Photographs also show masonry waste, crushed glass and soil piles in the active fill area and paper sludge washed down a slope into the sump area.

mansville Road for a RIT team response, 3:51 a.m. Stations 36, 37 and 38 responded to a fire alarm at Lehigh Valley Mall lifestyle center at Chipolta Mexican Grill Stations Store 837, 6:52 a.m.

A motor vehicle crash with a spill on MacArthur Road at Schadt Avenue brought out Stations 35 and 37, 9:20 a.m.

Stations 35, 36, 39 and 40 responded to a motor vehicle crash with injuries and rescue on Main Street between Route 145 and Fornaciari Drive, 12:20 p.m.

A carbon monoxide alarm at 443 Fifth St., found to be system failure, brought out Stations 36 and 37, 6:08 p.m.

A water problem with a broken pipe at 3223 Water St. (no action taken) brought out Station 38, 11 p.m.

JANUARY 9

Stations 35 and 37 responded to a motor vehicle crash with a car into a pole with spill and traffic lights not working at Schadt Avenue and Mauch

Stations 36 and 37 responded to a reported gas leak at 833 Fairmont Street, 5:21 p.m.

A fire alarm at Whitehall High School, 3800 Mechanicsville Road, found to be set off by cooking, brought out Stations 36 and 37, 7:57 p.m.

JANUARY 3

A motor vehicle crash with injuries on Copley Road north of West Copley Road brought out Stations 35 and 40, 5:30 p.m.

JANUARY 5

Station 38 provided mutual aid to the Copley Fire Department for smoke in the basement at 13 S. Third St., 12:58 a.m.

A motor vehicle crash with injuries on the Sixth Street extension near MacArthur Road brought out Station 36, 5:51 p.m.

JANUARY 6

A fire alarm at the Fullerton Village Apartments, 1029 Sixth St., found a bad detector in the Dumpster room, brought out Stations 36, 37 and 38, 3:42 p.m.

WHITEHALL-COPLAY PRESS

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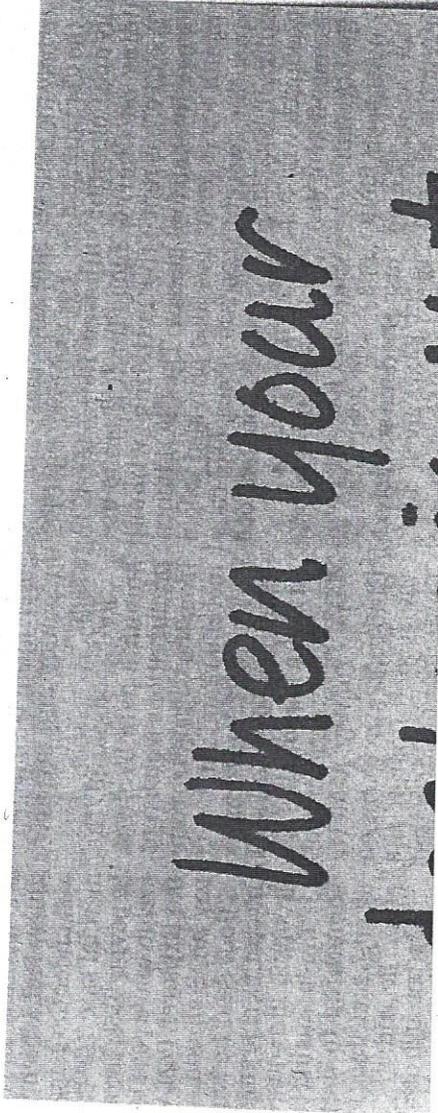
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9/2005

Company to pay \$40,000 in penalties

Whitehall business works out quarry fill issue with the DEP.

By Kirk Beldon Jackson
Of The Morning Call

A Whitehall Township company has agreed to pay \$40,000 in penalties to the state concerning solid waste violations cited at its quarry.

The company, Core Construction and Remediation Inc., did not follow state procedures for accepting fill used at its quarry on Beekmantown Road. The payment, to be made in \$10,000 installments over the next nine months, is part of a consent order the company has worked out with the state Department of Environmental Protection, DEP officials said.

