



Pennsylvania
**Department of
Environmental Protection**

April 24, 2026

Pierson Rheems, LLC
426 Swedesboro Road
Pilesgrove, NJ 08098

Re: Surface Mining Permit No. 36080301C5, C6, and C7
NPDES Permit No. PA0224651
Authorization to Mine No. 22847-36080301-03
Pierson Rheems Quarry Operation
West Donegal and Mt. Joy Townships, Lancaster County

Dear Operator:

Please find enclosed the referenced permits and approved copies of the respective applications.

Existing Surface Mining Permit No. 36080301C5, C6, and C7 is hereby corrected per the above-referenced Application dated April 11, 2023, May 1, 2023, and August 8, 2023 respectively. The purpose of the corrections are as follows: C5 to renew NPDES permit PA0224651, C6 to increase the mining permit and NPDES permit size by 29.58 acres from 102.64 acres to 132.22 acres, and C7 to update the Module 16: Blast Plan.

NOTICE OF APPEAL

Any person aggrieved by this action may appeal the action to the Environmental Hearing Board (Board) pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S., Section 7514, and the Administrative Agency Law, 2 Pa. C.S. Chapter 5A. The Board's address is:

Environmental Hearing Board
Rachel Carson State Office Building, Second Floor
400 Market Street
P.O. Box 8457
Harrisburg, PA 17105-8457

TDD users may contact the Environmental Hearing Board through the Pennsylvania Relay Service, 800.654.5984.

Appeals must be filed with the Board within 30 days of receipt of notice of this action unless the appropriate statute provides a different time. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

A Notice of Appeal form and the Board's rules of practice and procedure may be obtained online at www.ehb.pa.gov or by contacting the Secretary to the Board at 717.787.3483. The Notice of Appeal form and the Board's rules are also available in braille and on audiotape from the Secretary to the Board.

IMPORTANT LEGAL RIGHTS ARE AT STAKE. YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD AT 717.787.3483 FOR MORE INFORMATION. YOU DO NOT NEED A LAWYER TO FILE A NOTICE OF APPEAL WITH THE BOARD.

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST BE FILED WITH AND RECEIVED BY THE BOARD WITHIN 30 DAYS OF RECEIPT OF NOTICE OF THIS ACTION.

If you have any questions regarding this matter, please feel free to contact me.

Sincerely,



Michael P. Kutney, P.G.
District Mining Manager
Bureau of District Mining Operations

Enclosures

cc: Amiee Bollinger, SMCIS
Evan Kuperavage, SMCI
Akens Engineering Associates Inc., Consultant
BMP, Data Management/GIS Section
PA Fish & Boat Commission
EPA Region III
Municipalities of West Donegal and Mt. Joy Townships
County of Lancaster
File
MS1-Pierson (3-26)

MPK:TMF:cb



NONCOAL SURFACE MINING PERMIT
NO. 36080301C5, C6 and C7

Permittee Name and Address	<u>Pierson Rheems, LLC</u> <u>426 Swedesboro Road</u> <u>Piles Grove, NJ 08098</u>	Location of Operation: Municipality <u>West Donegal and Mt. Joy</u> Townships _____ County <u>Lancaster</u>
Name of Operation	<u>Pierson Rheems Quarry</u>	

This Permit Approves the Following Type of Operation:

- Noncoal Surface Mine
- Surface Activity Connected with Underground Mining (Noncoal)
- Other _____

This approval is subject to the attached LIMITS OF AUTHORIZATION, MANDATED NONCOAL MINING ACTIVITY PERMIT CONDITIONS AND REQUIREMENTS and to:


- PART A NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) INFORMATION
- PART B SPECIAL CONDITIONS OR REQUIREMENTS
- PART C AUTHORIZATION TO MINE

The permit is for 132.22 acres of which 132.22 acres are planned to be affected. Permittee may conduct surface noncoal mining activities only on that area of the permit outlined on the Authorization to Mine and accompanying maps contained in Part C of this permit. Initial authority to conduct mining activities is granted for an area of 115.04 acres described in Part C of this permit. Additional authority to conduct mining activities may be granted by written approval of the Department and attached to Part C of this permit. Permittee is prohibited from conducting noncoal mining activities on that portion of the permit area which has not been authorized for mining by the Department, in writing, and shown on the bond approval and mining authorization map(s) contained in Part C of this permit.

This permit is hereby issued in accordance with the provisions of the Noncoal Surface Mining Conservation and Reclamation Act, Act of December 19, 1984 (P.L. 1093, No. 219), as amended, 52 P.S. §§3301 *et seq.*; and The Clean Streams Law, Act of June 22, 1937 (P.L. 1987, No. 394), as amended, 35 P.S. §§691.1 *et seq.*, The Air Pollution Control Act, Act of January 8, 1960 (1959 P.L. 2119, No. 787), as amended, 35 P.S. §§4001 *et seq.*, and the regulations promulgated pursuant to these Acts. This permit is also issued in accordance with the following statutes and regulations if marked.

- Coal Refuse Disposal Control Act, Act of September 24, 1968 (P.L. 1040, No. 318), as amended, 52 P.S. §§30.51 *et seq.*, and the regulations promulgated pursuant to this Act.
- Dam Safety and Encroachments Act, Act of November 26, 1978 (P.L. 1375, No. 325), as amended, 32 P.S. §§693.1 *et seq.*, and the regulations promulgated pursuant to this Act.
- Solid Waste Management Act, Act of July 7, 1980 (P.L. 380, No. 97), 35 P.S. §§6018.101 *et seq.*, and the regulations promulgated pursuant to this Act.
- Surface Mining Conservation and Reclamation Act, Act of May 31, 1945 (P.L. 1198, No. 418), as amended, 53 P.S. §§1396.1 *et seq.*, and the regulations promulgated pursuant to this Act.

