

---

**From:** Louis Vittorio [mailto:lvittorio@earthres.com]

**Sent:** Friday, May 25, 2018 1:55 PM

**To:** Latsha, Gary <galatsha@pa.gov>; Menghini, Michael <mmenghini@pa.gov>; Bollinger, Amiee <ambollinge@pa.gov>

**Cc:** Greg Rodrigo (Greg@newhopestone.com) <Greg@newhopestone.com>; David Allen <dallen@earthres.com>; Mark Rotz <MRotz@earthres.com>; Shane LaGray <slagray@mdandb.com>

**Subject:** Updated Module 14 and Additionally Requested Information

Gary:

Per the Department's April 26, 2018 letter and our below correspondence, please find the attached:

3. Outlet Structure Module 14 Update: An updated Module 14 is attached to be included in the front of Attachment 4 of our April 10, 2018 submittal. The module was developed from the Module 14 submitted for the stream restoration efforts. However, the main difference is that the proposed outlet structure is within the existing disturbed mine permit boundary. Specifically it will be located within the current processing and haulage areas on the east side of the quarry, which has been used for mining operations for decades. However, references to the calculations and designs for the outlet structure are included and cross referenced to the April 10, 2018 Response to Comments package submitted by EarthRes on NHCS' behalf.
4. East Wall Blast Plan: NHCS is working with Maine Drilling and Blasting, Inc. to complete the blasting plan for the East Wall Reclamation effort by May 30<sup>th</sup> as requested by the Department. Initially, Maine has indicated the following:
  - A. *Traditional open cut blasting techniques will be utilized. This includes utilizing vertical holes of staggered depths to achieve the desired reclamation slope.*
  - B. *Pattern and hole size are as follows: 7' burden x 9' spacing/4" diameter bore holes*
  - C. *Holes will be loaded utilizing emulsion and stick product as needed. Stemming height will vary depending on depth of overburden with a minimum stemming height of 6'.*

Lastly, per our conversation this week, you indicated that the Department wished more detail on the reclamation schedule for items proposed to be completed by August 30, 2018 (as represented on the *Reclamation Update* map revised and submitted on May 18, 2018). This information is provided as follows:

- a. North Wall: Areas between Staked Reclamation Areas #9 and #12 & #12 and #19 are

- proposed to be completed by June 30<sup>th</sup>.
- b. Southwest Wall: The area south of Staked Reclamation Area #1 and between Areas #1 and #2 are proposed to be completed by July 31<sup>st</sup>.
  - c. Southeast Wall: The area south of Staked Reclamation Area #23 is proposed to be completed by August 30<sup>th</sup>.

The schedule is dependent upon weather conditions and the progress and completion of stream restoration activities.

Please feel free to contact me should you need any additional information.

Regards,  
-Lou

---

**From:** Louis Vittorio  
**Sent:** Friday, May 18, 2018 6:09 PM  
**To:** 'Latsha, Gary' <[galatsha@pa.gov](mailto:galatsha@pa.gov)>; Menghini, Michael <[mmenghini@pa.gov](mailto:mmenghini@pa.gov)>; [ambollinge@pa.gov](mailto:ambollinge@pa.gov)  
**Cc:** Greg Rodrigo ([Greg@newhopestone.com](mailto:Greg@newhopestone.com)) <[Greg@newhopestone.com](mailto:Greg@newhopestone.com)>; David Allen <[dallen@earthres.com](mailto:dallen@earthres.com)>; Mark Rotz <[MRotz@earthres.com](mailto:MRotz@earthres.com)>  
**Subject:** NHCS Reclamation Update Map and Relocated Transformer Plan

Gary:

Per the Department's April 26, 2018 letter and our below correspondence, please find the attached:

1. Relocated Transformer Plan, and
2. Revision to the Reclamation Update Map

Please contact me should you have any questions or require anything else.

Regards,  
-Lou



**Louis F. Vittorio, Jr., P.G.**

Vice President

[vittorio@earthres.com](mailto:vittorio@earthres.com)

Pipersville, PA • Morgantown, WV

[www.EarthRes.com](http://www.EarthRes.com)

215-768-7064 Cell

800.264.4553 Toll-Free

215.766.1211 PA Office

304.212.6866 WV Office

Follow us on



---

**From:** Louis Vittorio

**Sent:** Friday, May 11, 2018 3:26 PM

**To:** 'Latsha, Gary' <[galatsha@pa.gov](mailto:galatsha@pa.gov)>

**Cc:** Greg Rodrigo ([Greg@newhopestone.com](mailto:Greg@newhopestone.com)) <[Greg@newhopestone.com](mailto:Greg@newhopestone.com)>; David Allen <[dallen@earthres.com](mailto:dallen@earthres.com)>; Mark Rotz <[MRotz@earthres.com](mailto:MRotz@earthres.com)>; 'Shane LaGray' <[slagray@mdandb.com](mailto:slagray@mdandb.com)>

