



March 12, 2025

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

Re: **Minor Permit Revision**  
Neiswonger Construction, Inc.  
SMP No. 63192001  
NPDES No. PA0278360  
Deemston Borough  
Washington County  
Maggie Lynn Underground Mine

Dear Operator:

Enclosed is the revised surface mining permit for the subject operation. **See Part B Special Conditions for the terms of the revised permit.**

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. § 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.

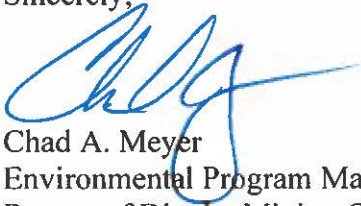
A Notice of Appeal form and the Board's rules of practice and procedure may be obtained online at <http://ehb.courtapps.com> or by contacting the Secretary to the Board at 717.787.3483. The Notice of Appeal form and the Board's rules are also available in Braille and on audiotape from the Secretary to 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 or concerns about this permit, please contact me at the address or telephone number listed above.

Sincerely,



Chad A. Meyer  
Environmental Program Manager  
Bureau of District Mining Operations

Enclosure

cc: SMP File  
Geotech Engineering, Inc.  
Oak Policy  
M. Somogyi, MCIS  
D. Zoeller, MCI  
D. Roote, P.G., Lead Reviewer  
C. Vought, P.E., Engineer  
S. McMullen, Permits Chief

## NONCOAL SURFACE MINING PERMIT

**NO. 63192001**

Permittee Name and Address	<u>Neiswonger Construction, Inc.</u> <u>17592 Route 322</u> <u>Strattanville, PA 16258</u>	Location of Operation: Municipality <u>Deemston Borough</u> County <u>Washington</u>
Name of Operation	<u>Maggie Lynn Underground Mine</u>	

This Permit Approves the Following Type of Operation:

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

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

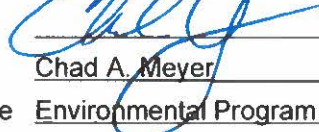
- PART A NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) INFORMATION
- PART B SPECIAL CONDITIONS OR REQUIREMENTS
- PART C AUTHORIZATION TO MINE

The permit is for 359.1 acres of which 110.1 surface and 256.6 underground 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 71.6 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>January 21, 2025</u>	By 
Permit Reissuance Date(s)	<u>3/12/25</u>	<u>Chad A. Meyer</u>
Permit Transfer Date(s)	_____	Title <u>Environmental Program Manager</u> <u>New Stanton District Mining Office</u>

**REVISION(S) TO SURFACE MINING PERMIT 63192001**

The following revisions are incorporated into this permit:

<b><u>REVISION NO.</u></b>	<b><u>DATE OF ISSUANCE</u></b>	<b><u>DESCRIPTION</u></b>
(1)	March 12, 2025	Minor revision to authorize mining in Pit #3. Revised Modules 10 and 15, Exhibits 6.2, 9, 15.2, 16, 17, and 18, and revised bond.

All conditions and/or requirements of the original permit remain in full force and effect except as specifically superseded or deleted by the revisions set forth above.

## 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 to 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.

**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. PA0278360**
- Coverage under General Permit BMR GP-104**
- Other Option Details: \_\_\_\_\_**