"The company placed fill material in a portion of the quarry without fully characterizing and sampling all of the material as required by state regulations," said Michael D. Bedrin, DEP's Northeast regional director, in a prepared statement released Monday.

"DEP's action today will ensure that the company follows clear procedures when it accepts clean fill, and that it analyzes material already placed in the quarry," he said.

The DEP has the regulations in place to separate material suitable for use as fill from that which should be disposed of in a landfill, said agency spokesman Mark Carmon.

Company officials did not return phone calls left at their office.

Core began accepting material at its quarry in January 2004. Under the DEP agreement, Core can continue to accept clean fill. However, the company must remove any that does not meet state policy, DEP officials said.

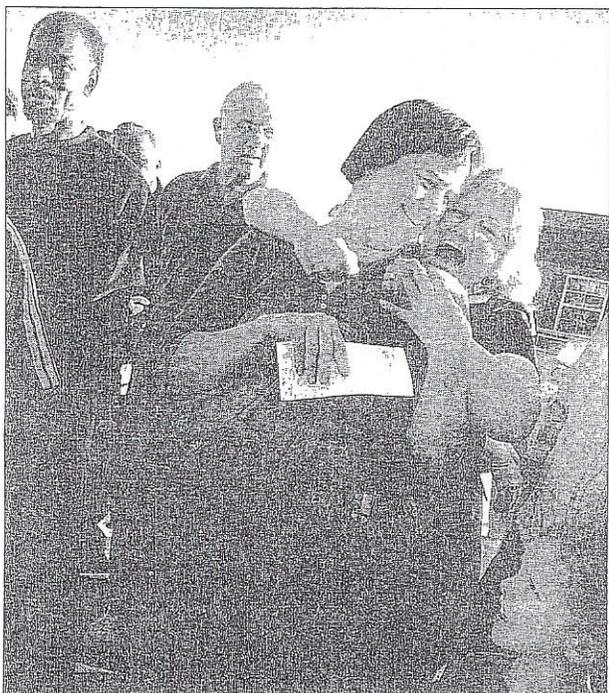
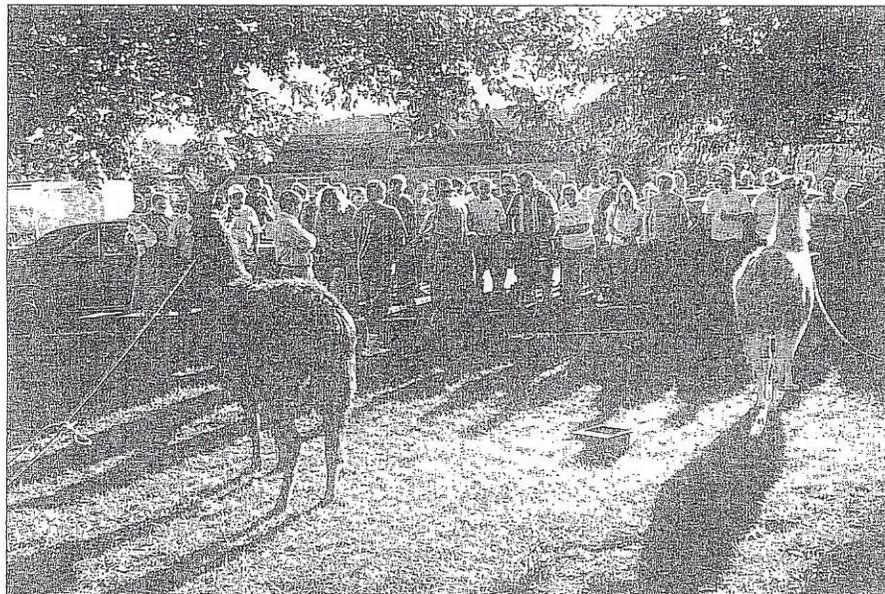
Core must develop an operations plan that includes procedures for evaluating incoming fill, erosion and sedimentation controls, and final grading designs, they said.

Core has already developed an agency-approved plan for evaluating fill currently deposited at the quarry, the DEP said.

"We are pleased the company worked cooperatively with the department to resolve this issue in an environmentally sound manner," Bedrin said.

"This agreement allows Core to resume fill activities at the inactive quarry while dealing effectively with the recent violations."

