

July 30, 2024

**VIA EMAIL**

Andrew Bishop, President  
Bishop Brothers Construction Company, Inc.  
1376 Leisure Drive  
Towanda, PA 18848

RE: Technical Deficiency Letter #3 for Noncoal Application  
Bishop Brothers Construction Company, Inc.  
Mining Permit Application No. 08230301, Minard Mine  
NPDES Permit Application No. PA0270041  
Athens Township, Bradford County  
APS ID No. 1089095, AUTH ID No. 1440877 & 1440878

Dear Mr. Bishop:

The Department of Environmental Protection (DEP) has reviewed the response to the first technical review letter for the above referenced application and has identified the following technical deficiencies. The deficiencies are based on applicable laws and regulations, and the guidance sets forth the Department's preferred means of satisfying the applicable regulatory requirements. The appropriate regulation is cited in brackets following the deficiency comment.

**Technical Deficiencies**

**MODULE 1**

1. The PHMC correspondence now runs from pages 1-107 to 1-174. Please revise the range of pages listed on page 1-5 as necessary. {25 PA Code 77.126}

**MODULE 2**

1. The average and design flow rates for Basin 1 (001) listed on page 13-9 are not consistent with the flow rates listed on pages 2-4 and 2-5. Revise these areas of the application to be consistent. {25 PA Code 77.126}

**MODULE 8**

1. List the piezometers on page 8-4 in item number 12. Provide a note indicating that the piezometers are not installed yet. {25 PA Code 77.403}

## **EXHIBIT 9**

1. Detail 5 on Exhibit 10.2 shows a proposed containment moat that will be used during sand and gravel mining activities in the vicinity of Tutelow Creek. Please ensure that all containment moats (within the floodway) and containment berms (outside of the floodway) are depicted on the Exhibit 9 map. {25 PA Code 77.454}

## **EXHIBIT 9.2**

1. Please revise cross section F-F' to remove Ditch 1, which is no longer proposed. {25 PA Code 77.454}

## **MODULE 10**

1. Item 7 of the Hard Rock Phase Mining 1 Mining Area narrative now indicates that conveyance of pit water from the sump to Basin 2 may be achieved by pumping or other method. Please clarify what is meant by "or other method". Basin 2 is sized based on pumping rates, so the Department would prefer that pumping be the only means of conveying water from the sump to Basin 2 in order to avoid additional questions about the sizing of Basin 2. {25 PA Code 77.458, 77.525, 77.526, and 77.531}
2. Please revise Item 1 of the Sand & Gravel Phase 2 narrative on page 10-4 to include the same language that is now provided in Item 2 of the Sand & Gravel Phase 1 narrative on page 10-4. {25 PA Code 77.452 and 77.458}
3. The agreement with Penelec (First Energy) is specific to construction of an access road beneath the power line. As previously requested by the Department, the following revisions to the application must be made since an agreement to relocate the power line has not been provided {25 PA Code 77.504}
  - a. A no mining area must be shown around all electric utility lines within the permit boundary. If there is no established right-of-way then the Department assumes a total right-of-way of 50 feet with a 25-foot barrier on either side of the utility line.
  - b. All electric power poles must be shown on the mapping with an appropriate barrier shown on each pole. A 25-foot barrier should be shown on each pole unless otherwise specified by the utility company.
  - c. The owner of the utility line must be identified on the map or in the map legend.
4. Detail 2 on Exhibit 10.2 lists the emergency spillway width of Basin 1 as 25 feet while the revised design for Basin 1 lists the emergency spillway width as 42 feet. Revise these areas of the application to be consistent. {25 PA Code 77.458, 77.525, 77.526, and 77.531}

5. Detail 10 on Exhibit 10.2 lists a minimum top width of 28 feet for Sump 1 and Sump 2 which appears to be a typographical error. This detail should list a minimum top width of 48 feet. {25 PA Code 77.458, 77.525, 77.526, and 77.531}

### **MODULE 13**

1. Please remove “or gravity channel” from the last sentence on page 13-1. {25 PA Code 77.458, 77.525, 77.526, and 77.531}
2. The proposed rock filter is listed as being 55 feet tall on page 13-4. This appears to be a typographical error that was introduced with the latest revisions. {25 PA Code 77.458, 77.525, 77.526, and 77.531}
3. Please clarify why the net volume at the top of Basin 1 exceeds the gross volume at the top of Basin 1 as reported in the table on page 13-4. {25 PA Code 77.458, 77.525, 77.526 and 77.531}
4. The Basin 2 narrative on page 13-7 state that the pit sump water will be conveyed to Basin 2 by gravity flow or pumped when needed. Revise this statement to remove the reference to gravity flow. {25 PA Code 77.458, 77.525, 77.526, and 77.531}
5. Page 13-9 should specify R4 rip rap for the emergency spillway of Basin 1 to be consistent with the remainder of the application. {25 PA Code 77.458, 77.525, 77.526, and 77.531}
6. The calculations near the bottom of page 13-20 list “Pond B”, but it appears this section should refer to “Sump 2”. The emergency spillway base width in this section is listed as 40 feet, but the remainder of the application refers to a width of 35 feet. Revise to be consistent. {25 PA Code 77.458, 77.525, 77.526, and 77.531}
7. Please verify the velocity calculations for the Sump 1 and Sump 2 emergency spillways on page 13-20. It is unclear why the area and wetted perimeter would be the same for channels that have different widths and the same flow depths. {25 PA code 77.458}

### **MODULE 14**

1. The April 25, 2024 letter from the USACE requested that enclosure two of the verification letter be signed, dated, and returned to the USACE. Please provide a signed copy of this enclosure to confirm the operator agreed to the conditions of the PASPGP-6 authorization. {25 PA Code 105}
2. Special Condition 2 of the April 25, 2024 letter from the USACE refers to the proposed bridge crossing of Tutelow Creek and the proposed culvert crossing of the Unnamed Tributary to Tutelow Creek as permanent structures. Module 14 of the mining permit indicates these structures will be removed when mining is completed. Please clarify this

discrepancy and confirm that the USACE does not have any objections to these structures being removed at the completion of mining. {25 PA Code 77.458, 77.525, 77.526, and 77.531}

You must submit a response fully addressing each of the significant technical deficiencies set forth above or DEP may deny the application. A full response to this letter is due by **August 30, 2024**.

If you believe that any of the stated deficiencies is not significant, instead of submitting a response to that deficiency, you have the option of asking DEP to make a decision based on the information with regard to the subject matter of that deficiency that you have already made available. If you choose this option with regard to any deficiency, you should explain and justify how your current submission satisfies that deficiency. Please keep in mind that if you fail to respond, your application may be denied.

Should you have any questions regarding the identified deficiencies, please contact me at 814.342.8200 to discuss your concerns or to schedule a meeting. The meeting must be scheduled within your allotted reply period, unless otherwise extended by DEP. You may also follow your application through the review process via eFACTS on the Department of Environmental Protection website.

Sincerely,



John Mital, P.G.  
Licensed Professional Geologist  
Moshannon District Mining Office

cc: Tim Gourley, P.E., Tract Engineering PLLC *(via email)*  
Public Review Copy - Athens Township Building *(via first class mail)*  
Daniel Husted, P.E., Chief, Permit & Technical Services *(via email)*  
Nicholas Craven, P.E., Mining Engineer *(via email)*  
H. David Goss, Inspector Supervisor *(via email)*  
Mike Donahue, Blasting Inspector *(via email)*  
Holly Greenly, Environmental Trainee *(via email/hardcopy)*  
eFACTS/ Permit Application File

JPM/adf