

## TECHNICAL REVIEW OF THE ARM GROUP LLC INTENT TO SUBMIT STATEWIDE GENERAL PERMIT FOR CONSTRUCTION/DEMOLITION WASTE FOR MINE RECLAMATION

April 12, 2021

John S. Mellow

Pennsylvania Licensed Professional Geologist

These additional comments supplement this writers comments that go back to January 2020 regarding the site and statewide permit proposal. These comments are based on The Arm Group LLC correspondence dated April 7, 2021 regarding the application for statewide disposal of ground up construction/demolition **waste** mixed with Portland cement for use in abandoned mines and construction sites.

The Pennsylvania Department of Environmental Protection (PADEP) Mean Specific Concentrations (MSCs) in the Final Report should not be taken as comparable with normal "background" concentrations. While these numbers would be acceptable for a visual comparison as "background" was failed to be established for groundwater and surface water, the objective should be this is risk based cleanup levels for human receptors, and still observed elevated numbers from storm water and/or leachate would indicate potential pollution over the preoperational disposal of waste. The detection in leachate samples of a wide range of volatile organics would be a good example of these should not be in detectable concentrations in uncontaminated soil, surface water, or groundwater. These sample concentrations also do not seem to consider PADEP "Constituents of Potential Ecological Concern" concentrations. Considering the scope of this site project, potential Per- and polyfluoroalkyl substances (PFAS) contaminants, video of the observed release to Wilson Creek, and various surface water bodies the assessment of "ecological receptors" should be important even for this site project, and especially for the consideration of a statewide general permit. The additional point on this would be from PADEP information" as stated:

*"Any final report or remedial action completion report using the statewide health standard that is submitted on or after August 27, 2016 must demonstrate attainment of the standards in these tables in order to receive the liability relief afforded by Act 2."*

Note again this site and general statewide permit would not be a remedial action or an assessment of an **existing** contamination incident. In addition, this comparison should not imply that there would be liability release for a brand new site or change in the activity at an existing site that involves waste. Would this be an argument that by utilizing these standards, communities or affected citizens by pollution over background from the site there would be no

liability of the facility over normal background although less than the PADEP MSCs.

The historical review of the Final Report<sup>1</sup> seems to fail in establishing groundwater pathways, and observed video note contradiction regarding the isolation of the site from surface water considering the direct discharge from the site into Wilson Creek on at least one occasion. There was no response regarding sampling and assessment of this June 2019 incident of sediment/surface water, nor any of the storm water sampling periods were close to this observed release that the Township or this writer would be aware. Again, past correspondence details concerns on the potential for PFAS chemicals with references of peer reviewed research and government sources that have not been assessed but possibly present. These have been defined as human health and ecological receptor health problems with cancer and non-cancer health issues. The lack of baseline (background) for groundwater and surface water and unknown plans for continued assessment monitoring as well as the statement that no liners are necessary for this type of general permit should also be considered on the failure to adequately characterize the site.

Considering the large scope of both the site and statewide implications would seem that the submitted concerns on the assessment of groundwater utilizing conventional monitoring wells, PFAS chemicals of potential concern, and sediment/surface water sampling as well as appropriate ecological studies should be completed before any consideration of a permit. There should also be concerns on some of the Final Report samples based on laboratory comments on the "chain of custody" and apparently a biased and untrained sampler collecting some of the samples. The legal squabbling of what would be considered "waste", "pollution", "clean fill", "disposal" and other logical definitions should be considered a lesser concern that adequate characterization of sites, and should be done on any proposed site where a general permit would allow this disposal over public concerns. The bottom line would be that this is a defined waste stream from various out of state and distant state sources of questionable benefit to the receiving community most likely having significant areas of abandoned mines, and potentially variable in waste composition in contrast to CERCLA, RCRA, and non-hazardous remediation sites with well defined detection monitoring and operations/maintenance plans. Note that CERCLA sites are required to consider "public acceptance" as one of the criteria during remedy selection. However, although these existing contamination sites may have regulatory disagreement and prioritize "human health" or other criteria over the "public acceptance", this would be the evaluation of remediation criteria on existing problem contamination sites, and not a new waste disposal activity that should not be permitted while zoning or other local issues are still ongoing. **Again, these comments supplement other submissions to PADEP that extend back over a year on this site that have more detail.**

In addition, it would seem that the referenced correspondence to only one township, and subsequent publication of the intent for a statewide general permit of this scope would not be expected to have adequate public notices to allow organizations, businesses, elected officials,

and concerned citizens time to review and comment on the technical (plus 3,500 page Final Report information utilizing public hearings and meetings on this proposal.