**Subject:** NHCS Extension Request

Gary:

In speaking with NHCS and reviewing the Department's April 26<sup>th</sup> letter, NHCS is requesting extensions for the following items, as numbered in the referenced letter:

1. Transformer Relocation: The requested information has been provided to the Department
2. Revisions to the Reclamation Update Map: The requested items will be provided by May 18<sup>th</sup>
3. Outlet Structure Module 14 Update: The requested items will be provided by May 25<sup>th</sup>
4. East Wall Blast Plan: The requested and proposed date remains May 30<sup>th</sup>

Your letter also indicated that a conference call would be beneficial towards finalizing the above items and additional timeline items outlined in your letter. We are available next week through Wednesday to host such a call. Please let me know what times may work for the Department.

In the meantime, please feel free to contact me should you have any questions.

Regards,

-Lou



**Louis F. Vittorio, Jr., P.G.**

Vice President

[lvtorrio@earthres.com](mailto:lvtorrio@earthres.com)

Pipersville, PA • Morgantown, WV

[www.EarthRes.com](http://www.EarthRes.com)

215-768-7064 Cell

800.264.4553 Toll-Free

215.766.1211 PA Office

304.212.6866 WV Office

Follow us on



## Module 14: Streams/Wetlands [Chapter 105/§77.504/§77.523]

Note: The United States Army Corp of Engineers (Corps) authorizes a Pennsylvania State Programmatic General Permit – 4 (PASPGP-4) when there will be a discharge of dredged or fill materials, or the placement of both temporary and/or permanent structures, which individually or cumulatively result in impacts to 1.0 acre or less of waters including wetlands. Projects will be sent to the Corps as a Category III activity for review. The Commonwealth has issued 401 Water Quality Certification for projects eligible under PASPGP-4.

If there will be a discharge of dredged or fill materials, or the placement of both temporary and/or permanent structures, which individually or cumulatively result in impacts to more than 1.0 acre of waters including wetlands, or such activities are otherwise ineligible for a PASPGP-4, the Corps may require an individual permit in accordance with Section 404 of the Clean Water Act and separate 401 Water Quality Certification.

Stream/Wetland encroachments may also require authorization from the US Army Corps of Engineers (Corps) under Section 404 of the Clean Water Act. If this project requires a federal permit, you may be eligible for either PASPGP-4 authorization or you must file a separate application with the Corps. If you require a permit and are not eligible under the PASPGP-4 you must request a Section 401 Water Quality Certification from the Department using module 14A "Request for Federal Clean Water Act (CWA) Section 401 Certification for Mining Activities."

Does this project require a permit from the Corps?  Yes  No

If no, explain why not. **Reclamation activities are proposed within mining permit area only.**

### 14.1 Mining Activities Within 100 Feet of a Stream/Stream Relocation/Channel Change

If the mining activities are proposed within 100 feet of an intermittent or perennial stream, including haul road crossings, or the relocation or channel change of an intermittent or perennial stream provide the following information: (**Note:** Variance request for these and the expansion of pits must be included in the proof of publication. A separate Module 14.1 should generally be completed for each proposed encroachment.)

- a) Name and location of the stream; and location, length, and acreage disturbed by the proposed activities (Identify the location of the proposed activities on Exhibits 9 and 18);

**Primrose Creek, located in Solebury Township, Bucks County, immediately downstream of the NHCS Quarry pumped water discharge point. The existing endwall at the discharge point will be removed and there will disturbance associated with connecting the outlet structure and channel to existing channel. The total length of disturbance is approximately 50 feet and the total acreage will be less than 0.1 acres and located within the existing disturbed mining permit area.**

- b) A narrative giving a description and the purpose and justification of the proposed activities;

**The outlet structure and channel design is attached. The reconnection is part of the Quarry's approved reclamation plan.**

- c) A description of the character of the stream bed and banks, and a profile of the stream for a reasonable distance above and below the proposed site showing bed slopes, normal and flood water surfaces and a description of the riparian vegetation including a characterization of the resident aquatic community, a description of the riparian vegetation and an assessment of the probable hydrologic consequences of the proposed activities on the water quality and quantity and the resident aquatic community. Provide the name(s), address(es) and telephone number(s) of the individual(s) responsible for the collection and analysis of this data and provide a description of the methodologies used to collect and analyze the data;