## PART B: SPECIAL CONDITIONS OR REQUIREMENTS

### NONCOAL SURFACE MINING PERMIT NO. 63192001

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

1. There shall be no blasting on this site until permittee receives an approved blast plan from the New Stanton District Office and has appropriate blasting liability insurance coverage on the associated Surface Mine License.
2. Any archaeological artifacts discovered on site during the course of conducting non-coal surface mining activities under this permit must be adequately protected and their discovery promptly reported by phone and in writing to the New Stanton District Office and the Pennsylvania Historical and Museum Commission.
3. Sufficient topsoil and/or subsoil, if encountered, shall be segregated and conserved to facilitate reclamation and revegetation on those areas designated or specified to be re-vegetated in the approved mine reclamation plan. No topsoil may be removed from the site.
4. No material processing can occur until the permittee secures the necessary air quality permit(s) through the Department's Southwest Regional Office.
5. During the course of mining, should geologic or hydrogeologic conditions indicate that further mining will create a potential for pollution, all mining shall cease until permittee affirmatively demonstrates and the Department finds in writing that mining can continue without the potential for pollution.
6. Permittee shall submit a Mine Opening Plan to the Bureau of Mine Safety for approval before any portal development activities begin. The following conditions shall be a part of the Mine Opening Plan and shall be applied to the underground mining area for this permit. Any requests to deviate from these conditions must be submitted to the Bureau of Mine Safety. The Mine Opening Plan shall incorporate and supersede the Module 15 narrative and will serve as the comprehensive plan for underground mining activities.
  - a. Any enlargement or other revisions to mine openings before or after construction that affect mine seal design and costs shall be submitted to the New Stanton District Mining Office as a bond increment minor revision in addition to the design submittal to the Bureau of Mine Safety.
  - b. Roof bolting must be done until the first crosscut is completed underground. After the first crosscut is completed, a roof evaluation must be performed. Permittee is required to submit to the Bureau of Mine Safety a supplemental Roof Control Plan with typical drawings and recommendations to be used when weak roof is encountered. This Roof Control Plan must be approved by the Bureau of Mine Safety prior to continuing mining beyond the first crosscut.
  - c. Variability in limestone roof thickness is not permitted. Permittee is to ensure that a fifteen (15) ft lift thickness of limestone for material is left in place to maintain a stable and confining layer of roof material. No shales or siltstones are to be present as roof materials and roof must consist of competent rock.
  - d. A minimum of a 150-foot no mining barrier shall be maintained around oil and gas wells, including farmline and historical wells in accordance with Module 15. Permittee shall survey the location of all oil and gas wells prior to encroaching on the well from underground mining operations. The accurate locations shall be identified on the Exhibit 15.3 Operational Mine Map and the Underground Mine Development Maps submitted annually to the Bureau of Mine Safety. Any requests to encroach closer than the 150-foot no mining barrier must be submitted to and approved by the Bureau of Mine Safety.
  - e. Permittee is required to submit to Bureau of Mine Safety, a Safety Zone Plan for review and approval due to the potential for water inflow into the limestone seam. Any water inflows shall be reported to the Bureau of Mine Safety immediately.
  - f. There shall be no mining below the normal pool level of Tenmile Creek. The 150-foot barrier from Tenmile Creek shall be maintained and depicted on the Exhibit 15.3 Operational Mine Map and the

Underground Mine Development Maps. During a flooding event of Tenmile Creek, underground activities shall stop until the flooding event subsides and a determination is made that activities can safely resume.