Permittee is hereby authorized to conduct noncoal mining activities as described in the approved permit application and in accordance with the laws and regulations and terms and conditions as referenced above. A violation of any provision of these laws and regulations and terms and conditions is a violation of this permit.

Permit Issuance Date	<u>October 31, 2008</u>	By	
Permit Reissuance Date(s)	<u>April 24, 2026</u>		<u>Michael Kutney, P.G.</u>
Permit Transfer Date(s)	<u>July 27, 2009</u>	Title	<u>District Mining Manager</u>

LIMITS OF AUTHORIZATION

1. The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights.
2. Nothing herein contained shall be construed to be an intent on the part of the Department to approve any act made or to be made by the permittee which is inconsistent with the permittee's lawful powers or with existing laws of the Commonwealth regulating noncoal mining activities and the practice of professional engineering. This permit shall not be construed to sanction any act otherwise forbidden by federal or state law or regulation, or by local ordinance, nor to pre-empt any duty to obtain state or local assent required by law for the noncoal mining activity.
3. The permittee's failure to comply with the laws of the Commonwealth and the rules and regulations of the Department regarding noncoal mining activities, or failure to comply with the terms and conditions of this permit, may result in an enforcement action, in permit termination, suspension, revocation and reissuance, or modification, or in denial of a permit renewal application. Nothing in this permit shall be construed to preclude the institution of any legal action of relieve the permittee of any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under the Acts pursuant to which this permit is issued or any other applicable provision of law.
4. The permittee is responsible for complying with local ordinances adopted pursuant to the Municipalities Planning Code, and all zoning ordinances in existence before January 1, 1972. Nothing in this permit shall be construed to relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee may be subject under federal, state, or local laws.

NOTES:

1. This Noncoal Surface Mining Permit No. 36080301 replaced and expanded upon the area originally permitted by Donegal Rock Products, LLC under Mine Drainage Permit No. 6276SM6.
2. This Noncoal Surface Mining Permit was transferred from Donegal Rock Products, LLC to Pierson Rheems, LLC via Application No. 36080301T dated March 18, 2009.
3. This Surface Mine Permit No. 36080301C5 was corrected to renew the NPDES permit
4. This Surface Mine Permit No. 36080301C6 was corrected to increase the mining permit and NPDES permit size by 29.58 acres from 102.64 acres to 132.22 acres.
5. This Surface Mine Permit No. 36080301C7 was corrected to update the Module 16: Blast Plan.

**MANDATED NONCOAL MINING ACTIVITY PERMIT
CONDITIONS AND REQUIREMENTS
(Under 25 Pa. Code Chapter 77)**

1. Except to the extent that the Department otherwise directs in this permit that specific actions be taken, the permittee shall conduct noncoal mining activities as described in the approved application. 77.129(1)
2. The permittee shall allow the authorized representatives of the Commonwealth, without advance notice or a search warrant, upon presentation of appropriate credentials, and without delay, to have access to areas in which noncoal mining activities will or are being conducted. 77.129(2)
3. The permittee shall conduct noncoal mining activities only on the lands specifically approved in the permit for which a bond has been filed with the Department under Subchapter D (relating to bonding and insurance requirements). 77.129(3)
4. The permittee shall take all possible steps to prevent an adverse impact resulting from non-compliance with the terms or conditions of this permit or the environment or public health and safety, including:
 - a. Any accelerated or additional monitoring necessary to determine the nature and extent of non-compliance and the results of the noncompliance.
 - b. Providing warning immediately after learning of the noncompliance to persons whose health and safety is in imminent danger due to the non-compliance. 77.130(1)
5. The permittee shall dispose of solids, sludges, filter backwash, or pollutants removed in the course of treatment or control of waters or emissions to the air in the manner which prevents violation of an applicable state or federal law. 77.130
6. The permittee shall conduct the activities in accordance with measures specified in this permit that are necessary to prevent environmental harm or harm to the health or safety of the public. 77.130(2)

Part A: NPDES Information

The following National Pollutant Discharge Elimination System (NPDES) permit is issued in conjunction with the mining permit/authorization and pursuant to the authority in 25 Pa. Code Chapter 92a. The permittee is required to comply with this NPDES permit as a condition of the mining permit.

- Individual NPDES Permit No. PA0224651
- Coverage under General Permit BMR GP-104
- Other Option Details: _____

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF DISTRICT MINING OPERATIONS**

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
INDIVIDUAL PERMIT (NONCOAL)**

NPDES PERMIT NO.: PA0224651 PERMITTEE NAME: Pierson Rheems, Inc.
MINING PERMIT NO.: 69080301 OPERATION NAME: Pierson Rheems Quarry Operation
MUNICIPALITY: West Donegal Township COUNTY: Lancaster

In compliance with the provisions of the Clean Water Act, 33 U.S.C. Section 1251 et seq. (the "Act") and Pennsylvania's Clean Streams Law, as amended, 35 P.S. Section 691.1 et seq., the Department of Environmental Protection (Department) hereby approves the discharge to the following surface water(s): Unnamed Tributary to Donegal Creek subject to all effluent limitations, monitoring and reporting requirements and other terms, conditions, criteria, and special requirements for the discharge as defined in this permit, to surface waters of the Commonwealth. This permit is issued pursuant to the authority in 25 Pa. Code Chapter 92a and is subject to the requirements of 25 Pa. Code Chapter 92a.