**Work will be limited to connection of the existing channel and removal of existing concrete headwall.**

- d) A stream profile for the existing and proposed channel for a reasonable distance upstream, downstream and within the proposed change, showing bed slopes, pool-riffle ratios, normal and flood water surfaces, and existing obstructions;

**A profile of the existing channel and proposed outlet are included in the attached EarthRes Drawing D-001.**

- e) A hydrologic and hydraulic analysis which shall include:

1. data on size, shape and characteristics of the watershed;
2. the size and frequency of the design storm;
3. the hydraulic capacity of any structures or replacement channel;
4. the hydraulic capacity of the channel upstream and downstream of the structure or the relocation/channel change;

**Please refer to the enclosed supporting calculations.**

f) Where a bridge, culvert or other water obstruction is proposed, provide the following information:

**(Note:** General Permit (BMR-GP-102) is available for construction of access roads.)

1) Plans and details showing the location, type, size, and height of the structure;

***Not applicable.***

2) A narrative description of the construction methods and sequence including water handling during construction, and erosion and sedimentation controls;

***Not applicable.***

3) Indicate if the structure will be temporary or permanent (include plans for removal of temporary structures).

***Not applicable.***

g) For a Channel Change or Stream Relocation:

A detailed plan and cross-sections of the existing and proposed channel upstream, downstream and within the proposed channel change showing the limits and configuration of the proposed activities, dimensions, channel linings, and normal and flood water surfaces;

***Not applicable.***

A description of the construction methods and sequence including: water handling during construction, erosion and sedimentation controls, and measures to be taken to prevent adverse impacts to water quality and quantity, water users and the aquatic communities.

***Not applicable.***

h) A characterization of the existing water quality and quantity of the stream including downstream water uses, and 25 Pa Code Chapter 93 Protected Water Use Classification.

***Calculations of water quantity form the basis of the attached design. Numerous water quality data studies are on file with the Department's permit documents. The stream is classified as a Trout Stocking and Migratory Fish (TS,MF) Stream. There are no downstream water uses on the stream, other than potential agricultural.***

#### 14.2 Wetland Related Information

a) Provide the name(s), address(es), telephone number(s) and qualifications of the person(s) who made the determination if wetlands exist within the proposed permit area.

***NA, there is no proposed permit area. The project area is within the existing disturbed mine permit area.***

b) Show the location of wetlands on Exhibits 6.2, 9 and 18. ***Not applicable.***

c) What is the total wetland acreage (which will be affected) for the proposed permit area?

***0*** \_\_\_\_\_ acres.

d) Provide responses to the following for each wetland which will be affected by the proposed mining activities: ***Not Applicable.***

##### Exceptional Value Wetland Characteristics

1) Does the wetland serve as habitat for flora and fauna listed as

“threatened” or “endangered” under the Endangered Species Act of 1973, Wild Resource Conservation Act, Fish and Boat Code, or Game and Wildlife Code?  yes  no

2) Is the wetland hydrologically connected to or located within 1/2 mile of the wetlands identified in d)1) and does it maintain the habitat of the “threatened” or “endangered” species within the wetlands identified in d)1) above)?  yes  no

**NOTE:** If this wetland is located more than 1000 feet from the permit area, show its location (and the location of the wetland that is hydrologically connected to or located within ½ mile of) on the Exhibit 6.1 Map.

3) Is the wetland located in or along the floodplain of a wild trout stream (as designated by the Pennsylvania Fish and Boat Commission), or the floodplain of a tributary to a wild trout stream?  yes  no

4) Is the wetland located in or along the floodplain of a stream listed as exceptional value (under 25 Pa Code Chapter 93) or the floodplain of a tributary to an exceptional value stream?  yes  no

5) Is the wetland within the corridor of a waterway which has been designated as a wild or scenic river in accordance with the Wild and Scenic Rivers Act of 1968 or the PA Scenic Rivers Act?  yes  no

6) Is the wetland part of, or located along, an existing public or private drinking water supply and does it maintain the quality or quantity of the drinking water supply?  yes  no

7) Is the wetland located in areas designated by the Department as “natural” or “wild” areas within state forest or park lands?  yes  no

8) Is the wetland located in areas designated as Federal wilderness areas under the Wilderness Act or the Federal Eastern Wilderness Act of 1975?  yes  no

9) Is the wetland located in areas designated as National natural landmarks by the Secretary of the Interior under the Historic Sites Act of 1935?  yes  no

**NOTE:** If a “yes” response is indicated for any question in d)1) through d)9), the wetlands would be “exceptional value” (as defined in 25 Pa Code Section 105.17) and a demonstration must be made that the requirements of subsection (a) of 25 Pa Code Section 105.18(a) have been met.