- g. The Clyde Mine Pool must be monitored at a minimum monthly frequency throughout the operation and data provide to the Bureau of Mine Safety on an annual basis. Any rise in the mine pool above 805 feet mean sea level must be reported to the Bureau of Mine Safety immediately.
7. A Mine Training Plan shall be submitted to the New Stanton Bureau of Mine Safety for approval before any underground mining is started in Pit #1, due to the proximity of Tenmile Creek to Pit #1. This shall include an evacuation plan in the event of a flooding event of Tenmile Creek.
  8. Prior to any underground processing waste disposal activities, provide the Bureau of Mine Safety with documentation of MSHA approval of the Underground Disposal Plan and provide the approved Underground Disposal Plan. Update the Exhibit 15.3 Operational Mine Map and Underground Development Maps to depict areas approved for processing waste placement and provide to the Bureau of Mine Safety prior to underground disposal activities.
  9. Permittee shall contact the New Stanton District Mining Office and Bureau of Mine Safety if any abnormalities are encountered during the normal course of mining that should have an adverse impact to mining conditions.
  10. Permittee shall immediately forward any additional information that is found to the New Stanton Bureau of Mine Safety that pertains to the "Mine Map Validation."
  11. ~~Permittee must adhere to the restrictions noted in the attached New Stanton Bureau of Mine Safety (BMS) final credible evidence memo dated February 16, 2023.~~ **Special Condition No. 11 removed with Revision No. 1, issued March 12, 2025.**
  12. The Exhibit 15.3 Operational Mine Map shall be compliant to mapping standards per Module 15.11 and submitted to and accepted by the Bureau of Mine Safety prior to the commencement of underground mining. This map shall identify the barrier pillars, underground mining setback lines and limits of projected mining as shown on the submitted Exhibit 15.2 Mine Development Map for the Maggie Lynn Underground Mine dated February 2025. This map must also show the underlying Clyde Mine Map workings in detail throughout the permit boundary and 200 feet beyond the permit boundary.
  13. Permittee shall submit Underground Mine Development/Ventilation Maps compliant to mapping standards per Technical Guidance Document (TGD) 563-2000-610 and Module 15.11 and certified by a professional engineer or land surveyor on an annual basis to both the New Stanton Bureau of Mine Safety and the New Stanton District Mining Office (Annual Underground Mine Development Maps). The first Underground Mine Development Map will be due 12 months after underground mining begins. The Annual Underground Mine Development Maps shall identify barrier pillars, hydraulic barriers, underground mining barriers and setback lines, and limits of projected mining. All geologic faults and abnormalities shall be shown on the Annual Underground Mine Development Maps at the location that they are encountered. Surveyed oil and gas well locations shall be shown at the surveyed location on the Annual Underground Mine Development Maps.
  14. Permittee shall conduct surface activities in accordance with the Pennsylvania Natural Diversity Index (PNDI) Conservation Measures and the April 2024 PNDI and jurisdictional agency responses. These include the following items to protect the globally significant Tenmile Creek Valley Natural Heritage Area.
    - a. Any tree cutting, disturbance, inundation (flooding) and prescribed burning must be conducted from October 1 to March 31.
    - b. Additional surface impacts within the Tenmile Creek Valley shall not be conducted. This statement does not apply to reclamation of existing impacts addressed in reclamation Modules 20 through 23.
    - c. Follow the Best Management Practices detailed in the February 1, 2024 letter from the Department of Conservation and Natural Resources Bureau of Forestry that pertain to minimizing surface disturbances to soil and native vegetation and avoiding the introduction of invasive species to protect the integrity of nearby plant species of special concern. The recommended Best Management Practices include:

- i. Use a conservative approach to project design minimizes permanent temporarily disturbances to soil and native vegetation. This will conserve habitat and limit opportunities for invasive plants.
  - ii. Clean boot treads, tools, construction equipment, and vehicles thoroughly (especially the undercarriage and wheels) before they are brought on site. This will remove invasive plant seeds and in invasive earthworms/cocoons that may have been picked up at other worksites.
  - iii. Use clean project materials (e.g., weed-free straw) or materials native to the worksite to avoid introducing invasive species from contaminated sources.
  - iv. Revegetate or cover disturbed soil and stockpiles quickly to discourage the germination of invasive plants. Implement proper erosion control practices to stabilize soil and reduce runoff.
  - v. Do not use seed mixes that include invasive species.
  - vi. Use habitat appropriate seed mixes. For example, use a riparian seed mix. when reseeding along a waterway.
  - vii. Use native plants for landscaping, revegetation, and stormwater management. Do not use a nonnative invasive species. Reduce the area of lawn and impermeable surfaces to the fullest extent practical in favor of native garden or habitat restoration (e.g., forest, meadow, wetland, etc.).
  - viii. Plant forest buffers where trees were historically present along streams, wetlands, and bodies of water. Buffers should be a minimum of 35 feet in width (ideally at least 100 ft in width). Where trees are not appropriate (e.g., powerline rights-of-way), buffer with native shrubs and herbaceous plants.
  - ix. Manage road/utility rights-of-way, median strips, edges, and other green spaces for diverse native plant communities and wildlife (e.g., monarch butterfly). In seed mixes, include wildflowers that have overlapping bloom periods and provide forage for pollinators throughout the growing season. Avoid blanket herbicide applications; instead, spot-treat undesirable tall woody vegetation and invasive weeds. Where mowing is necessary, reduce frequency to once every few years during the dormant season (i.e., after first frost in late fall and before bird nesting in early spring), leaving some refugia for overwintering wildlife.
  - x. Monitor for invasive plants before, during, and after project activities and promptly control any identified infestations. Frequent monitoring allows for early detection and rapid response.
15. Sedimentation Pond P-1 is permitted under underground permit 63192001 with a Chapter 105 permit exemption. Sedimentation Pond P-1 cannot be kept as a permanent impoundment post-mining, including to operate an underground storage facility, unless a Chapter 105 permit is obtained
  16. This permit is being conditionally issued based on Neiswonger Construction, Inc. continued compliance with the First Amendment to Consent Order and Agreement, Docket No. 241042A, dated 03/03/25 on permit number 63192001. Failure to comply with the Consent Order and Agreement will result in suspension of this permit
  17. This permit encompasses and assumes all responsibility for Neiswonger Construction Inc., Surface Mining Permit No. 63100401. Surface Mining Permit No. 63100401 is hereby cancelled.
  18. Permittee is required to enforce the use of secure tarpaulins on all vehicles hauling product from the permit area to the public roadway to reduce the generation of fugitive emissions and limit deposition of materials on the roadway. The drivers of loaded vehicles must conduct a walk around inspection 17.2b of their trucks to ensure tailgates and tarpaulins are secure before leaving the site. These requirements shall be followed regardless of the size of the load or the size of the stone being transported. Permittee shall follow their September 27, 2024 plan to ensure permittee's enforcement of the tarpaulin requirement, submitted in accordance with Compliance Order Number 241066 dated September 27, 2024. This plan states, no truck will receive a scale ticket prior to tarping, and that the permittee will install a camera system to catch and eliminate any trucks that remove their tarp as they drive up the access road.
  19. Permittee must ensure that sprayers in use at all watering points in the processing plant are pressurized and are delivering a vigorous water spray at all times the processing plant is in operation with the exception of instances where processed materials contain sufficient moisture to ensure there is no exceedance of the applicable Bureau of Air Quality permit. A pressure gauge shall be installed to indicate normal operation of the dust suppression system. Failure to properly operate the dust suppression system will result in a shutdown of the processing

