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December 1, 2023

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 second Technical Deficiency letter dated October 16, 2023. Numbered items correspond to your numbered comments.

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

1. In accordance with the discussion at the October 11, 2023 meeting, the permit boundary has been revised to include additional acreage to encompass:
  - The entire spoil area northeast of Sedimentation Pond P-1.
  - The entire spoil area south/southwest of the "shop" on the Hawkins permit (SMP 63813210)
  - Well MW-WPW on the Hawkins permit (SMP 63813210).
  - The full length of the relocated UNT "E" to Tenmile Creek permitted under the existing Maggie Lynn Quarry SMP 63100401 including the associated 100-foot riparian area on each side of the stream bank.

The Module 1 Section C, Mining area, all exhibits, and bonding calculations have been revised accordingly to the enlarged permit area. The revised surface permit acreage, including the area that overlaps the Hawkins SMP, will be bonded under the proposed Maggie Lynn Underground permit (pending 63192001).

2. The PNDI was updated on October 17, 2023. The update is given on pages 1-9 through 1-15 of the new submission. A final response from DCNR is on pages 15c, and 15d. This response is dated July 27, and is in response to the PNDI run in March 2023.

3. The update PNDI shows no known impact regarding US Fish and Wildlife, which addresses the northern long ear bat issue.

**Module 2: NPDES Information and NPDES application (Comments below are for NPDES Application)**

4. Pages 1, 3, 4, 5, 6, 11 and 13 pages that have been revised with this submission and pages 14 through 22 are new additions. The items addressed herein are as follows:
  - a. The permit number has been changed in Section A, Number 3.
  - b. The total affect area of Section A, Number 10 agrees with Module 1 and the mapping exhibits.
  - c. The map date of Section A, Number 13 has been changed to the date of this submission of response.
  - d. The latitude and longitude are 39°59'54.8" and 80°02'35.2" within this submission.
  - e. In Section C, Number 21, the schematic has been updated to include the flocculant addition and mentions the flocculent addition plan. The plan specifying flocculant addition has been added to the NPDES permit application, pages 15 through 22.
  - f. The flow rates in Section Number 21 agree with those from Module 13 of the underground mining application. The design number is for the 10-year precipitation event. Page 14 is a newly added page for this submission.
  - g. The acreage over the flow diagram is now 44.5 acres, this agrees with the drainage area specified in Module 13.
  - h. Under Section C, Number 23, the removal of materials deposited in the sedimentation ponds are discussed with regard to the final use of the material.
  - i.
    - i. The units of Conductivity are labeled as  $\mu\text{mhos/cm}$  in item Number 24.
    - ii. It is labeled that none of the constituents listed in Appendix B: Table II are expected to be in the discharge.
    - iii. Testing results regarding selenium testing done this year have been added above the table in item 27.
    - iv. The results for total cyanide ( $<0.005 \text{ mg/l}$ ) and total mercury ( $<1.0 \text{ ng/l}$ ) based on the characterization sample are included with the results in table 27.
    - v. The results of Total Iron and Total Manganese are given beneath the results of sulfates and aluminum in table 28.
  - j.
    - i. The size of the first diesel tank (10,000 gallon) has been included, and the second tank (2,000 gallon of on road usage) has been added in the attachment of the PPC plan on page 11.

- ii. Module 17 mentioned the use of water or calcium chloride. At this time, they are using just water and there is no calcium chloride on site.

#### **Module 5: Property Interests/Right of Entry**

- 5. Pages 5-2, 5-3 have been revised and pages 5-17 to 5-21 are new additions. The items addressed herein are as follows:
  - a. The original recorded instruments for the contractual consent of landowners for properties number 36 and 37 have been added as pages 5-17, 5-18 and 5-19. These are being recorded.
  - b. A note has been added to Module 5.2 that states the address of the contiguous landowners are included with Module 15.1.
  - c. With the Module the following are changed on page 5-3.
    - i. Property 10 is labeled as Dolores Thompson & Leslie A. Hutchins, Jr.
    - ii. Property 19 is labeled as Brian L Lancaster.
    - iii. Property 30 is labeled as Robert Sweany, who is the sole property owner.
  - d. The landowner lists on the exhibits have been revised to reflect the Properties 19 and 30 minor revisions noted above, and Property 31 landowner has been updated to Southwestern PA Water Authority.
- 6. Copies of Contractual Consent of Landowner and Occupied Building Waiver for the haul road for property 5 as well as properties 36 and 37, on pages 5-17 to 5-21, are included with this submission. The originals are still in the process of being recorded at the courthouse.