Wetland Functions

10) Does the wetland serve natural biological functions, including food chain production; general habitat; and nesting, spawning, or resting sites for aquatic or land species?  yes  no

11) Does the wetland provide areas for study of the environment, or as sanctuaries or refuges?  yes  no

12) Does the wetland aid in, or maintain natural drainage characteristics, natural water filtration processes, current (flow) patterns or other environmental characteristics?  yes  no

13) Does the wetland serve as storage areas for flood and storm waters, or does it shield other areas from erosion or storm damage?  yes  no

14) Does the wetland provide a groundwater recharge area that maintains minimum baseflows?  yes  no

15) Does the wetland serve as a prime natural recharge area where surface water and groundwater are directly connected?  yes  no

16) Does the wetland aid in the prevention of pollution?  yes  no

17) Is the wetland used for, or does it provide the opportunity to be

used for recreation?

yes  no

- e) If a “yes” response is indicated for the question in d)1) or d)2), identify how the determination was made and indicate any contacts with state or federal agency personnel.

### 14.3 Wetland Impact Analysis/Assessment

- a) Describe the alternatives to the proposed mining activities that have been considered to avoid or minimize impacts on wetlands. An alternative analysis should include alternatives to the proposed mining activities, including alternative locations, routings or designs to avoid adverse impacts on the wetlands (e.g. relocating spoil/topsoil storage areas, rerouting haul roads).

***Not applicable.***

- b) Discuss whether any of the alternatives are practical to achieve the basic purposes of the project taking into account availability, cost, technology and logistics of the other possible project sites which would not affect the wetlands.

***Not applicable.***

- c) For any wetlands within the proposed permit area, provide the following:

- 1) Identify and delineate the wetland and the areal extent of the impact (wetlands must be identified and delineated in accordance with 25 Pa Code Section 105.451 Identification and delineation of wetlands – statement of policy).

***Not applicable.***

- 2) Submit a cross-sectional view showing the wetland and the proposed mining area.

***Not applicable.***

- 3) Explain how the proposed mining activities will directly affect the wetlands.

***Not applicable.***

- aa) If the proposed mining activities will affect less than 1.0 acre of wetland and the wetland is not an exceptional value wetland (in accordance with 25 Pa Code Section 105.17), provide a description of the wetland functions which will be impacted by the proposed mining activities. **Note:** If a “yes” response is indicated for any question in Module 14.2 d)1) through d)9), the wetlands would be exceptional value (as defined in Section 105.17).

***Not applicable.***

- bb) If the proposed mining activities will affect 1.0 or more acres of wetlands or may affect an exceptional value wetland, provide a detailed assessment of the wetland functions identified in Module 14.2 d)10) through d)17).

***Not applicable.***

- d) If any wetlands within the proposed permit or adjacent area will be indirectly affected (e.g. altering the wetland hydrology), provide the following:

***Not applicable.***

- 1) Identify and delineate the wetland and provide an estimate of the total wetland acreage affected (wetlands must be identified and delineated in accordance with 25 Pa Code Section 105.451 Identification and Delineation of Wetlands – statement of policy).

***Not applicable.***

- 2) A description of how the proposed mining activities will indirectly affect the wetlands.

***Not applicable.***

- e) Will the cumulative impact of the proposed and anticipated mining activities result in a major impairment of the wetland resource in the general area?  yes  no

Provide an explanation of the determination and identify any contacts with state or federal agencies involved in making the determination.

***Not applicable.***



#### 14.4 Wetland Mitigation/Replacement

**Note:** If a total of one-half (.5) acres or less of wetlands will be affected, participation in Pennsylvania's Wetlands Replacement Project may be authorized by the Department in lieu of onsite replacement of the wetlands.

a) If wetland mitigation measures or wetland replacement are proposed, address the following:

1) Identify the wetlands where mitigation measures will be employed.

***Not applicable.***

2) Identify the wetlands that will be replaced and the location of the replacement wetland site. Provide the number of acres for each wetland to be replaced and the acreage of the replacement wetland.

***Not applicable.***

3) Provide a plan for mitigation/replacement following the guidelines in the Department's technical guidance titled "Design Criteria - Wetlands Replacement Monitoring" document 363-0300-001. This guidance is available from the Division of Waterways, Wetlands and Erosion Control, Post Office Box 8854, Harrisburg, Pennsylvania 17105-8554 or through the Department's website.