The authority granted by this permit is subject to the following further qualifications:

1. If there is a conflict between the application, its supporting documents and/or amendments and the terms and conditions of this permit, the terms and conditions of this permit shall apply.
2. Failure to comply with the terms, conditions, or effluent limitations of this permit is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. [40 CFR 122.41(a)]
3. A complete application for renewal or reissuance of this permit, or notice of intent to cease discharging by the expiration date, must be submitted to DEP at least 180 days prior to the above expiration date (unless permission has been granted by DEP for submission at a later date), using the appropriate NPDES permit application form. [92a.21(c)] In the event that a timely and complete application for renewal or reissuance has been submitted and DEP is unable, through no fault of the permittee, to reissue the permit before the above expiration date, the terms and conditions of this permit, including the submission of the Discharge Monitoring Reports ("DMRs"), will be automatically continued and will remain fully effective and enforceable against the discharger until DEP takes final action on the pending permit application. [25 Pa. Code § 92a.7]
4. The permit may be terminated prior to the expiration date upon notice to and approval by the Department.
5. No condition of this permit shall release the operator from any responsibility or requirement under Pennsylvania, or federal environmental statutes, and regulations or local ordinances.
6. This permit is subject to the requirements of the mining permit referenced above.

EFFECTIVE DATE: October 31, 2028 EXPIRATION DATE: October 31, 2023
RENEWAL DATES: 4/23/17; 2/28/20; & 4/24/26

AUTHORIZED BY: 
Michael P. Kutney, P.G., District Mining Manager

Section B. STORMWATER CONTROL FACILITIES

There are no point source discharges of this type at this site.

<u>Outfall No.</u>	<u>Latitude</u>	<u>Longitude</u>	<u>To</u>
002	40° 7' 38"	-76° 34' 31"	Unnamed Tributary to Donegal Creek

This permit establishes effluent limitations in the form of implemented BMPs identified in the associated E&S Plan, Reclamation Plan and NPDES application for this permit. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters of the Commonwealth.

The following BMPs apply:

The following limits apply to dry weather or all discharges from stormwater facilities to Unnamed Tributary to Donegal Creek.
Outfalls: 002

Discharge Parameter	DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
	Minimum	Average Monthly	Maximum Daily	Instantaneous Maximum	Measurement Frequency (minimum ¹)	Sample Type
pH (S.U.)	6.0	N/A	N/A	9.0	2/Month	Grab
Total Suspended Solids (mg/L)	N/A	35.0	70.0	90.0	2/Month	Grab
Flow (gpm)	Report				2/Month	Grab

Alternate Precipitation Limits for Stormwater Control Facilities

During a precipitation event and for 24 hours after, the following alternate discharge limitations apply to discharges from stormwater facilities resulting from precipitation events discharging to Unnamed Tributary to Donegal Creek.

Note that this section is applicable for stormwater only. Comingling with process water is excluded.

This section not applicable due to Water Quality Based Effluent Limits (WQBELs).

In response to precipitation events LESS THAN OR EQUAL TO the 10-year/24-hour precipitation event

Discharge Parameter	DISCHARGE LIMITATIONS				MONITORING REQUIREMENTS	
	Minimum	Average Monthly	Maximum Daily	Instantaneous Maximum	Measurement Frequency (minimum ¹)	Sample Type
pH (S.U.)	6.0	N/A	N/A	9.0	2/Month	Grab
Total Settleable Solids (mL/L)	N/A	N/A	N/A	0.5	2/Month	Grab
Flow (gpm)	Report				2/Month	Measured

In response to precipitation events GREATER THAN the 10-year/24-hour precipitation event

pH (S.U.)	6.0	N/A	N/A	9.0	2/Month	Grab
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¹ The measurement frequency is the minimum number of sampling events required. Permittees are encouraged to obtain more than the minimum number of sampling events, which provides a better demonstration of compliance.

Effluent Characterization Sampling

The permittee shall provide analysis of samples collected from erosion and sedimentation control outfalls within two years of the initial discharge of each facility in compliance with 40 CFR 122.26(c)(1)(i)(G). Specifically, sampling results are required for the pollutants listed in 40 CFR 122, Appendix D, Table III, Tables II and IV, for those that are expected to be present and pH, specific conductivity, temperature, alkalinity, acidity, iron, manganese, aluminum, sulfate, chloride, settleable solids, total dissolved solids, oil and grease, BOD5, COD, Kjeldahl nitrogen, and nitrate plus nitrite nitrogen. This quantitative data requirement is subject to the small business exemption at 40 CFR 122.21(g)(8) for Table II.

Additional Requirements for Sections A and B

(Applicable to all outfalls under all precipitation conditions)

1. Samples collected to comply with the monitoring requirements shall be taken while the facility is discharging at the outfall points listed above. The monitoring requirement frequencies apply to both continuous and non-continuous discharges; therefore, sampling is required in every month during which a discharge occurs. A monitoring report of "no discharge" should only be used to indicate that there was no discharge during the entire reporting period.
2. The discharger may not discharge floating materials, scum, sheen, or substances that result in deposits in the receiving water. Except as provided in the permit, the discharger may not discharge foam, oil, grease, or substances that produce an observable change in the color, taste, odor, or turbidity of the receiving water. [25 Pa. Code § 92.41(c)]
3. The permittee may not discharge substances in concentration or amounts sufficient to be inimical or harmful to the water uses to be protected or to human, animal, plant or aquatic life. [25 Pa. Code § 93.6(a)]
4. The permittee shall ensure that all effluent characterization data analysis includes detection limits that are less than or equal to the most stringent water quality criteria for each parameter (PA Code Title 25 Chapter 93.8c Table 5).
5. The permittee shall include a sample from the receiving stream to be analyzed for hardness as part of the effluent characterization for this site. The hardness sample must be collected from the receiving stream downstream of the outfall(s) during a discharge.

