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April 25, 2024

Diane Roote, P.G.
Department of Environmental Protection
New Stanton District Mining Office
131 Broadview Road
New Stanton, PA 15672

**Re: Large Noncoal Mining Application
Neiswonger Construction, Inc.
Maggie Lynn Underground Mine
SMP-Application No. 63192001
NPDES Permit Application No. PA 0278360
Deemston Borough, Washington County**

Dear Ms. Roote:

So that processing may continue regarding the above referenced application, enclosed please find three paper copies and an electronic copy on CD of our response to your permit review letter dated March 18, 2024. Numbered items correspond to your numbered comments.

General Comments

Public Hearing It is acknowledged that an additional public hearing will be held on this application.

Overlap with Hawkins Refuse Reprocessing SMP It is acknowledged that a permit area revision will need to be submitted to eliminate any overlap with the PA Coal Reclamation Hawkins SMP# 63813210.

Future Submission Organization The information submitted with this review letter response follows your preferred practice of not including the Module form number on pages that support the Module.

Module 1: LNC Permit Application General Information and PNDI/SHPO Response

1. The original proof of publication for the advertisement that ran on January 16th, 23rd, 30th and February 6th is included with this submission:
2. A PNDI dated January 12, 2024, and the latest response from the Pennsylvania DCNR has been included in Module 1. These pages have replaced the previous pages from a prior submission. The latest PNDI 804379 is labeled on page 1-5 and the new submission and materials are from pages 1-9 to 1-15f.

Module 2: NPDES Information and NPDES Application

3. The 911 mailing address has been provided under Section A, No. 12 and the Boro box has been checked. Also, the address has been corrected on page 12 of the NPDES application.
4. The average and design flows at 001 are given as 5.229 MGD and 64.627 MGD respectively on pages 3 and 13 of the NPDES application and on the sedimentation pond certification page 13-3.
5. The flows at 002 have been calculated based on 8.8 acres, using the size of the two collection ditches that report to P-2, as shown on pages 12-57 and 12-58, and the Exhibit 12. The result is also shown on page 3 of the NPDES application, and the calculations have been updated on the NPDES pages 13 and 14.
6. Revisions regarding the sample dates and flows for the testing of selenium have been made on page 6 of the NPDES application.
7. All references to the calcium chloride have been removed from the Module 17 narrative. There are no plans to keep it on site at any time. The chemical inventory list has not been altered.
8. The flocculant addition plan has been included solely as part of Module 13 and has been removed from the NPDES permit application.

Module 5: Property Interests/Right of Entry

9. People Gas does not own properties 6 & 7. The inclusion on the Washington County GIS is in error. Their ownership has been removed from all mapping, and all modules. A letter from a PLS along with supporting documentation is included as an Appendix to Module 5. It has been strongly recommended to the landowner that they rectify this situation with the Washington County GIS office as soon as possible.
10. All supp "C" for this project have been secured and recorded. Page 5-2 has been altered with the following:
 - a. Language stating, "The Department will replace the provided copies of the Contractual Consent of Landowner from with the original, recorded Contractual Consent of Landowner Form from the SMP 63100401 file upon issuance of SMP 63192001." Has been added to notes number 1 and 2.
 - b. The Language stating, "The original, recorded Contractual Consent of Landowner Form is attached with the module." is included on notes 4 and 4.
 - c. Note 4 has been removed and replaced with note 5.

Exhibit 6.2

11. The Exhibit 6.2 has been revised as follows:

- a. Culverts C-4 and C-5 have been labeled to the exhibit 6.2 and match the location shown on other exhibits. C-6 has been removed from the Maggie Lynn operation and is no longer shown on the map.
- b. CD-2 runs around the existing limestone piles as shown on the mapping.
- c. B-1 does not currently exist and therefore has been removed from the Exhibit 6.2.
- d. The 100' floodplain has been adjusted on the mapping along the southern boundary of the existing Pond P-1.

Module 8: Hydrology

12. A brief section has been added to Module 8.3a, near the bottom of page 8-6 that states additional groundwater sources are associated with the existing pits. The sources are discussed in further detail on page 8-16 at the end of section 8.6c). The revision of page 8-16 caused spacing changes that altered page 8-17. Updated water sampling results in Module 8.1(A) have been included.

Also, it has been confirmed that the dwelling on parcel 16 uses public water only and this is now referenced on the Exhibit maps.

Exhibit 9:

13. The Exhibit 9 has been revised as follows:
 - a. Based on the PDNI dated January 12, 2024, and included in Module 1, there are no revisions to be placed on the map.
 - b. The pond on the former Hawkins permit site is labeled as P-2 on the mapping.
 - c. CD-2 has been moved on the mapping so that it is going around the lime dust stockpiles.
 - d. Berm B-1 is included in Module 12 and is on the exhibit mapping.
 - e. The piping under the walking trail is to be moved and a minimum of 1, 12" diameter pipe is to be set under the trail. This is shown on the mapping.
 - f. The 100' floodplain has been adjusted on the mapping along the southern boundary of pond P-1.
 - g. The ditches to pond P-2 are labeled as CD-4 and CD-5.

