The Penns Valley Conservation Association (PVCA) has reviewed Con-Stone, Inc.’s, June 7, 2001, application to revise permit #14920301 to allow removal of the Valentine Limestone below the 1080’ elevation. PVCA wishes to work cooperatively with Con-Stone and the Pennsylvania Department of Environmental Protection (DEP) to ensure that mining operations protect the watershed surrounding the Aaronsburg Operation, including Elk and Pine Creeks [state-designated Exceptional Value (EV) stream] and Penns Creek [state-designated High-Quality (HQ) stream]. In that spirit of cooperation, and for protection of those streams, PVCA requests denial of Con-Stone’s current application for the following reasons.

1. PVCA recommends retaining special conditions 1, 2, and 4 in Part B, Noncoal Surface Mining Permit No 14920301, Revised July 13, 1999, Special Conditions or Requirements. As District Mining Manager Michael W. Smith said in an August 27, 1999, letter to Con-Stone, “The mining limit of 1080 feet was originally established to keep mining activity out of the average seasonal low water table to minimize the potential for impacts to groundwater and to Spring S-26. We are not convinced that mining below 1,080 feet can be accomplished without added risk of water impacts. [Detail omitted.]

2. To manage the risks of mining below the water table, the proposed amendment calls for phased mining with a progressively deeper penetration of the water table. However, there is a total lack of detail in the permit amendment regarding the specific steps to be taken in the phased mining process. There should be clear language in the permit that stipulates consecutive mining and reclamation and attaches some time schedule and methodology for data analysis and reporting prior to advancing to the next phase of mining.

3. In PVCA's original discussions with DEP, Mike Smith indicated that Con-Stone would have to develop a new infiltration basin system to dispose of the groundwater pumped from the quarry. The permit amendment is contrary to this position as it utilizes the infiltration galleries currently designated for storm water disposal. PVCA requests that separate infiltration systems covered by separate NPDES permits be developed for the storm water and groundwater pumped from the pit.

4. The materials contained in the permit amendment do not adequately describe the hydrogeologic conditions. An appropriately scaled map showing the current pit location, the water table configuration, the location of all boreholes, the sedimentation basin, and
infiltration galleries should be prepared. Without water table contour mapping, it is impossible to address issues such as recirculation of the water pumped from the mine. [Detail omitted]

5. The May 7-10, 2001, pit pumping test performed by the mine operator provides little useful information regarding the extent of [potential loss of water supply] due to mining operations. [Detail omitted.] If DEP is going to grant the requested amendment, PVCA requests a special condition that Con-Stone is responsible for replacing the water supply for any water losses that result from mining operations.

6. The McWhorter Model used to estimate the volume of groundwater to be intercepted during mining is extremely simplistic. It does not reflect a state of the art effort. In the context of the EV protection of the watershed, a much more comprehensive modeling effort is warranted. “Ideal aquifer” calculations such as those used to calculate inflow to the pit are not applicable in this setting. [Detail omitted.]

7. The permit amendment submission does not address the continuous turbidity monitors currently maintained at Spring 26 and Pine Creek just upstream of Spring 26. The continuous turbidity monitoring should be continued, the costs associated with the monitoring should be borne by Con-Stone, and the data collection system discussed at the December 15, 2000, meeting with DEP. [Detail omitted.] In addition, monitoring should be expanded, again at Con-Stone’s cost, to be more complete by including all biological and chemical monitoring required by DEP’s water quality anti-degradation regulations and implementation guidelines.

8. The mining permit amendment does not address the issue of the potential for fines (fine-grained debris) contained in the backfill to be mobilized into the groundwater system during surface water runoff events or during high water table conditions. [Detail omitted] A detailed assessment of the potential for significant contamination of conduit flow system from the fines contained within the backfill should be performed.

9. The mining permit amendment says that “if continuous flow rates greater than 475 GPM are experienced, then further extractions within that area below the water table will not occur unless drought conditions result in an additional decline of the groundwater table.” This statement should be revised to specify what “additional decline” is necessary to allow mining operations to resume.

10. The permit amendment submission does not appear to be signed and sealed by a licensed professional geologist.

11. PVCA believes Con-Stone must apply for a new or revised NPDES [National Pollution Discharge] permit for the proposed quarry dewatering activities.

12. If DEP is going to allow any mining below 1080 feet, PVCA requests that the special conditions 3 and 5-21 in Part B, Noncoal Surface Mining Permit No 14920301, Revised July 13, 1999, Special Conditions or Requirements continue to apply to all mining operations at the Aaronsburg Operation.

13. PVCA does not believe that Con-Stone has complied with all necessary pre-permit requirements under DEP’s water quality anti-degradation regulations and implementation guidelines. [Detail omitted]
Further, the application has not sought review by local and county governments to ensure compatibility with applicable regulations, ordinances, and comprehensive plans and to allow government to identify local and regional environmental and economic issues that should be considered.

Sincerely,

J. Thomas Doman
Chair, Watershed Committee
Member, Board of Directors, PVCA

cc: Jeff Confer, Con-Stone, Inc.
    Hon. Jake Corman, Pennsylvania Senate
    Hon. Kerry Benninghoff, Pennsylvania House of Representatives
    Pennsylvania Trout Unlimited