

HAMILTONBAN TOWNSHIP CUP

HAMILTONBAN TOWNSHIP SUPERVISORS
ADAMS COUNTY, PENNSYLVANIA
PUBLIC HEARING

IN RE: :
: :
SPECIALTY GRANULES, INC. :
Application for a Conditional Use :

The Supervisors of Hamiltonban Township enters the following findings and conditions of approval regarding the application for conditional use under §1501 and §1302 of the Hamiltonban Township Zoning Ordinance submitted by Special Granules, Inc. (hereinafter "SGI") for mining operations on the Northern Tract.

BACKGROUND

1. Applicant Specialty Granules, Inc.. submitted an application for a conditional use permit covering the "Northern Tract" on December 23, 2013.
2. A conditional use hearing was duly advertised on February 6, 2014 in the Gettysburg Times, landowners bordering the subject property were given notice by certified mail, return receipt, and notice was duly posted on the subject property.
3. The Board received a positive recommendation with conditions from the Township Planning Commission.
4. The Board received a review report from C. S. Davidson, Inc., the Township Engineer with recommendations.
5. The application was submitted to Adams County Planning for review, but no comments were received.
6. The conditional use hearing was held at 7:00 p.m. on February 17, 2014 in the auditorium of Fairfield Area High School.
7. Testimony was received from various witnesses on behalf of SGI. A public comment period was held at the closure of the hearing.

After considering all testimony and public comment, the Hamiltonban Township Board of Supervisors approves the conditional use application with the understanding that Applicant will implement all the conditions agreed upon in the Narrative attached to the Application and with the following additional conditions:

1. A Land Development Plan be submitted to the Township pursuant to the requirements of the Township Subdivision and Land Development and Stormwater Ordinances. Said plans will be subject to review, recommendation and comment by the Township Planning Commission, Adams County Planning Office, Township Engineer, Adams County Conservation District Office and final approval by the Board of Supervisors.

2. The Township requires the opportunity to review and comment on SGI's pre-application to the Department of Environmental Protection.

3. SGI will work with Columbia Gas Company to ensure that SGI's mining operation will not negatively impact the gas pipeline and will

a. confirm the location of the natural gas line in the field using a qualified, licensed utility locator firm with assistance and approval from Columbia Gas;

b. provide Columbia Gas with a description of the geological setting, proposed quarry operation, preliminary mine plan (benching configuration and sequencing), maximum depth of mining and blasting plans and methods and have said plans reviewed with Columbia Gas by SGI's licensed contract blaster;

c. provide and review with Columbia Gas the PA-DEP regulations regarding blasting near pipelines and utility lines as well as any other SGI blasting considerations;

d. complete any geo-technical ground vibration studies requested by Columbia Gas to address any potential impact to the gas line from the proposed quarry/blasting. If such studies are requested, said studies to be completed by a qualified independent civil engineering firm licensed in Pennsylvania, and the study results to be reviewed by the civil engineer with Columbia Gas and SGI's contract blaster.

e. incorporate the recommended blasting set-back and any monitoring requirements from Columbia Gas into the proposed mine plan to be submitted with the PA-DEP application for the mining permit; and

f. maintain a mining/blasting set-back from the gas line that is the greater of the PA-DEP regulations and the Columbia Gas recommendation.

4. New construction of any future stormwater facilities on the Northern Tract must be constructed in such a manner as not to allow overflow or direct discharge to any portion of Tom's Creek or its tributaries without a NPDS permit.

5. To ensure no contamination of Toms Creek for the life of the mining operations, SGI will continue to test the quality of the water in Tom's Creek once a year in the spring at a specific site agreed upon by DEP, and a designated agent of the Township, and SGI will provide the Township and the County Conservation District with the test results, in the same fashion and format that they have been doing.

6. Applicant will monitor the individual drinking water wells of the adjoining neighbors pursuant to DEP regulations.

7. If required by the Township, SGI will supplement the existing natural vegetation in the Maintained Buffer with additional trees and shrubs in the Operational Buffer, as appropriate, so as to provide an effective visual barricade within the combined buffer areas, and to maintain a minimum of three rows of trees, shrubs, and other vegetation or its equivalent. At least 50% of any new plantings will be evergreens.

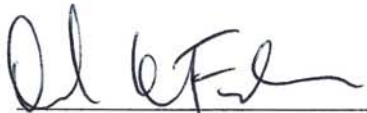
8. SGI shall continue to follow the conditions in the Agreement between DCNR, ISP and Adams County as contained in the July 19, 2011 letter. A copy of said letter is attached hereto.

9. At any time in the future should mining operations cease on the Northern Tract, a Reclamation Plan shall be filed with the Township. Said plan shall comply with all stormwater regulations, follow soil and erosion measures and be subject to approval by DEP in connection with issuance of a permit for a mining operation. The reclamation plan shall include the establishment of a wildlife habitat area. If a water reservoir is created, the water may be used for fire suppression and adequate access for fire and emergency services shall be provided

Based upon the foregoing, the Hamiltonban Township Board of Supervisors hereby approve SGI's conditional use of the Northern Tract for mining operations subject to the foregoing conditions.

