

DEP fields questions on deepening stone quarry

Operation pumps 2 million gallons a day from fragile Primrose Creek Watershed

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Once again, it would seem, private gain will trump the public good.

Primrose Creek Watershed Association and angry residents confronted the Department of Environmental Protection's District Manager Tom Callahan at an informational open house Feb. 18 to review New Hope Crushed Stone's application to permit deepening of its quarry. The quarry is on Phillips' Mill Road.

In response to complaints of insufficient notice and poor communication to residents, Callahan sought to reassure the audience that no decision had yet been made.

Permit applications undergo a six-month review. After 60 days, any deficiencies that surface are addressed with the applicant regarding anticipated negative impacts on water supply as well as disruption of the hydraulic balance. The review and approval process is based on data provided by the applicant, in this case, NHCS, raising the specter of credibility and objectivity.

Callahan advised residents that a "letter of deficiency" is directed to the applicant for remedial measures. NHCS has applied for a permit to deepen the quarry by 50 feet. Government regulations restrict the ultimate depth to 200 feet. NHCS is currently at -120 feet, pumping two million gallons of water daily. Granting approval to deepen the quarry would place the onus upon residents for remedial action should any negative impacts to the surrounding community ensue.

A 1991 ruling that was mandated without a public hearing, was based on an erroneous classification of Primrose Creek as an "ephemeral" rather than a "perennial" stream. The ruling allowed the quarry to excavate and deepen its operations to -120 feet, causing the destruction of Primrose Creek, which flowed into the quarry pit and was pumped out the other side.

Because of public outcry, NHCS was required to re-apply for 50-foot increments despite the fact that a 200-foot depth is allowed.

Resident Malcolm Crooks wanted to know if DEP had defined the potential negative impacts to neighboring water re-

sources if further excavation of the quarry was approved. Reinforcing his point, he noted that Solebury Friends Meeting had submitted a letter of opposition stating that since the 1991 ruling, Solebury Friends Meetinghouse on Sugan Road has been forced to re-drill its well from 150 feet to 740 feet because of water depletion as the result of quarry operations.

Citing recent studies by the Earth Resource Group, NHCS's technical consultants, that indicate the water level in the Meetinghouse's well remains below 200, Solebury Friends contends that deepening quarry operations would generate "unreasonable economic hardship."

Peter Grover, whose property abuts the quarry, wanted clarification of government regulations pertinent to quarry operations that would justify NHCS's request and factor into mitigation measures.

"Does the commonwealth validate data coming from the quarry?" Grover asked. "Does it keep records of the amount of stone removed? Is the quarry required by government regulations to meet certain reclamation grades and post bond to ensure reclamation is conducted? Is it aware how much remains to be extracted under the current permit? The need aspect doesn't weigh into the analysis."

Noting that the 1991 mandate would not be permitted today under current environmental regulations Callahan responded that DEP is powerless to undue the ruling. His remarks sparked an angry reaction from the crowd.

"You cannot undo the '91 ruling but you have the power not to exacerbate the damage it caused. There is no formal procedure to determine a balance and risk analysis," declared resident Peter Brussock.

"You can't give back to the community that which was taken improperly but you can repair the previous damage," argued Rich Myers, "You took a resource from us and now you are asking permission to dig deeper but we can't ask for reparation of the previous damage?"

"One and a half times the total water requirement of the entire township is being lost daily based on a one million gallon loss daily. New Hope Crushed Stone is currently

pumping twice that much daily," said resident Lisa Gladden-Keyes.

Stan Marcus wanted to know why NHCS could not be required to install injection wells to return water to the aquifer. "Why can't the permit be conditioned upon recharging?" he asked incredulously. "The technology is available and has been successfully employed for years in Israel, California, and more recently, in Wildwood, N.J."

Solebury Township commissioned Environmental Planning Consultants (EPC) of Buckingham, with volunteers from the Primrose Creek Watershed Association, in 2008, to conduct a detailed assessment of Primrose Creek and Watershed relevant to the impact of the quarry's operations. Residents argue that EPC's findings are at significant odds with Earth Resources Groups, consultants for NHCS.

Among its findings: (1) between 1974 and 2008, groundwater pumping from NHCS has progressively lowered the water table to over 100 feet below ground surface and over 100 feet below sea level in the quarry pit; (2) numerous potable supply wells have been depleted; (3) increased incidence of sinkholes; (4) flow reduction in the upstream portions of Primrose Creek; (5) silting in the stream channel below the quarry; (6) degradation of aquatic habitat.

EPC recommended that NHCS be required to comply with the National Pollution Discharge Elimination System (NPDES) permit conditions which limit discharge to the creek to 500,000 gallons daily, to prevent worsening impacts to Primrose Creek.

EPC further argued that restoration of the damages caused by the 1991 ruling should be a "preconditioned measure of NHCS's commitment to minimize disturbance of the Primrose Creek Basin as part of the NPDES permit application." Finally, EPC contended that the permit should be subjected to the following conditions: a minimum base flow in Primrose Creek above and below the quarry; a quarterly bioassessment upstream and downstream of the quarry; more frequent sampling requirements, including monthly measurements of water elevations and flow volumes.