PART B
MANDATED STANDARD CONDITIONS FOR NPDES PERMITS

1. Definitions

The following definitions apply within this permit. Reference citations are given from sections of 40 CFR as noted which have been adopted by reference in 25 Pa. Code Chapter 92a.

- (a) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. [122.41(m)(1)(i)]
- (b) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production. [122.41(m)(1)(ii)]
- (c) "Average monthly" discharge limitation means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month. [122.2]
- (d) "Maximum daily" discharge limitation means the highest allowable "daily discharge." [122.2]
- (e) "Daily discharge" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "Daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day. [122.2]
- (f) "Average" refers to the use of an arithmetic mean, unless otherwise specified in this permit. [122.41(l)(4)(iii)]
- (g) "Instantaneous Maximum" means the highest allowable discharge of a concentration or mass at any one time as measured by a grab sample. [92a.2]
- (h) "Composite Sample" means a combination of individual samples obtained at regular intervals over a time period. Either the volume of each individual sample is proportional to discharge flow rates, or the sampling interval (for constant volume samples) is proportional to the flows rates, over the time period used to produce the composite.
The maximum time period between individual samples shall not exceed two hours, except that for wastes of a uniform nature the samples may be collected on a frequency of at least twice per working shift and shall be equally spaced over a 24-hour period (or over the operating day if flows are of a shorter duration).
- (i) "Grab Sample" means an individual sample collected at a randomly-selected time over a period not to exceed 15 minutes.
- (j) "Measured Flow" means any method of liquid volume measurement, the accuracy of which has been previously demonstrated in engineering practice, or for which a relationship to absolute volume has been obtained.
- (k) "At Outfall XXX" means a sampling location in outfall line XXX below the last point at which wastes are added to outfall line XXX, or where otherwise specified.
- (l) "Estimate" means to be based on a technical evaluation of the sources contributing to the discharge including, but not limited to pump capabilities, water meters and batch discharge volumes.
- (m) "Toxic Pollutant" means any pollutant listed as toxic under Section 307(a)(1) of the Clean Water Act. [122.2]
- (n) "Hazardous Substance" means any substance designated under 40 CFR Part 116 pursuant to Section 311 of the Clean Water Act. [122.2]
- (o) "Best Management Practices" ("BMPs") are activities, facilities, measures, or procedures used to protect and maintain the quality of waters, and existing and designated uses within this Commonwealth. BMPs include E&S Plans, Reclamation Plans, Storm Water Management Act Plans, and other treatment requirements, operating procedures, and practices to control project site runoff, spillage or leaks, and other drainage from the mining activity.
- (p) "Erosion and Sediment Control Plan" ("E&S Plan") is a site-specific plan included with the mining permit or authorization application identifying BMPs to minimize accelerated erosion and sedimentation and which meets the requirements of 25 Pa. Code Chapter 102.

- (q) "Point Source" means a discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, CAAP, CAFO, landfill leachate collection system, or vessel or other floating craft from which pollutants are or may be discharged. [25 Pa. Code 92a.2]
- (r) "Operator" means a person or entity conducting mining activity that is covered by this permit. The operator name must match the "Permittee" in relation to their mining permit or exploration activity approval and also that of "Operator" in the associated mine operator's license.
- (s) "Reclamation Plan" means approved documentation made part of a permit or exploration notice that describes how the permittee will restore the land surface as required by the appropriate regulations to meet an approved post-mining land use. This plan includes activities such backfilling, regrading, soil stabilization, and revegetation. Once the permittee completes the reclamation plan, reclamation bond(s) may be released for a permitted mine site.
- (t) "Stormwater" means surface runoff and drainage resulting from precipitation events, including ice and snowmelt runoff. [122.26(b)(13)]
- (u) "Dry weather flow" means the base flow or surface discharge from an area or treatment facility which occurs immediately prior to a precipitation event and which resumes 24 hours after the precipitation event ends. [25 Pa. Code §§ 87.1, 88.1, 89.1, and 90.1]
- (v) "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. [122.41(n)(1)]

2. Standard Federal Conditions

40 CFR Sections 122.41 and 122.42 require that the following conditions are applied to all permits.

(a) *Duty to comply.* [92a.41(a)(1) and 122.41(a)] The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

(1) The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.

(2) The Clean Water Act provides that any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed \$25,000 per day for each violation. Section 309(d) of the CWA, 33 U.S.C. § 1319(d), provides that any person who violates Section 301 of the CWA, 33 U.S.C. § 1311, or violates any permit condition or limitation in a permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342, shall be subject to a civil penalty payable to the United States of up to \$25,000 per day for each violation, which, pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, and the subsequent Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19, was increased to \$32,500 per day for each violation occurring on or after March 15, 2004, and \$37,500 per day for each violation occurring on or after January 12, 2009. The Clean Water Act provides that any person who *negligently* violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than 2 years, or both. Any person who *knowingly* violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to

\$50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both. Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.

(3) Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Administrative penalties for Class I violations are not to exceed \$10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$25,000. Penalties for Class II violations are not to exceed \$10,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$125,000.

(b) *Duty to reapply.* [92a.41(a)(2) and 122.41(b)] If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit.

(c) *Need to halt or reduce activity not a defense.* [92a.41(a)(3) and 122.41(c)] It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(d) *Duty to mitigate.* [92a.41(a)(4) and 122.41(d)] The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

(e) *Proper operation and maintenance.* [92a.41(a)(5) and 122.41(e)] The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

(f) *Permit actions.* [92a.41(a)(6) and 122.41(f)] This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

(g) *Property rights.* [92a.41(a)(7) and 122.41(g)] This permit does not convey any property rights of any sort, or any exclusive privilege.