operation, in accordance with the zero visible emissions requirement for processing equipment (crushers, screens, belts, transfer points) and the applicable Bureau of Air Quality permit.

20. Permittee must ensure an operable water truck equipped with a pressurized spray bar and pressurized hose or nozzle connection will be kept on site at all times and used for road watering and stockpile watering as needed. Inactive stockpiles shall be covered with tarpaulins or other materials to minimize wind, erosion, and vehicular traffic on or around stockpiles shall be minimized.
21. Provide the results of the title search needed to resolve ownership of Properties 6 and 7 described in Appendix A to Module 5 within six months of the date of permit issuance. If the title search concludes ownership by an entity other than John Kosky Contracting, Inc., submit a permit revision within six months of permit issuance to include the necessary Landowner Consent Forms.
22. The use of flocculant to assist in settling fines is permitted in accordance with the Flocculant Addition Plan included in Module 13 and as approved by the Pennsylvania Fish and Boat Commission.
23. January 21, 2025: Mining permit and National Pollutant Discharge Elimination System (NPDES) permits issued January 21, 2025. NPDES permit expires January 20, 2030, and must be renewed every five years. See NPDES permit No. PA0278360 for the applicable effluent limitation compliance schedule that begins with NPDES permit issuance.
24. ~~Permit is conditionally approved upon the resolution of the off-permit violations described in Compliance Order No. 241030 of May 20, 2024 through compliance with the Consent Order and Agreement (COA) No. 241042 of November 18, 2024. No mining activity is authorized in Pit #1 or Pit #2 with the exception of highwall reclamation activities. A mine opening plan cannot be applied for or obtained for the underground portals located in Pit #1 until the until the resolution of the aforementioned violations and COA No. 241042, and Pit #1 is in compliance with §77.571, §77.572, §207.313, and any necessary revisions and additional bonding to achieve this resolution are accepted and approved. Failure to comply with this condition will result in suspension of the permit. **Special Condition No. 24 is replaced with Special Condition 27 with Revision No. 1, issued March 12, 2025.**~~
25. ~~Mining activities may not commence in Pit #3 until all necessary revisions and additional bonding are accepted and approved. Failure to comply with this condition will result in suspension of the permit. **Special Condition No. 25 removed with Revision No. 1, issued March 12, 2025.**~~
26. Revision No. 1 issued March 12, 2025 authorizes mining in Pit #3. Exhibits 6.2, 9, 15.2, 16, 17, and 18, Modules 10 and 15, and bond were updated.
27. Permit is conditionally approved upon the resolution of the off-permit violations described in Compliance Order No. 241030 of May 20, 2024 through compliance with the Consent Order and Agreement (COA) No. 241042A of March 3, 2025. No mining activity is authorized in Pit #1 or Pit #2 with the exception of highwall reclamation activities in Pit #2 and processing of stone in Pit #1. Stone processing/loading activities in Pit #1 may not occur within 50 feet of the highwall. A mine opening plan cannot be applied for or obtained for the underground portals located in Pit #1 until the resolution of the aforementioned violations and COA No. 241042A, and Pit #1 is in compliance with §77.571, §77.572, §207.313, and any necessary revisions and additional bonding to achieve this resolution are accepted and approved. Failure to comply with this condition will result in suspension of the permit