***Not applicable.***

Show the location of replacement wetland sites on the Operations Map (Exhibit 9) and the Land Use and Reclamation Map (Exhibit 18).

**Note:** At a minimum, wetland replacement must be at a 1:1 ratio (replacement acres: affected acres). The Department may require the ratio to exceed 1:1 based on the functions and values of the wetlands to be affected. Wetland replacement sites will generally not be approved unless the site is located within the same general area as the existing wetland to be replaced.

#### 14.5 United States Army Corp of Engineers Permits **NOT APPLICABLE**

a) If the United States Army Corp of Engineers (Corps) requires a Pennsylvania State Programmatic General Permit – 4 (PASPGP-4) for your proposed activity: Completed and attach the "PASPGP-4 Cumulative Impacts Project Screening Form (3150-PM-BWEW0050)" and supporting documents listed below.

1) the PASPGP-4 Cumulative Impact Project Screening Form (3150-PM-BWEW0050);

2) Exhibits (pdf format):

a) U.S.G.S. Map 6.1 (site location map),

b) Environmental Resources Map 6.2,

c) Operations Map 9,

d) Land Use and Reclamation Map 18, and

e) a CD or DVD with any plans that are larger than 8 ½ by 11 inches.

3) Module 1: Large Noncoal (Industrial Minerals) Mine Permit Application

4) Module 14 and any detail drawings for stream / wetland encroachment activities (including Form 14A, Request for Federal Clean Water Act (CWA) Section 401 Certification For Mining / Coal Refuse Disposal Activities).

5) the Endangered Species Act /Pennsylvania Natural Diversity Inventory receipt,

6) the Pennsylvania Historical and Museum Commission correspondence (Section 106 coordination)

**NOT APPLICABLE**

## FORM 14A - Request for Federal Clean Water Act (CWA) Section 401 Certification For Mining / Coal Refuse Disposal Activities

**General requirements:** A mining or coal refuse disposal activity that involves encroachment into a stream or wetland requires a DEP mining activity permit and a US Army Corps of Engineers (Corps) permit issued pursuant Section 404 of the Federal Clean Water Act (FWPCA). An applicant proposing this type of activity must file a state mining activity permit application with the DEP district mining office and a separate federal permit application with the Corps district office.

**Need for a Section 401 certification:** As a matter of coordination, the Corps district office will not issue the federal Section 404 permit until DEP issues an Individual Water Quality Certification pursuant to Section 401 of the FWPCA, certifying that the activity will comply with the provisions of sections 301-303, 306 and 307 of the FWPCA and will not violate applicable federal and state water quality standards. The DEP district mining office issues this certification based on the information presented in the state permit application, public comments received with respect to the state permit application, and consultation with the Corps district office in regard to the federal permit application.

To ensure timely processing of both state and federal permit applications, the applicant is encouraged to:

- Contact the Corps district office to determine if a Section 404 permit is required for the proposed activity, and what type of permit is needed (an individual permit or nationwide permit).
- Complete and submit this form with the state mining activity permit application to the DEP district mining office.

Applicant _____	Application No. _____
Address _____	Operation Name _____
_____	Municipality _____
Telephone _____	County _____

**Section 1: Corps Determination:**

This project requires 401 certification for:

# FORM 14A - NOT APPLICABLE

- An individual 404 permit
- Modification to an existing 404 permit
- Authorization to operate under Nationwide Permit No. \_\_\_\_\_

**Section 2: Activity Description:**

Please describe the activities that are the subject of this request:

---



---



---



---



---

If the scope of activities (including any mitigation to be performed as compensation for the unavoidable impacts of fill placement) proposed under the federal permit application is the same as the scope of activities proposed under the state permit application, check here  and provide the application number assigned by the Corps \_\_\_\_\_ and the date on which the application was filed \_\_\_\_\_.

If the scope of activities described under the federal permit application differs from the scope of activities described under the state permit application, attach a copy of the federal permit application.

Note that any substantial revisions required as part of the federal application review process must be provided to the DEP district mining office.

**Section 3: Signature(s)**

I (am the applicant) (am an officer of the applicant) (have the authority to file a Section 404 application for this project) and certify that the plans, reports and documents submitted as part of the application are true and correct to the best of my knowledge and belief, I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. **(Note: Cross out inapplicable portions in parenthesis).**

\_\_\_\_\_  
Signature of Applicant or Responsible Official

\_\_\_\_\_  
Name (typed)

\_\_\_\_\_  
Title

**FORM 14A - NOT APPLICABLE**