(h) *Duty to provide information.* [92a.41(a)(8) and 122.41(h)] The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.

(i) *Inspection and entry.* [92a.41(a)(9) and 122.41(i)] The permittee shall allow the Department, or an authorized representative (including an authorized contractor acting as a representative of the Department or EPA), upon presentation of credentials and other documents as may be required by law, to:

(1) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

(2) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

(3) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

(4) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

(j) *Monitoring and records.* [92a.41(a)(10) and 122.41(j)]

(1) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

(2) Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR part 503), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Department at any time.

(3) Records of monitoring information shall include:

- (i) The date, exact place, and time of sampling or measurements;
- (ii) The individual(s) who performed the sampling or measurements;
- (iii) The date(s) analyses were performed;
- (iv) The individual(s) who performed the analyses;
- (v) The analytical techniques or methods used, including detection limits; and
- (vi) The results of such analyses.

(4) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136 unless another method is required under 40 CFR subchapters N or O.

(5) The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

(k) *Signatory requirement.* [92a.41(a)(11) and 122.41(k)]

(1) All applications, reports, or information submitted to the Department shall be signed and certified. (See § 122.22)

(2) The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

(l) *Reporting requirements* [92a.41(a)(12) and 122.41(l)]

(1) *Planned changes.* The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

- (i) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in § 122.29(b); or
- (ii) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under § 122.42(a)(1).

- (iii) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan;

(2) *Anticipated noncompliance.* The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

(3) *Transfers.* This permit is not transferable to any person except after notice to the Department. The Department may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Clean Water Act. (See § 122.61; in some cases, modification or revocation and reissuance is mandatory.)

(4) *Monitoring reports.* Monitoring results shall be reported at the intervals specified elsewhere in this permit.

- (i) Monitoring results must be reported on a DMR or forms provided or specified by the Department for reporting results of monitoring of sludge use or disposal practices.
- (ii) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136, or another method required for an industry-specific waste stream under 40 CFR subchapters N or O, the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Department.
- (iii) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Department in the permit.
- (iv) Monitoring results obtained each month shall be summarized for that month and reported on a DMR.
- (v) The DMR shall be submitted quarterly within 28 days after the end of the quarter to the appropriate District Mining Office.
- (vi) *Electronic Reporting* The permittee shall use DEP's electronic Discharge Monitoring Report (eDMR) system to report the results of compliance monitoring under this permit. (25 Pa. Code §§ 92a.3(c), 92a.41(a), 92a.61(g) and 40 CFR § 122.41(l)(4)).

(5) *Compliance schedules.* Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

(6) *Twenty-four hour reporting.*

- (i) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
- (ii) The following shall be included as information which must be reported within 24 hours under this paragraph.

(A) Any unanticipated bypass which exceeds any effluent limitation in the permit. (See § 122.44(g)).

(B) Any upset which exceeds any effluent limitation in the permit.

(C) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Department in the permit to be reported within 24 hours. (See § 122.44(g).)

(iii) The Department may waive the written report on a case-by-case basis for reports under paragraph (l)(6)(ii) of this section if the oral report has been received within 24 hours.

(7) *Other noncompliance.* The permittee shall report all instances of noncompliance not reported under paragraphs (l) (4), (5), and (6) of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (l)(6) of this section.

(8) *Other information.* Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.

(m) *Bypass* [92a.41(m) and 122.41(a)(13)]

(1) *Bypass not exceeding limitations.* The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (m)(2) and (m)(3) of this section.

(2) *Notice* —

(i) *Anticipated bypass.* If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

(ii) *Unanticipated bypass.* The permittee shall submit notice of an unanticipated bypass as required in paragraph (l)(6) of this section (24-hour notice).

(3) *Prohibition of bypass.*

(i) Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless:

(A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(C) The permittee submitted notices as required under paragraph (m)(2) of this section.

(ii) The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the three conditions listed above in paragraph (m)(3)(i) of this section.

(n) *Existing manufacturing, commercial, mining, and silvicultural dischargers.* [92a.42 and 122.42(a)]

In addition to the reporting requirements above, all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Department as soon as they know or have reason to believe:

(1) That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

(i) One hundred micrograms per liter (100 µg/l);

(ii) Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;

- (iii) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with § 122.21(g)(7); or
- (iv) The level established by the Department in accordance with § 122.44(f).

(2) That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

- (i) Five hundred micrograms per liter (500 µg/l);
- (ii) One milligram per liter (1 mg/l) for antimony;
- (iii) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with § 122.21(g)(7).
- (iv) The level established by the Department in accordance with § 122.44(f).

3. Standard State Conditions

(a) All discharges authorized by the NPDES permit shall be consistent with the terms and conditions of the permit; that facility expansions, production increases or process modifications which result in new or increased discharges of pollutants shall be reported by submission of a new application or, if the discharge does not violate effluent limitations specified in the NPDES permit, by submission to the Department of notice of the new or increased discharges of pollutants, that the discharge of any pollutant more frequently than or at a level in excess of that identified and authorized by the permit shall constitute a violation of the terms and conditions of the permit.

(b) The permittee must comply with applicable water quality standards, including the narrative standards found at 25 Pa. Code § 93.6.