#### **Module 6: Checklist and Exhibits 6.1 and 6.2 Environmental Resource Maps**

- 7. Exhibit 6.1 has been updated to revise the permit boundary and the 1,000-ft perimeter per Comment 1 and to add the NPDES discharge point 001 per Module 6 instructions.
- 8. The following have been revised on Exhibit 6.2:
  - a. The permit boundary, surface site boundary, and 1,000-ft perimeter have been enlarged per Comment 1 above. Permit area acreages and legend acreages have been revised accordingly.
  - b. The depicted Hawkins (SMP 63813210) permit boundary has been revised per the October 19, 2012 issued revision.
  - c. The 100-foot stream barrier for the relocated UNT "E" to Tenmile Creek is now depicted.
  - d. The PNDI note has been removed from Exhibit 6.2.
  - e. The landowner list of Module 5 matches the Exhibit.

- f. The 150-foot building waiver for the haul road for the Property 5 residence is now depicted.
- g. The flocculant drip location has been taken off Exhibit 6.2.
- h. On October 25, 2023, a survey letter was left at the residence requesting information on their source of water. A stamped envelope was also included with the survey. A response has not been received. Module 8.1A has been added which shows the date when the residence is checked monthly to determine the source of their water supply.
- i. Parcel 5 was investigated on October 25, 2023. The area around the building was checked with no visible well located. The occupant of Parcels 36 and 37 was interviewed on the same day. He had no knowledge of any wells located on the property.
- j. Background sample point MP3 is now shown on the Exhibit 6.2 map. The Module 8.1A has been added to Module 8.
- k. Below the Flow Monitoring Chart, a note has been added to indicate that Clyde Mine Pool elevation data collected by AMD Industries at the Clyde Mine Treatment Plant will also be submitted with quarterly data.
- l. Existing structure DD-1 has been added to the map and to the map legend. The road ditches symbol has been added to the legend. The road berms have been added to the map and the berm symbol has been added to the legend.
- m. All gas well barriers have been revised to depict the initial 150 ft barrier.
- n. The Peoples gasline diameter is two (2") inches along Leonard Road.

### **Module 8: Hydrology**

- 9. Sample and flow measurement points C, E, F, 17, and 21 are all part of the Western Branch of Unnamed Tributary "E". Downstream of the confluence with the Eastern Branch is Unnamed Tributary "E". The mapping has been revised accordingly.
- 10. A note has been added in Module 8.2b that the Clyde Mine Pool elevation data from AMD Industries Treatment Plant will be submitted with the quarterly water monitoring report.
- 11. The discussion of sample point MP-3 has been added to Module 8.4b, since this has been listed as an unnamed tributary.
- 12.
  - a. An interview was conducted on October 25, 2023, with the property owner adjacent to Parcel 15. He was not aware of a drilled well on the property. He also stated that a new home cannot be built on the property due to its close proximity to the road.
  - b. On October 25, 2023 a survey letter with a stamped return envelope was left at the Property 16 residence. No response has currently been received. A Module 8.1A has

been added which documents visits to the residence to determine the source of their water supply.

c. Property 5 was investigated by walking around the outside area of the structure. Nothing was found at this location. Concerning properties 36 and 37 an interview was conducted with the occupant at this location who stated that he is not aware of any wells located on the property.

13. Monitoring well MW-WPW has been placed within the permit area as requested. Monthly static water level measurements continue with the most recent Module 8.1A included in this submittal.
14. The permit number has been added to the Module 8.1A's. The pages of MP14 that were requested are now included. MP-3's Module 8.1A is included in this submittal and shown on the Exhibit 6.2.