<sup>1</sup> Murray, K. E. (2021, April 7). Municipal Notification, Application for Statewide Beneficial Use General Permit, Earth Revival LLC, Fell Township, Lackawanna County [Letter to Fell Township Supervisor],

" Pennsylvania Department of Environmental Protection, Statewide health standards.  
<https://www.dep.pa.gov/Business/Land/LandRecycling/Standards-Guidance-Procedures/Pages/Statewide-Health-Standards.aspx>

<sup>111</sup> Pennsylvania Department of Environmental Protection.. Pioneer Aggregates Community Information <https://www.dep.pa.gov/About/Regional/Northeast-Regional-Office/Community%20Information/Pages/Pioneer-Aggregates.aspx>



# ARM Group LLC

Engineers and Scientists

April 7, 2021

**UPS Tracking Number: 1Z73R 78Y 13 2937 1661**

Fell Township Supervisors 1 Veterans Rd.  
Simpson, PA 18407

Re: Municipal Notification  
Application for Statewide Beneficial Use  
General Permit  
Earth Revival LLC .  
Fell Township, Lackawanna County  
ARM Project 20010596

Dear Supervisors:

On behalf of Earth Revival LLC (Earth Revival), ARM Group LLC is providing this notice to inform you of Earth Revival's intent to submit an application under the provisions of Chapter L: Beneficial Use of Chapter 271: Municipal Waste Regulations for a new Statewide Beneficial Use General Permit to the Pennsylvania Department of Environmental Protection (DEP) Bureau of Waste Management Central Office for the following project:

Applicant Contact: Morgan Popple

Earth Revival LLC 1040 Main  
Street Simpson, PA 18407

Site Location:

Earth Revival LLC  
1040 Main Street Simpson, PA 18407  
Fell Township, Lackawanna County  
(Refer to attached Figure 1.)

Project Name:

Statewide Beneficial Use General Permit  
Clinton Strip - Simpson Quarry

Project Description: Earth Revival is submitting an application to PA DEP for a

Statewide Beneficial Use General Permit for the beneficial use of  
Construction and Demolition (C&D) fines mixed with Portland Cement for  
use as fill material to reclaim abandoned or pre-Act mine lands and for  
construction activities on a statewide basis and initially at the Clinton Strip-  
Simpson Quarry property located in

Emrick Boulevard • Suite 318 • Bethlehem, PA 18020

[www.armgroup.net](http://www.armgroup.net)

Fell Township, Lackawanna County. The application is being submitted under the provisions of Chapter L: Beneficial Use of Chapter 271: Municipal Waste Regulations.

Section 1905-A of the Commonwealth Administrative Code, as amended by Act 14, requires that each applicant for a DEP permit must give written notice to the municipality(ies) and county(ies) in which the permitted activity is located. The written notices shall be received by the municipality(ies) and county(ies) at least 30 days before the Department may issue or deny the permit.

Please submit any comments concerning this project within 30 days from date of receipt of this letter to the DEP Bureau of Waste Management at:

Pennsylvania Department of Environmental Protection Rachel Carson State Office Building 400 Market Street  
Harrisburg, PA 17101

Respectfully submitted, ARM  
Group LLC

The logo for ARM Group LLC, featuring the letters 'ARM' in a stylized font with a blue and green color scheme.