(c) The permittee shall comply with the immediate oral notification requirements of 25 Pa. Code § 91.33 (relating to incidents causing or threatening pollution). Oral notification is required as soon as possible, but no later than 4 hours after the permittee becomes aware of the incident causing or threatening pollution. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the incident causing or threatening pollution. The written submission must conform to the requirements of 40 CFR 122.41(l)(6). [92a.41(b)]

4. Preparedness, Prevention and Contingency (PPC) Plans

(a) Persons subject to this permit shall maintain a Preparedness, Prevention and Contingency (PPC) plan.

(b) The permittee shall periodically review, update and amend the PPC Plan at least once a year and whenever the information submitted in the plan is no longer accurate.

(c) The permit does not authorize the discharge of any polluting substances resulting from an on-site spill. Such spills shall be controlled through proper implementation of a PPC Plan.

(d) This permit does not authorize any discharge (stormwater or non-stormwater), which contains any pollutant that may cause or contribute to an impact on aquatic life or pose a substantial hazard to human health or the environment due to its quantity or concentration.

(e) Operator personnel shall conduct site compliance evaluations using the Annual Inspection Form at least once a year. All areas shall be visually inspected for evidence of, or the potential for pollutants entering the drainage system. Measures to reduce pollutant loading shall be evaluated to determine whether they are adequate and properly implemented in accordance with the terms of this permit or whether additional control measures are needed. Stormwater management measures, E&S plan measures and other structural pollution prevention measures shall be observed to ensure that they are operating correctly. The PPC Plan shall be revised as needed within 15 days of such inspection with implementation of any changes occurring not more than 90 days after the inspection.

NPDES INDIVIDUAL PERMIT CONDITIONS

1. Operation and Maintenance of Erosion and Sedimentation Plan
 - a. The permittee shall implement the erosion and sedimentation plan approved under Surface Mining Permit Number 36080301.
 - b. The permittee shall be responsible for the inspection, maintenance, and repair of the erosion and sedimentation control BMPs to ensure that the proposed system continues to function as designed until final bond release occurs for the mine site.
 - c. All BMPs shall be inspected by the responsible entity on a regularly scheduled basis and, at minimum, once a quarter and after all major storm events (greater than 0.5 inch in 24 hours). A qualified representative of the operator must perform inspections of the facilities. The inspections shall determine the operational condition, safety, and the effectiveness of the BMP. Based on the inspection results, an inspection report shall generate a listing of maintenance needs or repairs required. The permittee shall keep a listing of the repairs needed and a schedule for corrective action. Corrective actions shall be performed within the schedule. Written records shall be kept of all inspections and maintenance work performed related to the discharge management facilities.
2. The permittee is responsible to renew this NPDES permit until such time that the area is stabilized and no further earth disturbance will occur.
3. If the operator must use flocculants to meet effluent criteria, these must be approved by the Department prior to their use.

PART B: SPECIAL CONDITIONS OR REQUIREMENTS
Pierson Rheems, LLC – Pierson Rheems Quarry
NONCOAL SURFACE MINING PERMIT NO. 36080301C5, C6 and C7

The following special conditions or requirements are hereby incorporated into the permit and represent permit conditions.

1. The permittee must report the volume of water pumped from this mining permit to the unnamed tributary to Donegal Creek under the NPDES Permit. Results must be reported in average gallons per day over the month, and submitted quarterly to the Pottsville District Mining Office no later than 30 days after the last day of the quarter, along with the NPDES report and groundwater monitoring report. The flow shall be measured utilizing a continuous recording device (i.e. ultrasonic flow meter measuring device or other device approved by the Department).
2. If, during the course of mining, the permittee pollutes, degrades or in any manner destroys the water quality in the unnamed tributary to Donegal Creek, mining shall cease until the pollution caused by the permittee has been abated. Mining shall resume only when the District Surface Mine Conservation Inspector and the Pottsville District Mining Office are satisfied that the permittee has successfully and permanently abated the source of pollution.
3. The existing variance, as granted in MDP No. 6276SM6, is hereby continued, per 25 PA Code Section 77.504(b)(2), to affect areas for support only within 100 feet (30.48 m) of an unnamed tributary to Donegal Creek, subject to the following:
 - a) No change in maps, plans, profiles and specifications as approved shall be made except with the written consent of the Department.
 - b) All disturbed areas not draining to some type of sediment removal facility (i.e. new channel, out slopes of berms, etc.) shall be stabilized within 20 days of affecting these areas, weather permitting.
 - c) The approved Erosion and Sediment Pollution Control Plan must be properly implemented, closely monitored and revised as conditions warrant to minimize erosion and to prevent excessive sedimentation in the receiving stream channel.
 - d) The Pennsylvania Fish and Boat Commission shall be notified prior to beginning of construction.
 - e) The operator agrees to maintain the authorized structure(s) free of flood debris and deposits. Approval is hereby granted for associated maintenance work subject to all plans and conditions of this permit.
4. The permittee shall not install and/or operate any wet processing system until such time as information detailing the processing and wastewater handling system has been reviewed and approved by the Department.

