

June 26, 2024

VIA EMAIL

Neiswonger Construction, Inc.
17592 Route 322
Strattanville, PA 16258

Re: Large Noncoal Mine Application
Maggie Lynn Underground Mine
SMP Application No. 63192001
NPDES Permit Application No. PA0278360
Deemston Borough, Washington County

Dear Applicant:

The Department has reviewed the applicant's submittal dated April 25, 2024 from GeoTech Engineering, Inc. (GEI) in response to the Department's March 18, 2024 comment letter regarding the above-referenced large underground noncoal (LNC) permit application and associated National Pollutant Discharge Elimination System (NPDES) permit application. In order to continue processing the permit applications the following additions, corrections, and clarifications must be made. All regulatory references below are from Pennsylvania Code Title 25. Environmental Protection unless noted.

Module 5

1. Based on review of Appendix A to Module 5, the Department will accept the revisions to Module 5 and the exhibits at this time to remove Parcels 6 and 7 since Sedimentation Pond P-2 has already been constructed and has existed there for some time. The Department must be informed of the final resolution within six months of permit issuance. If the title search concludes that Parcels 6 and 7 are owned by People's, the permit must be revised to include these parcels and the necessary Landowner Consent Forms. This will be included as a Part B Special Condition. (§77.104, §77.162, §77.163)
2. Please correct the three typographical errors on page 5-2 as follows. a) For Properties 36 & 37, the 4th column should also refer to Note #4 as the 5th column does. b) The second sentence of both Note #1 and Note #2 should have "Form" as the 14th word in those statements. (§77.104, §77.163)
3. Revise Note #3 for Properties 5, 36, and 37 to report presence/absence of any pending litigation regarding means to enter as was done for Properties 1, 2, 3, and 4. (§77.104, §77.163)

Exhibits

4. There is a discrepancy in the Exhibit 9 bond map legend which indicates a mining area of 72.8 acres when the total of each bonded acreage is only 72.6 acres. Please resolve by

correcting the exhibit or the bond calculations. If only the total bonded acreage must be resolved on Exhibit 9, please correct the e-version of the Exhibit 9. If applicant is amenable to hand-correction, please hand-correct the printed exhibit copies in applicant's possession and advise the Department to hand-correct the Exhibit 9 copies in its possession. (§77.104, §77.410, §77.454)

Module 8

5. Regarding the first paragraph of the narrative in Module 8.6c) on page 8-16, it seems with the 0.5 gpm/acre for safety considerations for sediment pond design and the 256.6 acre full underground mine extent, that the underground workings could yield 128.3 gpm, which equates to 184,752 gpd (gallons per day), rather than the stated 256.6 gpd. Please revise page 8-16 as needed. (§77.104, §77.452, §77.457)
6. The applicant states in the response letter that they have determined that Parcel 16 utilizes public water. Please discard the 8.1(A) that was submitted for this parcel and the Department will do the same, as there is no need for it to remain in the application/issued permit. (§77.104)

Module 10

7. The Module 10 must have the Department's form number and revision date shown on it. Per the third general comment of the Department's March 18, 2024 letter, the module form number and current revision date used should appear on the Module narrative itself, but not on the attachments used to support the module (unless the attachments, such as bond forms, themselves have their own Department form numbers). Please resubmit Module 10 ensuring the Module 10 form number is shown on each page and revising references to appendices as noted below. (§77.104)
8. The lettering of the appendices is useful. Please revise the Module 10 narrative to fully and correctly reference them. (§77.104)
 - a. Appendix B should be referenced in Module 10.6 rather than 10.5. Within Appendix B, page B-8 was superseded by page B-3, and page B-8 must therefore be discarded. Most of the originals were revised/submitted by GEI under a December 21, 2023 cover letter and are not in SMP #63100401 as stated. These originals have been placed into the original application. To reference the landowner statements, please delete the last sentence under the Module 10.5 Pit #2 heading and include the following text as the last paragraph of Module 10.6: "Included with this application are the originals of notarized landowner statements to: 1) Request Erosion/Sedimentation (E&S) controls to remain after mining completion on Property 1; 2) Request other than approximate original contour backfilling on Property 1; 3) Request to keep the haul road and associated E&S after mining completion on Property 5; 4) Request to allow electric poles and lines to remain on Property 2; 5) Request to allow electric poles and lines to remain on Property 1; 6) Request to keep the haul road (Property 5); 7) Request to keep the haul road (apply to Properties 4, 3, and 1).