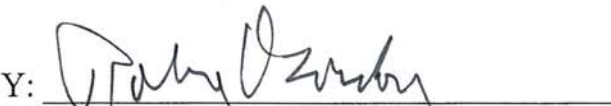
ATTEST:

HAMILTONBAN TOWNSHIP
BOARD OF SUPERVISORS

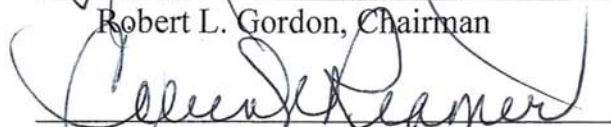


Deborah Feiler, Secretary

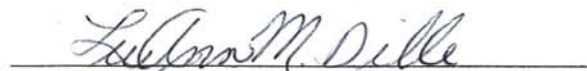
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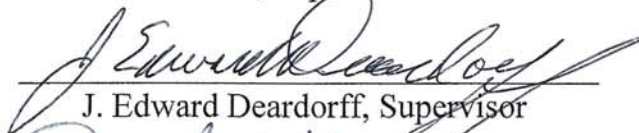
Robert L. Gordon, Chairman



Coleen N. Reamer, Vice Chairperson



LuAnn Dille, Supervisor



J. Edward Deardorff, Supervisor



Douglas Woerner, Supervisor

Date: April 1, 2014



MINERALS INC.

1101 Opal Ct., Suite 315 • Hagerstown MD 21740-3899 • Tel: 301-733-4000 • Fax: 301-733-4003

July 19, 2011

Mr. Richard J. Allan
Secretary
Department of Conservation and Natural Resources
Rachel Carson State Office Building
Harrisburg, PA 17105-8767

Mr. George A. Weikert
Chairman
Adams County Commissioners
117 Baltimore Street, Room 201
Gettysburg, PA 17325-2391

RE: ISP Minerals Inc. Proposed Property Exchange with
the Department of Conservation and Natural Resources

Gentlemen,


The Adams County Board of Commissioners' July 13, 2011 written communication to Richard J. Allan, Secretary Department of Conservation and Natural Resources, acknowledged its support of the transfer of the 112 acre tract of land (the Exchange Tract) from DCNR to ISP Minerals Inc. (ISP) and rescinded its letter of February 28, 2011 based on the acceptance in writing by DCNR and ISP of a number of conditions. With the Board of Commissioners approval of the transfer of the Exchange Tract from DCNR to ISP and rescinding its letter of February 28, 2011, ISP will commit to the following conditions with regard to such tract:

1. ISP will provide on the Exchange Tract a 300 foot maintained buffer from the present center line of Tom's Creek and shall maintain the existing forest within this buffer.
2. With regard to the buffer from the un-named tributary to Tom's Creek on the eastern boundary of the Exchange Tract, ISP will provide on the Exchange Tract a 150 feet maintained buffer from the present center line of such un-named tributary, plus an additional 150 feet beyond that buffer where ISP may install its Erosion and Sediment Control (E&S) facilities.
3. ISP shall undertake the necessary efforts to maintain the quality rating of Tom's Creek and tributaries, based upon the PA DEP rating scheme, as it relates to ISP's operations. ISP will periodically monitor the streams so as to take appropriate action to maintain that standard. The URS Corporation proposal 1549-011-045 is part of that effort. The Adams County Conservation District may periodically monitor the stream quality and provide recommendations to ISP.

4. For lands owned by third parties that adjoin the Exchange Tract, ISP will provide on the Exchange Tract a minimum of 100 feet maintained buffer from the property lines with such adjoining lands, plus an additional 150 feet beyond that buffer wherein ISP may install its E&S Control facilities.
5. With regard to the buffer on the west side of the Exchange Tract, ISP will provide on the Exchange Tract a 100 feet maintained buffer from the boundary of the property line (which is the roadway and right of way) plus an additional 150 feet beyond that buffer where ISP may install its E&S Control facilities.
6. ISP, as part of its PA DEP Surface Mining Permit Application process, will develop an understanding of endangered flora & fauna on the Exchange Tract and will undertake appropriate mitigation strategies as required and approved by the PA DEP, if mining developments adversely impact any of these species.
7. ISP, as part of its PA DEP Surface Mining Permit Application process, will undertake an assessment to determine the existence of any unique cultural features on the Exchange Tract, which may include the former Pine Hill School. Any such features will be documented, and mitigation efforts, as required and approved by the PA DEP will be developed for mining development if any cultural features are deemed to be significant.
8. ISP has prepared the attached GIS map providing details of the property boundary lines of the Exchange Tract, as well as the maintained buffers and the additional buffers where ISP may install its E&S Control facilities.
9. ISP has not addressed the County's ninth bullet point because it does not impose any obligation on ISP.
10. ISP is in agreement that DCNR retain the timber rights for a one-time harvest of the timber that ISP needs removed in the areas to be disturbed for its mining operations and operations ancillary thereto on the Exchange Tract after appropriate environmental assessments are completed.
11. The commitments made herein by ISP will also bind any successors or assigns of ISP's interest in the Exchange Tract.

Agreed and Approved:

ISP Minerals Inc.


By: GENERAL MANAGER AND VICE-PRESIDENT
Name: WADE U. KEMP III