

20.2 Approximate Original Contour

For postmining land use areas to be reclaimed to approximate original contour show that the reclaimed land will be capable of supporting the uses it was capable of supporting prior to mining or higher or better uses. Notes: A higher or better use is a post-mining land use where the economic value or nonmonetary benefit to the landowner or the community is greater than for the pre-mining land use. A highest or best use is where the economic value or nonmonetary benefit to the landowner or the community is maximized. If you are proposing an alternative to AOC, complete either section 20.3 or 20.4, as appropriate.

Are you proposing an alternative to AOC? No Yes

If Yes is checked fill out either section 20.3 or 20.4 as appropriate.

20.3 Alternative to Approximate Original Contour (AOC) Reclamation under Section 7 (c)(2)(ii) of NSMCRA/§ 77.593(1)

- a) Show that the alternative to AOC is likely to be achieved and that it poses no actual or potential threat to public health or safety, or of water diminution, interruption, contamination or pollution.

Due to the remote location of the operation and the nearest dwelling being located approximately 0.6 miles from the operation, the alternative to AOC should be achieved with no actual or potential threat to public health or safety. All homes in the immediate area are served by public water, so water problems should not be an issue.

- b) Demonstrate that the proposed operation will be carried out over a substantial period of time; the ratio of the minerals proposed to be mined, relative to the volume of the overburden, is very large; and the overburden and other spoil material at the proposed permit area are insufficient to restore the area to AOC.

The surface mining operation is projected to be active for at least 5 more years, which will create an AOC situation due to the volumes leaving the site. Also, the ratios of the Benwood Limestone to be removed relative to the volume of overburden (approximately 110' maximum overburden & 25' of Benwood Limestone to be removed) will not allow the area to be restored to approximate original contour of the pre surface mining. The expected life of the underground mining operation is approximately 30 - 35 years. The underground opening pits will be filled in and post mining contours created with the underground mine will vary very little from what is left after the surface mining is completed. What will vary would be based how the pits will be filled in and the amount of waste material generated with the underground mine to be lost in the final contouring.

- c) Show that the alternative to AOC reclamation is consistent with applicable land use policies, plans and programs and with Federal, State and Local law.

Township guidelines and the guidelines of protection of the Tenmile Creek Valley NHA were used to prepare the application for their review, and their land use policies were followed. No sewage biosolid material is proposed to be used as a soil amendment. Ten Mile Creek Vally NHA has declared the area one of global significance due to the existence of the Maryland glyph snail species in the creek, which will not be impacted with reclamation of the mine site.

- d) Demonstrate that the restored land will be capable of supporting the highest or best use it can reasonably support and that the proposed postmining land use is compatible with adjacent land uses.

Since site soils will be stored and replaced on the site, and the same pre-mining land use will be developed in the post-mining setting, it is reasonable to expect that the land use can be achieved. It is consistent with the adjoining area. This is also consistent with the threat recommendations of the Tenmile Creek Valley NHA. The final restoration is to be done to ensuring the land usage will not be impacted as erosion and site runoff should not increase with the planned restoration.

20.4 Alternative to Approximate Original Contour (AOC) Reclamation under Section 7 (c)(2)(iii) of NSMCRA/§ 77.593(2)
Not Applicable

- a) Show that the alternative to AOC is likely to be achieved and that it poses no actual or potential threat to public health or safety, or of water diminution, interruption, contamination, or pollution.
- b) Demonstrate that the proposed alternative to AOC will leave no highwalls, will improve the watershed of the area, and that the landowner has approved the alternative to AOC. (Submit a notarized statement by the landowner approving the alternative to AOC.)
- c) Demonstrate that the affected land will be restored to a condition capable of supporting the uses it was capable of supporting prior to mining or to a higher or better use.