Module 10: Operational Information and Bond Calculations

14. The material of Module 10 was placed as it was secured, and this created sequencing issues. A new Module 10 has been submitted. We have included Page 10-13 as an Appendix table of contents, and the remainder of Module 10 is organized as such.

- a. We have tied all the materials sent to PennDot together as part of Appendix E of Module 10. Any reference to any page numbers has been adjusted to reference the appropriate appendixes page. Regarding the plugging certificates see comment 15e.
 - b. The materials of Appendix E are the materials that were sent to PennDot.
 - c. The materials are now broken down by separate appendixes with an index on page 10-13.
 - d. The module form number has been removed from the header in all the appendixes.
15. The Module 10.9 has been modified as follows:
- a. The number of wells not drilled is now given as two in Module 10.9. Based on our review of the available materials, all permitted wells within 150 feet of the permit boundary are included on the mapping.
 - b. The number of the wells located within the limits is listed as twenty in the third paragraph of the Module 10.9 response.
 - c. The latitude of Farmline Abandoned Gas Well ID #FM-2572 has been changed to 40° 00' 22.1”.
 - d. Under the well name the plugged gas well ID R-88 443-WAS is also labeled as historic gas Well ID #617.
 - e. The three wells labeled as plugged were identified from the Clyde deep mine maps dated September 1, 1967. Calls to the Southwest District Oil and Gas Office produced no records or plugging certificates for these wells. The Clyde map predates the existence of the Pennsylvania Department of Environmental Resources (DER), the predecessor of the DEP, by three years. Based on our efforts, we believe plugging certificates for these wells do not exist.
16. The narrative of 10.10 discusses bore holes being grouted with Portland cement, bentonite clay or combination thereof. The language stating this has been added near the middle of page 10-10 of the module.
17. The bonding information in the revised Module 10 is now a part of Appendix A.
- a. The bonding costs for each individual bore hole to be sealed in calculated on page A-8, of Appendix A of Module 10. The cost of \$8,153 is included with the general bond calculations.
 - b. These items are planned to be removed from the site.
 - c. The bonding pages of Appendix A of Module 10 included a cost of \$1.00 per stem for tree planting. The revised cost for tree replanting is \$25,840.

Module 12: Erosion and Sedimentation Controls

18. The cited regulation does not mention any specific standard to meet regarding public roads or truck inspections, but Neiswonger has consistently made efforts to ensure that Morey Road is free of debris with the trucking of limestone. Based on discussion with the operator the following has been addressed in past practice.
 - a. The use of street sweepers is identified in Module 17.2a as an active practice. The use of water trucks is also addressed in Module 17.2a and will continue to be used. The current image on google earth dated March 21, 2021, shows the end of the haul road with obvious water on it, while the majority of the haul road is dry. The road is being watered as a part of the regular schedule on dry days.
 - b. In an effort to limit trackout from vehicles, the operator has installed a concrete and asphalt paved section of the haul road to Morey Road. The concrete was installed in 2017 and the pavement extension was put in place in 2022. This concrete/ asphalt section of the haul road extends almost 500' from the quarry entrance to Morey Road.
 - c. Efforts will be made to ensure trucks are not overloaded.
 - d. As part of their on-site standard procedures, Neiswonger will direct all truck operators to do a walk around inspection of their vehicles, to ensure tailgates and tarpaulins are secure, before leaving the site.
19. The ditches on the Hawkins permit are labeled at C-4 and C-5 on this permit. These additions are shown on page 12-56 to 12-58.
20. B-1 has been included with this submission as it was with the submission of June 16, 2023. It is included as page 12-16.

Module 13: Impoundments – Treatment Facilities

21. The revisions of sedimentation pond P-1 are as follows:
 - a. The language regarding the pond volume reductions has been removed from page 13-4.
 - b. The spillway elevation of 824.8 is consistent within all the pages of Module 13. See pages 13-3, 13-12 and 13-16.
 - c. The inside slopes are labeled at 2.5:1 in all locations, which matches the slopes used in the calculation. The comment regarding the inside slope if the pond is to remain permanently is noted.
22. The narrative of Module 13.5 regarding the height of the dewatering pipe has been revised to three feet, consistent with the other mentions of the dewatering pipe. This is shown on page 13-2.