## PART C

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF MINING PROGRAMSNONCOAL  
AUTHORIZATION TO MINENumber 01under issued S.M.P. number 63192001

PERMITTEE NAME	<u>Neiswonger Construction, Inc.</u>	ISSUANCE DATE	<u>January 21, 2025</u>
AND ADDRESS	<u>17592 Route 322</u>	MUNICIPALITY	<u>Deemston Borough</u>
	<u>Strattanville, PA 16258</u>	COUNTY	<u>Washington</u>
NAME OF OPERATION	<u>Maggie Lynn Underground Mine</u>		

## TYPE OF OPERATION

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

- A. Permittee is hereby authorized to conduct surface noncoal mining activities on lands of John Kosky Contracting, Inc., John and Stacy Kosky, and Clyde Holding, Inc. situated in Deemston Borough, Washington 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 areas designated as bonded surface mining areas in the Exhibit 9 map, revised February 28, 2025 and submitted in support of the request for this Mining Authorization, which covers 71.6 acres and includes Pit #1, Pit #2 and Pit #3. Additional bonded acreage for riparian reclamation is also authorized per the Exhibit 9 map revised February 28, 2025.
- C. Reclamation of Pit #1 and Pit #2 is authorized at this time. No further mining is authorized in Pit #1 or Pit #2. Activities 50 feet away from the Pit #1 highwall are permitted, including mineral processing and loading. Surface mining is authorized in Pit #3. The Pit #3 highwall shall be benched and constructed in accordance with the schematic in Module 10.2(b), and shall not exceed a pit volume of 363,959 cubic yards.
- D. Bond Description
- Original Bond  Additional Bond
- Surety Bond No. CLB800185635 in Amount of \$966,000.00 and CLB800191159 in Amount of \$744,000.00, both with Atlantic Specialty Insurance Company as surety.
- Collateral Bond dated \_\_\_\_\_ in Amount of \_\_\_\_\_ supported by \_\_\_\_\_.
- Additional Remarks:
- 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 thirteen (13) additional special conditions or requirements relating to this authorization.

By:   
Chad A. Meyer  
Title: Environmental Program Manager  
For the Department of Environmental Protection