### **Module 9: Checklist and Exhibit 9 Operations Map**

15. Exhibit 9 has been revised as follows:
  - a. The permit boundary, surface site boundary, and 1,000-ft perimeter have been enlarged per Comment 1 above. Permit area acreages, legend acreages, B-1 bonding limits, and bonding acreages under bond map legend have been revised accordingly.
  - b. The depicted Hawkins (SMP 63813210) permit boundary has been revised per the October 19, 2012 issued revision.
  - c. The 100-foot stream barrier for the relocated UNT "E" to Tenmile Creek is now depicted.
  - d. The conservation measures of the PNDI applied to the buffalo clover which is no longer an issue. As a result, the note regarding the conservation measures has been removed from the mapping.
  - e. The landowner list has been revised per the minor changes noted in Comment 5.
  - f. The 150-foot building waiver for the haul road for the Property 5 residence is now depicted.
  - g. The approximate drip location is shown on the updated Module 9.
  - h. The buried pipe is an 8" HDPE pipe used to transfer water from the pit to CD-1 via pumping.
  - i. CD-2 is to run in front of the stockpile per the operator. Please see the updated Exhibit 9.
  - j. The benching shown on Exhibit 9 matches the pit# 1 drawing in Module 10.
  - k. The benching shown on Exhibit 9 matches the pit# 2 drawing in Module 10.

- l. The benching shown on Exhibit 9 matches the pit# 3 drawing in Module 10.
- m. The permit boundary has been revised, therefore all of the proposed pit #3 activities will be greater than 25 ft from the permit line.
- n. The "As Needed" pointer to the Super Silt Fence along the Benwood Limestone outcrop has been removed from the exhibit since the Department advised it is to be installed as a preemptive measure.
- o. All gas well barriers have been revised to depict the initial 150 ft barrier.
- p. The 2 inch diameter Peoples gasline along Leonard Road is now shown on all Exhibit maps.
- q. The building next to the scalehouse is the lab. This is now shown on all Exhibit maps.

### **Module 10: Operational Information and Bond Calculations**

- 16. All of Module 10 has been resubmitted with the Department's form number on all pages. As a result, all of the page numbers are revised and are consecutive. Every page reads as revised.
- 17. Module 10 reads that there will be a 150 foot barrier from the undermine mine to Tenmile Creek at all locations and specifically mentioned it in this submission on pages 10-1 and 10-3 as follows:
  - a. On page 10-1, the last sentence of third paragraph under the "surface mining pit #1" area specifies a one-hundred-and-fifty-foot barrier.
  - b. On page 10-3, the 4<sup>th</sup> bullet under the "underground mining area" specifies a one hundred and fifty foot barrier.
- 18. The Module 10.1 narrative regarding the depth of the limestone maintained above mining will be at a 15' minimum. The narrative also states that at the mine opening depth will be under 15', but the roof is to be bolted and glued at this location. The changes within the Module are as follows:
  - a. The Module discusses the project being done in two phases. Openings 1 through 4 will be bonded now, and 5 through 7 are to be bonded in the future.
  - b. Both Modules 10 and 15 have been altered to read that there will be a minimum 15' roof in the underground mine, with the exception of the mine openings where the roof will be glued and bolted. Bore holes B-1 and BH-3 show depths of 41.2' and 44.6' near the mine openings. They are the only locations where the minable limestone is found to be under 45' in depth which precludes the 15" roof minimum.
  - c. The narrative of page 10-3 states that there will be minimum of 15' in depth of roof within the underground mine, and that the area under 15' near the portal openings will be glued and bolted.

- d. The maximum depth to the pit floor is defined as 225' near the drawing of the potential mine opening pit #3.
  - e. The narrative states that a 150' barrier will be maintained between the mine and Tenmile Creek at all locations.
19. The Module 10.2 narrative has been altered as follows:
- a. The benching diagrams shown on pages 10-4 and 10-5 in the Module are all consistent with the exhibits.
  - b. A depth of 225' to the pit #3 pit floor has been addressed in the drawing and in the narrative.
20. Module 10.9 has been regarding the drilled wells on site as follows:
- a. A table has been created to substitute for the bullet list on page 10-9 and 10-10. The exhibits have been revised to depict the 150 ft barrier.
  - b. The two gas wells that were permitted but not drilled are included in the table of wells created per Comment 20.a, including their eMap coordinates.
  - c. Historic Gas Well ID #538 and Farmline Gas Well ID #FM-2227 are included in the table.
  - d. On the table of wells created per Comment 20.a, it is indicated that four wells (Historic Gas Well ID # 539, and Farmline Gas Well #s FM-2577, FM-2573, FM-2224) are shown on the exhibits.
  - e. All the wells mentioned in the narratives or on the exhibit mapping are shown in the table. This includes wells that cannot be verified if they were actually drilled.
21. The narrative of Module 10.10 (page 10-10) has been altered to include the four additional monitoring wells that have been installed. These are MW-TH-2, MW-TH-4, MW-TH-6 and MW-WPW.
22. The narrative of Module 10.11 (page 10-10) has been altered to include the discussion of the Waynesburg country bank mains.
23. Copies of both agreements have been added as pages 10-85 to page 10-102.
24. New or updated agreements are given on from pages 10-25 to 10-30. These included updated agreements to leave E&S controls (10-25 and 10-27), to leave the electric lines (10-28 and 10-29) and to leave the haul road of the property under the joint ownership of John and Stacy Kosky (10-20).
- a. Page 10-20 is a permanent haul road request under the joint ownership of John and Stacy Kosky.
  - b. Page 10-25 this agreement has been updated with a new agreement from John Kosky with updated language.