23. The documentation of the pond removal has been added in Module 13.6. This has been included on page 13-2.
24. The flocculant is currently not in use. When in use, it will be injected only near the sump of the main pit. There should be no use for any floc near CD-2 as pit two is to be filled in which will greatly reduce the flows in CD-2 once devoid of any pit water. Please see the revised page 13-28.
25. The Flocculant Addition Plan is part of Module13, on page 13-29.
 - a. The plan discusses the use of flocculant only in the main pit.
 - b. The flocculant addition will occur only during pumping as the addition will occur only in the sump area of the pump.
 - c. The flocculant addition is labeled as 1 ml per 33 gallons when addition is occurring. This is one half of the floc addition that was anticipated with the review letter response of December 1, 2023.
 - d. With the pumping being done with a sump area, the amount of fluctuation should be minimal. The operator has stated the use of floc will be between 5 ml and 10 ml per minute of pumping. The current pump operates at 250 gallons per minute.
 - e. The Flocculant Addition Plan includes the requested items and the PFBC approved the plan by email dated April 22, 2024 and is included on page 13-30.

Module 15 and Exhibit 15.2 Noncoal Underground Mines

- 26 It is our belief that these properties, 6 & 7, are shown in the Washington County GIS information in error and that these areas are easements for Peoples Gas and not separate properties owned by Peoples Gas. Please see the revised pages 15-1 and 15-2 and the Module 5 Appendix A. The owner of the property, Jhon Kosky, is working on resolving this issue with Washington County.
- 27 As a part of the write up, calculations show that the water that could be expected at the highwall is to be between 5 and 10 gallon per minute. This is a part of the narrative of Module 8.6c, page 8-16. This translates to from 7,200 to 14,400 gallons per day. This is noted in Module 17.2a, page 17-1 that such an average more than meets the needs of the site, though other alternatives for water are mentioned. At the bottom of page 15-7 and 15-8 it references parts of three other Modules that address the water bearing zone of the limestone. A further revision regarding the groundwater source is given in Module 15.6h near the top of page 15-17.
- 28 Module 15.6e) has been revised to discuss the ten (10) flow only monitoring points, as well as the monthly flow and quarterly water sampling of points 5 and C. This is done in the third paragraph in the middle of page 15-15. These changes made to address questions 27 and 28 alter all pages of the module from 15-7 to page 15-22b, due to spacing issues. All those updated pages are included with this submission.
- 29 Exhibit 15.2 has been altered to reflect the 150' gas well barriers.

Module 17: Air Pollution and Noise Control Plan

- 30 The cited regulations do not contain any noise standards or specifically mention noise levels. The site has been in operation for an extended period of time and no new processing facilities or sound producing devices have been added for several years. In an effort to be a good neighbor and address the complaints from surrounding landowners, the operator has enclosed processing equipment to reduce dust and buffer sound. The operator has removed all diesel generators that were on site prior to the fall of 2021. This has been added to the narrative of Module 17.3e. Should specific violations of a noise standard be found, the operator will evaluate the implementation of additional sound reducing measures.
- 31 The cited regulation does not mention water usage requirements. The amount of water referenced in the permit application is a general description of the amount of water normally utilized across the site. The amount would increase or decrease depending on the operational need to control dust or wash equipment and is not limited by the general statement of water usage. Also, the operator has available a tap located on property #5 that accesses public water. This source will be utilized if pit water is in insufficient quantity to meet the demand.

The operator has been issued an Air Quality permit # GP3-63-00970E from the Bureau of Air Quality Management (shown on pages 17-4 to 17-12) and receives frequent inspections regarding fugitive dust and air quality concerns. The operator has installed additional water sprays across the permit and frequently waters haul roads, working stockpiles and processing equipment. The operator will continue to strive for compliance with the Air Quality standards.

We realize that the site maintenance descriptions may not satisfy the complaints from all interested parties; however, all complaints are promptly addressed by the site foreman and additional operational measures are employed as necessary. The site foreman, Harley Doane can be reached at 814-319-5830 to discuss any site issues during active operations. Neiswonger continues to be committed to compliance with the laws and regulations and strives to be a good neighbor and would welcome any discussions with complaining parties to mitigate any problems.

Specification regarding the water availability and the addition of both concrete and pavement section to the end of the of the haul road in effort to reduce any materials from leaving the site on to Morey Road have been added to the narrative of Module 17.2a, located on page 17-1.

- 32 Please see the updated pages 17-2 and 17-3. The response for Module 17.3 d) is given in its entirety on page top of 17-3.

Module 18: Checklist and Exhibit 18 Land Use and Reclamation Map

- 33 Sedimentation pond P-2, and the corresponding collection ditches, are not approved as post mining structures. Therefore, they have been removed from the Exhibit 18.

Also included is a CD with all of the pdf's of all revisions and additions. A copy of the changes will be sent to the Washington County Conservation District for public review and a copy has been provided to the Bureau of Deep Mine Safety.

The situation concerning property ownership has not yet been fully resolved with the Washington County GIS Department. The landowner, John Kosky, and the operator are working to rectify this situation as soon as possible.

Should you have any questions or require any additional information, please do not hesitate to contact us at our Morrisdale office.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Peterson', written in a cursive style.

Christopher C. Peterson, PE
Mining Engineer