5. The permittee is authorized to mine to a final depth of 126 feet (38.4 m) MSL. To mine deeper than this elevation, the permittee must submit a major revision to the permit, which includes public notice.
6. Mining is prohibited on the north quarry face and within 100 feet (30.48 m) of the right-of-way of Heisey Quarry Road.
7. A minimum horizontal distance of 15 feet (4.6 m) shall be maintained between the outside toe of any berms and the permit boundary, in order to provide access to these sections of the berm.
8. The horizontal extent of the final highwall on the uppermost lift shall be a minimum of 60 feet (18.3 m) from the permit boundary. Likewise, the top of the final 35-degree reclamation slope shall be a minimum of 25 feet (7.6 m) from the permit boundary.
9. The permittee is hereby granted a variance to affect areas for support activities only, per Title 25 Section 77.504(b)(2), within 100 feet (30.48 m) of the right-of-way of Heisey Quarry Road, West Harrisburg Avenue, Anchor Road. Note: The area shown bonded for support within 100 feet of the right-of-way of Route 230 (Harrisburg Pike) shall not be affected until the permittee has been granted a waiver by the Pennsylvania Department of Transportation and the Department for this area.
10. The permittee is hereby granted a waiver, per title 25 Section 77.504(b)(2), to conduct support activities only within 300 feet of the commercial buildings owned by Agrifrost, L.L.C., as existed under previous MDP No. 6276SM6.
11. The permittee shall conduct self monitoring as described in the Part B – Addendum attached to this permit that describes the monitoring requirements.
12. All quarry blasts shall be monitored by the permittee with seismographic and sound equipment at the nearest structure neither owned nor leased by the permittee. A record of each blast shall be maintained by the permittee for a period of at least five (5) years
13. Prior to the stripping of topsoil or overburden in the preparation of any new or additional areas within the present permit area to be quarried, the permittee shall provide adequate diversion ditches (or berms) to contain all runoff on-site and/or direct it to the pit sump.
14. Only areas necessary for construction of erosion and sediment pollution controls and other associated items may be disturbed prior to installation of the necessary controls in any area.
15. Any area which is disturbed during this operation shall be stabilized within three (3) weeks of the most recent earthmoving activity in that area, or as soon as weather or seasonal constraints permit. Individual erosion and sediment pollution controls must be maintained until the areas draining to each control are permanently stabilized.

16. Minor field adjustments or additions to the permitted erosion and sediment pollution control plan shall be made as necessary to ensure that runoff from all affected, unstabilized areas passes through an adequate erosion and sediment pollution control device prior to exiting the site; runoff from off-site, unaffected areas is properly diverted around or through the site without coming in contact with sediment-laden, on-site runoff and; drainage areas to controls or other facilities as designed are maintained.
17. The permittee shall install and maintain adequate, stable, site entrances to eliminate deposition of material onto the public right-of-way.
18. The construction of all sediment basins or other impoundments shall adhere to all requirements and procedures contained in U.S. Soil Conservation Service Engineering Standard #350, or U.S. Soil Conservation Engineering Standard 378, "Pond" - Pa. as amended, or U.S. Soil Conservation Service Technical Release No. 60 "Earth Dams and Reservoirs", whichever is applicable.
19. The Department reserves the right to direct the permittee to modify its plan of mining should the Department show that geologic conditions are such as to require a change in the operator's plan of mining in order to prevent pollution.
20. This Noncoal Surface Mining Permit No. 36080301 is authorized for the temporary storage of Reclaimed Asphalt Paving (RAP) material per the specifications and requirements of Waste Management General Permit No. WMGR090, any associated conditions, and the site specific conditions outlined below:
 - a) RAP shall be stockpiled only in areas designated as leased by the Asphalt Plant Operator on the most current Operations Map;
 - b) All runoff from RAP stockpile areas shall be contained on-site or directed to adequately designed, constructed and maintained erosion and sediment pollution controls;
 - c) The maximum volume/weight of RAP stockpiled on-site at any given time shall not exceed 60,000 tons, which is twice (2 x) the asphalt plant consumption capacity of 30,000 tons.
 - d) The permittee shall maintain monthly records of the total amount of RAP stockpiled on-site at the beginning and end of each month, the amount of RAP brought on-site and stockpiled, and the amount of RAP consumed by the asphalt plant or otherwise removed from the site.
 - e) The permittee shall submit the preceding two year's monthly records to the Pottsville District Mining Office's Mining Permit and Compliance Specialist no later than January 31 of the current year.
 - f) At a minimum, 75% of the RAP stockpiled on-site at the beginning of every two year reporting period must be consumed by the asphalt plant within that two year period.
 - g) All reports and records herein mentioned shall contain the name of the permittee, Surface Mining Permit No. 36080301, the municipality and county where the quarry is located and the reporting period for which it applies.
21. The amount of clean waste concrete to be to be stockpiled on-site shall not exceed 10,000 tons at any time. Also, the amount of processed, crushed concrete stockpiled on-site shall not exceed 10,000 tons at any time. The permittee shall maintain monthly records on the amounts of waste and processed concrete stockpiled on-site.

PART B ADDENDUM
SELF-MONITORING DATA REQUIREMENTS
Pierson Rheems LLC-Pierson Rheems Quarry
Surface Mining Permit No. 36080301C5, C6 and C7

The following self-monitoring data is required for this permit. No fax copies will be accepted. One (1) copy of the submission are required. A cover letter that includes operator name, operation name, permit number and quarter for which the data is being submitted must be included with the Self-Monitoring Data. All data shall be submitted to the Pottsville District Mining Office either electronically or paper copy at the following address:

Department of Environmental Protection
Pottsville District Mining Office
5 West Laurel Boulevard
Pottsville, PA 17901

Module 8.1 (A)

The permittee shall monitor the quarry wells as outlined in the Monitoring Program (Module 8.2 b and Table 8.2 (b)), with the results submitted quarterly to the Pottsville District Office. The results shall be submitted no later than 30 days after the end of the calendar quarter. Any changes to the monitoring program should be reported to the Department during the applicable quarter.

If any monitoring well becomes inaccessible or fails, the permittee must notify the Department within that calendar quarter to discuss means to replace the monitoring point. The Department may request additional monitoring wells to be drilled if conditions warrant.