25. The Bonding Increment Application and Authorization to Conduct Noncoal Mining Activities (5600-FM-BMP-3-4) form has been updated to show the joint ownership of John and Stacy Kosky as area that is being affected. A newly signed version of the form is included as pages 10-13 and 10-14.
26. Department form 5600-FM-BMP0474 is included with this submission as page 10-15.
  - a. The bottom of the page states that these are phase 1 calculations, and that Pit #3 is not included in these bonding calculations.
  - b. The bond acreages match those of the exhibits.
  - c. A cubic yardage of 107,341 cy on pit#2 is used for the calculation of the bonding within this submission and all bonding is based on this yardage.
  - d. A length of 280' over the mine entries has been removed from the length to be blasted (page 10-18). This length has been added as backfilling volume on a new page, given as 10-21.
  - e. The volume diagram for pit #1 is supplied for its backfilling length as page 10-21. The part of the pit to be blasted is reported on page 10-18.
  - f. The calculation for topsoil on pit #2 uses \$2.50/cubic yard to calculate cost. This is shown on page 10-20.
  - g. The details of these calculations are given on page 10-15 the "Bond Calculation Summary – Noncoal Consolidated."
  - h. Page 10-22 (formerly 10-9g) has been altered as follows:
    - i. The page mentions four mines for each of the four portals and the reference to Exhibit 18 has been removed.
    - ii. The location of the PE certified seal design is referenced in the first paragraph on page 10-22.
    - iii. The "Total cost to bond all four portals" is in bold at the bottom of page 10-23.
    - iv. There is no plan for work to be done on the openings of pit #3 with the phase one portion of the underground mine. If plans to open pit #3 occurs bonding for such will occur at that time.
  - i. This submission includes waivers to allow the electricity and the poles to remain. Their removal is not a part of the bonding. These waivers are shown on pages 10-28 and 10-29.
  - j. A clearer structure demolition page has been reprinted as page 10-24 and the enclosed is clearer.
  - k. The bond calculation includes 40 tires that are used near the head of the processing plant. Discussions with representatives of Neiswonger say that they will remove the burned out equipment and scrap metal, permit wide, over the next several weeks.

## **Module 12: Erosion and Sedimentation Controls**

27. Ditch CD-2 is to remain after the complete backfilling of Pit #2. Its removal has been taken out of the narrative of the Module 12.2.
28. With the changes made to the ditches, pages 12-7, 12-8, 12-10, 12-11 and 12-17 have been revised. Page 12-16 has been removed.
  - a. The manning flow values all comply with table 6.2 of page 138 of the current Erosion and Sedimentation control manual. That table is shown on page 12-29 of this Module.
  - b. The 10% slope were all on the earthen berm B-1. The berm has been eliminated with this submission as it could never be built to meet DEP regulatory requirements based on the design manual.
  - c. All of the channel linings meet velocity requirements as shown on pages 12-7 and 12-8.
29. The certification forms from pages 12-45 to 12-55 have been replaced with certification forms dated July 2021.
30. Exhibit 12 has been revised to depict the revised permit boundary.

## **Module 13: Impoundments – Treatment Facilities**

31. The statement regarding SP-1 in the narrative of 13.3 has been changed to address that the pond was modified to meet the specification of this design in August of 2023.
32. The sediment Pond Certification has been upgraded to the version dated July 2021.
33. The redesign of SP-1 has changed pages 13-3, 13-5, 13-6, 13-11, 13-12.
  - g. The pond has been resized using no volume reduction, the calculations are on page 13-5 and the summary of the pond is on pages 13-3, 13-11 and 13-12.
  - h. A floating baffle curtain is a part of the SP-1 design.
  - i. The narrative discusses the dewatering pipe being 3' above the bottom of the pond matching the drawings.
34. The flows of the NPDES permit correspond to the flows of the sedimentation pond design.
35. The following is included regarding the flocculant plan:
  - a. The flocculant addition plan is included on pages 15-22 of the NPDES application.
  - j. The complete email interaction with Dan Ryan of the PFBC is included on the previously submitted pages 13-25 to 13-27. The map submitted to Dan Ryan with the March 28<sup>th</sup> email is enclosed and included as page 13-28.