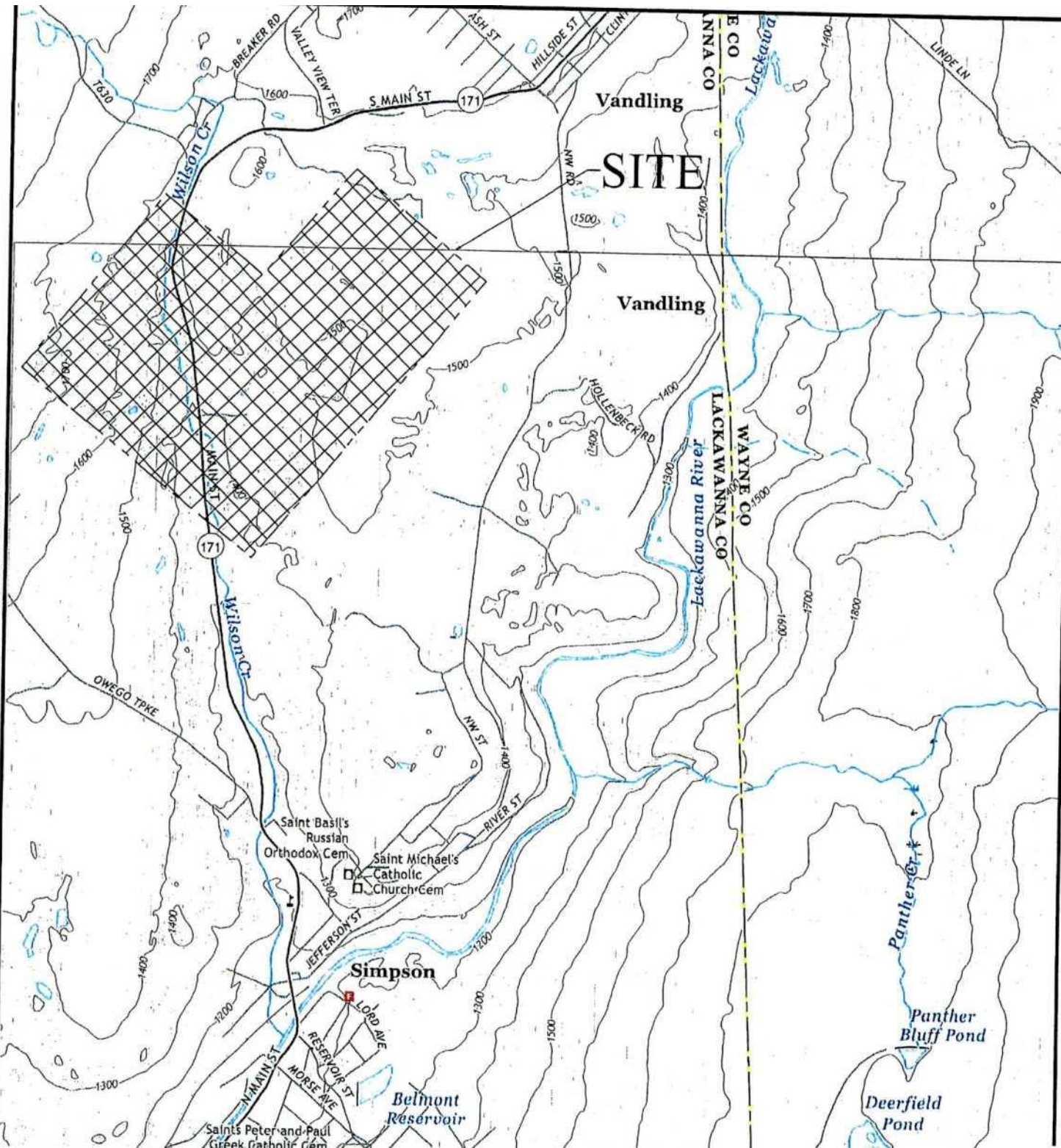
Kathryn E. Murray, P.G. Senior  
Geologist

Attachments:

- Figure 1 - Site Location Map

A R M G r o u p L L C

3\_Earth Revival Municipal Waste General Permit/DWG/Production/03-25-21 Edits/30010596-Attachment E-1.dwg Plotted March 10, 2021



1  
1

BASEMAP SOURCE: USGS 7.5' QUADRANGLE - WAYMART & FORREST CITY PA  
PROPERTY PARCEL IDENTIFICATION: 01601-010-002

## SITE LOCATION MAP

FELL TOWNSHIP LACKAWANNA COUNTY  
PENNSYLVANIA

03/05/2021

1"=2000' 20010598

f

**ARM Group LLC**

Engineers and Scientists [www.nrmgroup.net](http://www.nrmgroup.net)

Figure 1



This drawing, its contents, and each component of this drawing are the property of and 1 proprietary to ARM Group LLC and shall not be reproduced or used in any manner except for the purpose identified on the Title Block, and only by or on behalf of this client for the identified project unless otherwise authorized by the express, written consent of ARM Group LLC.