**PART C: ADDITIONAL SPECIAL CONDITIONS OR REQUIREMENTS****NONCOAL SURFACE MINING PERMIT NO. 63192001**

1. Contractual consent of landowner forms for Parcels 220-004-00-00-0035-00 (Property 2), 220-005-00-00-0024-00 (Property 5), 220-005-00-00-0024-01 (Property 36), 220-005-00-00-0024-02 (Property 37), 220-004-00-00-0034-00 (Properties 1 and 4), and 220-004-00-00-0034-02 (Property 3) filed as part of Module 5.
2. Building waiver to allow haul road within 150 feet of occupied building on Parcel 220-005-00-00-0024-00 (Property 5) filed as part of Module 5.
3. Building waiver to allow haul road within 200 feet of occupied building on Parcel 220-005-00-00-0024-02 (Property 37) filed as part of Module 5.
4. Surveyors report that Parcels 220-004-00-00-0032 and 220-004-00-00-0033 (Properties 6 and 7) are not subdivided parcels but are part of the ownership of Parcels 220-004-00-00-0034-00 and 220-004-00-00-0034-02 (Properties 1 and 3) is filed as part of Module 5. A Title search is required to be completed per Part B Special Condition within six months of permit issuance to resolve ownership.
5. The former Equitrans, now Peoples Natural Gas 2" line WM 102 that was in the surface permit area was relocated parallel to the Equitrans 16" H-103 pipeline with an abandoned portion mined through, per agreement with John Kosky Contracting, Inc. under former SMP 63100401. All rights were transferred to Neiswonger Construction, Inc. on July 24, 2012, and are filed as pages C-1 through C-15 in Appendix C to Module 10. Original agreements transferred to mining permit 63192001 upon permit issuance.
6. The former Equitrans, now Peoples haul road crossing and blasting encroachment agreements of the 16" H-103 pipeline, with John Kosky Contracting, Inc. under former SMP 63100401 were transferred to Neiswonger Construction, Inc. on June 28, 2012, and are filed as pages C-16 through C-25 in Appendix C to Module 10. Original agreements transferred to mining permit 63192001 upon permit issuance.
7. The former Equitable Gas, LLC, now Peoples agreement with Neiswonger Construction, Inc. to maintain 25' wide barrier between excavations and 4" pipeline D-480 and two crossings of D-480 under former SMP 63100401 are filed as pages C-26 through C-34 in Appendix C to Module 10. Original agreements transferred to mining permit 63192001 upon permit issuance.
8. The Kriebel Minerals, Inc. (KMI) agreement with Neiswonger Construction, Inc. to conduct mining in proximity to KMI gas wells and construct a road across former KMI pipeline are filed as pages C-35 through C-42 in Appendix C to Module 10. Original agreements transferred to mining permit 63192001 upon permit issuance.
9. Letter requiring permittee to notify Southwestern Pennsylvania Water Authority (SPWA) prior to mining below its water lines is filed as page C-46 in Appendix C to Module 10.
10. Agreement between Neiswonger Construction, Inc. and Peoples Natural Gas Company, LLC to operate haul road, conduct blasting within 200 feet, and to conduct mining activities in proximity to 4" PE pipeline D-480 and maintain three crossings of pipeline D-480 is filed as pages D-2 through D-7 in Appendix D to Module 10.
11. Agreement between Neiswonger Construction, Inc. and Equitrans, LP (EQM) to construct a temporary equipment crossing and maintain a permanent road crossing of the 16" H-103 pipeline is filed as pages D8 through D-19 in Appendix D to Module 10.
12. A 100-foot no-mining barrier is in effect from the right-of-way lines for all state-owned roadways (SR 2024 Buckingham Road and SR 2041 Morey Road) until approval from PennDOT is secured. Mining beneath SR 2041 (Morey Road) is not permitted until approval from the Department's Bureau of Mine Safety and PennDOT is secured. Correspondence with PennDOT is filed as Appendix E to Module 10.

**PART C: ADDITIONAL SPECIAL CONDITIONS OR REQUIREMENTS**

**NONCOAL SURFACE MINING PERMIT NO. 63192001**

13. Five stream variances along Tenmile Creek and its tributaries are authorized per Module 14 as follows.
- a. Tenmile Creek beginning approximately 2,360 feet upstream from the Pump Station Road Bridge on the east side of the stream and extending upstream approximately 1,660 feet on properties owned by John Kosky Contracting, Inc. and by Clyde Holding, Inc.
  - b. Unnamed tributary "D" to Tenmile Creek located in Deemston Borough, approximately 540 feet due west of Morey Road, approximately 150' long, for placement of fill to allow construction of a haul road including a stream crossing.
  - c. Unnamed tributary "E" to Tenmile Creek located in Deemston Borough, beginning approximately 700 feet upstream from its confluence with Unnamed Tributary "E" and extending upstream approximately 370 feet, for construction and maintenance of a haul road.
  - d. Unnamed tributary "E" to Tenmile Creek, approximately 1,860 feet upstream from its confluence with Tenmile Creek, for placement of fill to allow construction of a haul road including a stream crossing.
  - e. Unnamed tributary "E" to Tenmile Creek below a 48" culvert, beginning approximately 1,400 feet upstream from the stream's confluence with Tenmile Creek and extending upstream approximately 400 feet, for relocation and reconstruction of the stream, with the entire reconstructed channel being approximately 1,820 feet long.