- ii. The approval from Dan Ryan (PFBC) is given in his email of April 5, 2023 on page 13-25.
  1. The approximate location of the water being pumped is along the base of the highwall. The location of the typical center of the pool being pumped is at 40°00'12.0"latitude and 80°02'37.4"longitude. The typical location of the drip addition is at 40°00'11.3"latitude and at 80°02'39.6"longitude. These locations are discussed in the emails with the PFBC. The floc addition occurs just off the pit floor before the flow from the pumped area enters CD-1.
  2. This is discussed on page 15 of the NPDES permit application.
- iii. Language regarding no discharge from the spillway regarding floc addition and that the dewatering valve will be closed is a part of the "Flocculant Addition Plan".
- b. The flocculent addition plan is a part of the NPDES plan and is mentioned in the Module 13.1 Treatment flowchart.

#### **Module 14: Streams - Wetlands**

36. In section "14.1 Mining Activities Within 100 Feet of a Stream/Stream Relocation/Channel Change" The distance from ST-11 being within 100' of the unnamed tributary number "E" is discussed on page 14-2. Due to spacing, page 14-3 is altered with this change and both are included with this submission.

#### **Module 15: Noncoal Underground Mines**

37. Page 15-4 specifically states that, "While openings 5, 6 and 7 are shown, the future openings installation is not certain and will not be bonded at this time." And this still holds true at this time.
38. The address for Peoples Natural Gas has been added to properties 6 and 7 in the Module on page 15-1.
39. Exhibit 15.2 has been revised as follows:
  - a. The permit boundary, surface site boundary, and 1,000-ft perimeter have been enlarged per Comment 1 above. Permit area acreages and legend acreages have been revised accordingly.
  - b. The depicted Hawkins (SMP 63813210) permit boundary has been revised per the October 19, 2012 issued revision.
  - c. The 100-foot stream barrier for the relocated UNT "E" to Tenmile Creek is now depicted.
  - d. As per the correspondence letters from the PA DCNR, there should no longer be any PNDI concerns.
  - e. The landowner list has been revised as per the minor changes noted in Comment 5.

- f. The 150-foot building waiver for the haul road for the Property 5 residence is now depicted.
  - g. The drawing given to the PFBC came directly from the Exhibit 9 that was a part of the June submission to the New Stanton office. It has not changed.
  - h. A survey letter was left at the residence on October 25, 2023 with a stamped return envelope left with the survey. No response has been received.
  - i. A walk around property 5 was done on October 25, 2023, no private well was found. An interview was conducted on the same day at properties 36 and 37. The occupant stated that no water supplies other than public water are present on this property.
  - j. As Exhibit 9 has been revised, Exhibit 15.2 has been revised accordingly.
  - k. All gas well barriers have been revised to depict the initial 150 ft barrier.
  - l. The Peoples gasline is two (2") inches along Leonard Road.
- 40. a. Pages 15-14, which is missing two line is submitted with herein. Also pages 15-14a and 15-15 have been reprinted and are included in this submission.
  - b. Page 15-16 has been reprinted and is included in this submission.
- 41. a. A new page 15-12 is included the 300' barrier has been changed to 150' (3<sup>rd</sup> paragraph of 15.6b).
  - b. A new page 15-13 is included the 300' barrier has been changed to 150' (8<sup>th</sup> paragraph of 15.6b).
- 42. A revised page 15-6 discusses the 25' limestone mining depth and notes the exception of the 15' roof at the mining entry ways were the roof is to be glued and tacked in place.
  - 43. No additional private water supplies have been identified.
  - 44. Module 15.6e) has been revised as requested.
  - 45. Module 15 has been revised as requested.

#### **Module 16: Large Noncoal Blast Plan**

- 46. Module 16 was submitted with the original application. Exhibit 16.17 has been revised as follows:
  - a. The permit boundary, surface site boundary, and 1,000-ft perimeter have been enlarged per Comment 1 above. Permit area acreages and legend acreages have been revised accordingly.
  - b. The depicted Hawkins (SMP 63813210) permit boundary has been revised per the October 19, 2012 issued revision.