The permittee shall provide access to these wells to any authorized representative of the Department for purposes of taking water level measurements or collecting samples for chemical analysis. The Permittee may be required to collect water samples for chemical analysis of relevant water quality parameters, as warranted, when adequate notice is given to the permittee.

Surface Water

BM-3- Upgradient Stream Tributary west of permit

BM-5- Upgradient Stream Tributary east of permit

BM-7- Downgradient Stream Tributary west of permit

BM-4- Downgradient Stream Tributary east of permit

Monitor quarterly for Module 8.1(A) water quantity and quarterly for water quality parameters and report quarterly.

Module 8.1 parameter will include method of flow measurement, flow (GPM), field pH, Laboratory pH, Total Dissolved Solids (mg/l) or specific conductance, Suspended Solids mg/l and field temp.

NPDES

001 TFO

002 SWO

Monitor for NPDES parameters as described in the NPDES permit, including flow and submit on a quarterly basis. As described in the NPDES permit, samples shall be taken during a discharge.

Groundwater

MW-A -monitoring well located across Heisey Quarry Road

MW-B- monitoring well located east of scale house

MW-D- monitoring well located along wester property boundary line and is accessed through Wengers Feed Mill lot

MW-22-1- monitoring well located near the pond at the asphalt plant

MW-22-2- monitoring well located at the southwest corner of the active pit

MW-22-3- monitoring well located at the southeast end of the overburden pile

MW22-4- monitoring well located in the front yard of Wogelmouth Farmhouse along Landis Road

Monitor monthly and submit on a quarterly basis. Data shall be submitted as "static water elevations" with the units "feet above mean sea level (MSL)".

PART C

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF MINING PROGRAMSNONCOAL
AUTHORIZATION TO MINENumber 36080301C5, C6 and C7under issued S.M.P. number 22847-36080301-03

PERMITTEE NAME	<u>Pierson Rheems, LLC</u>	ISSUANCE DATE	<u>April 24, 2026</u>
AND ADDRESS	<u>426 Swedesboro Road</u>	MUNICIPALITY	<u>West Donegal and Mt. Joy Townships</u>
	<u>Pilesgrove, NJ 08098</u>	COUNTY	<u>Lancaster</u>
NAME OF OPERATION	<u>Pierson Rheems Quarry</u>		

TYPE OF OPERATION

- Noncoal Surface Mine
- Surface Activity Connected with Underground Mining (Noncoal)
- Other _____

A. Permittee is hereby authorized to conduct noncoal mining activities on lands of Pierson Rheems, LLC situated in West Donegal and Mt. Joy Townships, Lancaster County. Surface owners' consent is attested to by inclusion of a properly executed Consent of Landowner form submitted in support of this approval.

B. Surface noncoal mining activities are limited to the area designated as bonded on the Exhibit 18 Land Use, Reclamation, and Bonding Map dated April 25, 2023 submitted in support of the request for this Mining Authorization, which covers 115.04 acres.

C. The maximum allowed depth of pit or height of highwall is 284 feet, but shall not extend below the elevation of pit floor which is 126 feet msl. The maximum length of highwall allowed is 7,086 feet to be reclaim by blasting and backfilling (refer to Part C Addendum for details).

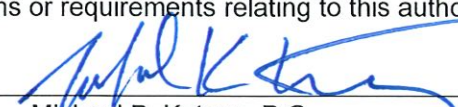
D. Bond Description

- Original Bond \$956,659.00 Additional Bond \$1,208,229.00
- Surety Bond No. 45749 in Amount of \$2,164,888 with Liberty Mutual Insurance Co as surety.
- Collateral Bond dated _____ in Amount of _____ supported by _____.
- PILB
- Additional Remarks: Water Loss bond posted in the amount of \$88,000

E. The approved erosion and sediment control facility related to the area to be mined in accordance with this authorization must be constructed in accordance with the approved plan. These facilities shall be certified to the Department by a qualified registered professional engineer (where required by Chapter 105) or by a qualified registered land surveyor prior to the commencement of other noncoal mining activities in this area.

F. The attached sheet contains four (4) additional special conditions or requirements relating to this authorization.

cc: Kuperavage, SMCI
Akens Engineering, Consultant
File

By: 
Michael P. Kutney, P.G.
Title: District Mining Manager
For the Department of Environmental Protection

ADDITIONAL SPECIAL CONDITIONS AND/OR REQUIREMENTS:

1. This Authorization to Mine replaces and supercedes all previously issued Authorizations.
2. The limits of mining and/or support area(s) approved by this authorization are to be field marked and shall remain marked for the duration of mining and reclamation activity.
3. This permit no. 36080301 is hereby authorized for the following post mining land use: water filled impoundment
4. A maximum of 115.04 acres, with a total financial reclamation responsibility of \$2,164,888, is authorized to be affected at any time, as outlined below:

Operation	Units	Rate \$/unit	Bond Amount
Disturbed Support Area (includes reveg.) / acre	44.38	1,830	\$81,215.00
Disturbed Mining Area (includes revegetation) /acre	48.05	3,500	\$168,175.00
Backfill/Spoil Storage/ berm constr /cubic yards	837,330	1.05	\$879,197.00
Highwall Blasting / linear ft.			
Up to 20 ft Height	n/a	10	\$
>20 up to 30 Height	n/a	20	\$
>30 up to 40 Height	n/a	40	\$
>40 up to 50 Height	726	55	\$39,930.00
>50 Height	n/a	75	\$
Ponds	1	3,800	\$3,800
Demolition of structures	Lump Sum	Calculation	\$347,031.00
Waste Concrete	7,497	75	\$562,275.00
			\$0.00
Mob/Demob (%)		4%	\$83,265.00
			\$0.00
TOTAL			\$2,164,888