Core has already made one \$10,000 payment, Carmon said. It is scheduled to make its last next June 30, he said.



Llan going c

Two llamas are auctioned o Donald Richard Auction Ho ship. Winning bidder Mary I Township (left) is hugged by of Williams Township. Both Wassergass Spinners Group, is going to use the llama ha \$375 for each of the llamas, and a male named Saturn.

Monica Cabrera
The Morning Call

POLICE REPORT

ALLENTOWN MAN ACCUSED OF SHOOTING AT NEIGHBOR, HITTING HOUSE

A south Allentown man shot at his neighbor Tuesday but hit a nearby home with children inside, according to city police.

Arthur Polanger, 60, of 2821 Rhonda Lane, faces attempted homicide charges in the 12:50 p.m. shooting near his home, police Lt. Daryl Hendricks said.

Polanger's bullet missed its target, 40-year-old Joseph Hilliard, but hit 2817 Rhonda Lane while resident Jannine Brasten and her two daughters were in a front room, Hendricks said. Nobody was reported hurt.

Hendricks gave this account: Hilliard, who also lives in the 2800 block of Rhonda Lane, told police he was coming back from his mailbox when Polanger approached him about a dispute with another neighbor. Hilliard refused to get in-

endangerment and making terroristic threats.

ALLENTOWN WACHOVIA BANK ROBBED; SUSPECT CAUGHT WALKING

A man who robbed an Allentown bank Tuesday was arrested as he walked out of the city with pockets full of money, according to police.

Douglas Anthony Krause Jr., 39, had taken nearly \$3,400 from the Wachovia branch at 702 N. Seventh St., said Allentown police Lt. Daryl Hendricks. Krause has no current address.

Nobody was injured during the 2:15 p.m. robbery, Hendricks said, and no weapons were involved.

Hendricks gave this account: Krause walked into the bank and handed a teller a note demanding cash. The teller complied, handing over the money in \$5, \$10 and \$20 bills.

EASTON ALLENTOWN MEN FACE DRUG, WEAPONS CHARGES

Two men from Allentown were jailed on gun and drug possession charges in Easton Monday after a city police sergeant saw one of the men trying to dispose of shell casings.

Police said Eduardo Sicard, 27, of 1501 Turner St., was getting out of his truck on the 400 block of Northampton Street around 11:45 a.m. when Sgt. Michael Vangelo — stopped nearby — saw two shell casings falling from the vehicle and Sicard trying to kick them underneath the truck.

Police said a search of Sicard's truck turned up two more shell casings, a .40-caliber handgun, and eight packets of heroin. Police arrested Sicard and his passenger,

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COMMONWEALTH OF PENNSYLVANIA
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WHITEHALL TOWNSHIP

v.

**COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL
PROTECTION and COPLAY
AGGREGATES, INC., Permittee**

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EHB Docket No. 2015-109-M

Issued: June 21, 2018

ADJUDICATION

By Richard P. Mather, Sr., Judge

Synopsis

The Appellant challenges the Department’s approval of the permittee’s application for coverage to operate under General Permit No. WMGR096. The General Permit authorizes the use of regulated fill as a construction material, and the approval allowed the permittee to use regulated fill as a construction material as part of the plans to develop a particular portion of its site. The Board dismisses the appeal because the appellant failed to satisfy its burden to establish that the approval was unlawful or unreasonable and not supported by the facts.

Parties

1. The Department of Environmental Protection (“Department”) is the agency with the duty and authority to administer and enforce the Solid Waste Management Act, Act of July 7, 1980, P.L. 380, *as amended*, 35 P.S. §§ 6018.101-6018.1003 (“SWMA”); The Clean Streams Law, Act of June 22, 1937, P.L. 1987, *as amended*, 35 P.S. §§ 691.1-691.1001 (“Clean Streams Law”); the Municipal Waste Planning, Recycling and Waste Reduction Act, 53 P.S. §§ 4000.101, *et seq.* (“Act 101”), The Land Recycling and Environmental Remediation Standards Act, Act of May 19, 1995, P.L. 4, 35 P.S. §§ 6026.101-6026.908 (“Act 2”); the Pennsylvania Oil