- c. The 100-foot stream barrier for the relocated UNT "E" to Tenmile Creek is now depicted.
- d. The updated PNDI has been added to Module 1.
- e. The landowner list has been revised as per the minor changes noted in Comment 5.
- f. The 150-foot building waiver for the haul road for the Property 5 residence is now depicted.
- g. The drawing provided to the PFBC was a cut out of Exhibit 9 that was included with the June submission to DEP. That cut out has been included with this submission.
- g. The road ditches symbol has been added to the legend. The road berms have been added to the map and the berm symbol has been added to the legend.
- h. All gas well barriers have been revised to depict the initial 150 ft barrier.
- j. The Peoples gasline is two (2") inches in diameter along Leonard Road.
- k. The symbol/explanation for the road barriers along SR 2024 and SR 2041 that are shown on the map have been added to the legend.

#### **Module 17: Air Pollution and Noise Control Plan**

- 47. Module 17.2 has been modified to show that the water used for dust suppression will be used from the pit, and that the pit can supply the water needed.
- 48. The narrative of Module 17.2 questions g and h, discusses that the processing equipment and the conveyors are covered under a an approved GP3 permit which has been included with the permit application within Module 17.
- 49. a. A revised study was conducted on a Sunday afternoon when no crushing equipment was being run at the site. A discussion of the test is on page 17-13 and the results are included on pages 17-15, 17-16 and 17-17.
- b. A discussion of what caused the highest levels of the noise at location at location 3 and 4 has been added to the narrative. Both high peak levels were caused by the equipment running at the site.
- c. The typical level is the mode level of the noise readings taken at the individual site. With the crushing operation having two separate typical noise levels while the operation is ongoing, the typical mode has two different values depending on the equipment being run. This has been further defined in the study for clarification.
- d. The audible impact of the quarry will change very little once the underground mine is in operation as the crushing operation will continue. The operation level of the existing crushing operation is noticeable as the ambient test give the change in the audible noise levels at testing locations 3 and 4.

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

50. Exhibit 18 has been revised as follows:
- a. The permit boundary, surface site boundary, and 1,000-ft perimeter have been enlarged per Comment 1 above. Permit area acreages and legend acreages have been revised accordingly.
  - b. The depicted Hawkins (SMP 63813210) permit boundary has been revised per the October 19, 2012 issued revision.
  - c. The 100-foot stream barrier for the relocated UNT "E" to Tenmile Creek is now depicted.
  - d. The landowner list has been revised per the minor changes noted in Comment 5.
  - e. Existing structure DD-1 has been added to the map and to the map legend. The road ditches symbol has been added to the legend. The road berms have been added to the map and the berm symbol has been added to the legend.
  - f. All gas well barriers have been revised to depict the initial 150 ft barrier.
  - g. The Peoples gasoline is two (2") inches in diameter along Leonard Road.
  - h. The reclamation contours that were depicted outside both the bonded limit and permit boundary to the east of Pond P-1 are now inside both with the expansion of the permit boundary as per comment 1.
  - i. All collection ditches, berms, haul road traps, etc. in support of the facilities requested to remain permanently by the landowners are now depicted on Exhibit 18.
  - j. The Phase boundary provided near Pit #3 and the "shop" building is no longer depicted crossing outside the proposed permit boundary.
  - k. The riparian areas around UNT "E" are shown on the mapping and updated as 8.3 acres.

## **Module 19: Land Use/Vegetation**

51. Specifications of the DCNR letter dated July 27, 2023 are included within Module 19.

## **Module 20: Post Mining Land Use and Reclamation**

52. The narrative of section 20.3 has been revised to include the following of the Tenmile Creek NHA guidelines in final site restoration.

## **Module 21: Post Mining Land Use and Reclamation**

53. Exhibit 21.1(b) Soils Map has been revised as needed to depict the revised permit boundary per Comment 1.

**Module 23: Revegetation**

54. The response letter from DCNR recommends the Yellow Oad-Redbud Woodland tree planting. The Tenmile Creek Valley specifies Yellow Oak-Redbud as well as white oak, basswood and sugar maple with redbud and flowering dogwood undergrowth. All of these have been specified in the planting list.

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.

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 "Chris Peterson", written in a cursive style.

Christopher C. Peterson, PE  
Mining Engineer