- b. Appendix E is referenced in Module 10.12 (also in Module 10.14). The current status of PennDOT's response is included in Module 15.5 on page 15-3 and should also be stated in Module 10.12. Therefore, add the following statement to Module 10.12: "PennDOT is awaiting approval by the Department prior to allowing mining beneath SR 2041 (Morey Road). A 100-foot no mining barrier from the ROW lines for all state-owned roadways (SR 2024 (Buckingham Road) and SR 2041 (Morey Road) is applicable until approval from PennDOT is secured." If available, provide additional page(s) to Appendix E with PennDOT's reply to GEI's June 15, 2020 letter.
 - c. Add a reference to the Appendix D Pipeline Crossing Agreements to Module 10.14, explaining them and adding the appropriate pages in a similar manner as was done for the Appendix C agreements.
9. The Department cannot request bond until the items listed below are removed from the proposed permit area as previously discussed. Please inventory these items and provide reclamation costs if they are not removed by July 23, 2024. Some of the items may be located on the current overlap with the Hawkins SMP 63813210. (§77.104, §77.193, §77.202)
 - a. Large equipment tires in excess of the 40 tires present in the processing area retaining wall which are already included in the calculations (provide number present across entire permit).
 - b. Inoperable equipment present anywhere on the permit (list each item and provide estimated tonnage and cost for removal/disposal). The Department does not provide credit for scrap sale.
 - c. Scrap metal present anywhere on the permit (provide estimated tonnage and cost for removal/disposal). The Department does not provide credit for scrap sale.
 - d. Refuse present within the permit area (provide estimated volume and cost for proper landfill disposal).

Module 13

10. Please address the following regarding the Flocculant Addition Plan. (§77.104, §77.526)
 - a. Please delete the map on page 13-28 as it still shows two flocculant addition locations and also isn't very legible. Replace with an "intentionally left blank" page as needed.
 - b. The Flocculant Addition Plan (and response letter) says that 7.5 ml every 30 seconds in the 250 gpm pumped stream equates to 1 ml per 33 gallons pumped. But running the calculations equates to 1 ml per 16.7 gallons pumped. Revise bullet 5 on page 13-29.

Module 15

11. The unsigned Form 15.12 must be removed and discarded. Replace it with Form 15.12 that the applicant signed on 12/23/21 (page number 15-22 received in January 2022) and the Department will do the same, although the page numbers will be out of sequence. (§77.104)

Module 17: Air Pollution and Noise Control Plan

12. No air quality control monitoring program has been provided as requested in the Department's March 18, 2024 deficiency letter. This requirement is made pursuant to §77.455(2). Please submit a plan which will provide sufficient data to evaluate the effectiveness of the air pollution control plan. (§77.105, §77.126, §77.455(2))

The revisions and additions submitted must satisfy the provisions of Title 25, PA Code Section 77.126 by providing an affirmative demonstration of compliance with all existing laws, rules and regulations of the Department. All revised plan drawings must bear the date of revision and the seal or signature of the engineer or person who prepared the revision. **All revised pages of the application, including the narrative, must indicate page number and date of revision.** If revisions extend beyond the original page, each additional sheet should bear the original page number and a sequential letter of the alphabet.

Please submit one (1) hard copy and one (1) electronic copy of all information within 21 business days (July 26, 2024). Electronic copies must be in PDF format and are to be emailed to RA-EPNewStanton@pa.gov. Applicant must also revise the copy of the application available for public review.

Sincerely,



Diane Roote, P.G.
Licensed Professional Geologist
Bureau of District Mining Operations

cc: Application File – copy
Geotech Engineering, Inc. – email
C. Meyer, Environmental Program Manager - email
D. Roote, Lead Reviewer – email
C. Vought, Sr. Engineer – email
D. Zoeller, MCI – email, copy
M. Somogyi, MCIS – email
e-FACTS – email