



July 2, 2018

Gibraltar Rock, Inc.
355 Newbold Road
Fairless Hills, PA 19030

Re: Surface Mining Permit No. 46030301C2 & C3
NPDES Permit No. PA0224308
Authorization to Mine No. 6794-46030301-02
Gibraltar Quarry Operation
New Hanover Township, Montgomery County

Ladies and Gentlemen:

Please find enclosed the referenced permits and approved copies of the respective applications. The above-referenced permits are hereby corrected per Application Nos. 46030301C2 dated October 10, 2014 and 46030301C3 dated January 15, 2015. The purpose of these corrections is to update the bond, update the hydrologic monitoring plan, and revise and renew the NPDES Permit. Parts A, B and C of this permit have been updated accordingly. The bond was increased to \$1,422,935.00.

Notice of Appeal

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 regarding this matter, please feel free to contact me.

Sincerely,



Michael J. Menghini
District Mining Manager
Bureau of District Mining Operations

Enclosures

cc: Gary Latsha, EMG
Amiee Bollinger, SMCI
Representative Marcy Toepel
Senator Robert Mensch
EarthRes Group, Inc., Consultant
Sachin Shankar, ARD, SERO
Ragesh Patel, EGM, SERO
Virginia Cain, SERO
Rosemary Wuenschel, SERO
Public Hearing Attendees
PA Fish & Boat Commission
EPA Region III
Municipality of New Hanover Twp.
County of Montgomery
File
MS1-Gibraltar (6-18)

MJM:MPK:MAH:tmr



NONCOAL SURFACE MINING PERMIT
NO. 46030301C2 & C3

Permittee Name and Address	<u>Gibraltar Rock, Inc.</u> <u>355 Newbold Road</u> <u>Fairless Hills, PA 19030-4313</u>	Location of Operation:	Municipality <u>New Hanover Township</u> County <u>Montgomery</u>
Name of Operation	<u>Gibraltar Quarry</u>		

This Permit Approves the Following Type of Operation:

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

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 241.0 acres of which 241.0 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. Authority to conduct mining activities is granted for an area 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>April 15, 2005</u>	By	<u><i>Michael J. Menghini</i></u>
Permit Renewal Dates	<u>4/15/10 & 7/2/18</u>		<u>Michael J. Menghini</u>
Permit Reissuance Dates	<u>4/15/10 & 7/2/18</u>	Title	<u>District Mining Manager</u>

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 of 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.

NOTES:

1. This Noncoal Surface Mining Permit (SMP) No. 46030301C was corrected 4/15/10 to .
2. SMP No. 46030301C2 is hereby corrected to renew NPDES Permit No. PA0224308 per Application submitted October 14, 2014.
3. SMP No. 46030301C3 is hereby revised and renewed pursuant to the Noncoal Surface Mining Conservation and Reclamation Act (Noncoal Act), Act of December 19, 1984 (P.L. 1093, No. 219), as amended, 52 P.S. §§3301 et seq., the regulations promulgated thereunder, and the Environmental Hearing Board Adjudication, EHB Docket No. 2010-185-M, issued November 3, 2014; and in accordance with Renewal Application dated January 2015.

**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 (2)
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 information is associated with this mining permit.

- Individual NPDES Permit No. PA0224308
- Coverage under General Permit BMR GP-104
- Other Option Details: _____

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF DISTRICT MINING OPERATIONS**

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
INDIVIDUAL PERMIT (NONCOAL)**

NPDES PERMIT NO.: PA0224308 PERMITTEE NAME: Gibraltar Rock, Inc.
 MINING PERMIT NO.: 46030301 OPERATION NAME: Gibraltar Rock Quarry
 MUNICIPALITY: New Hanover Township COUNTY: Montgomery

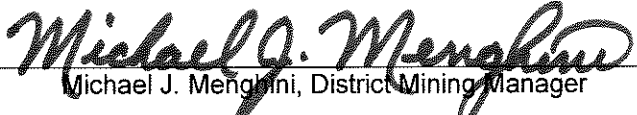
In compliance with the provisions of the Clean Water Act, 33 U.S.C. Section 1251 *et seq.* (the "Act") and Pennsylvania's Clean Streams Law, *as amended*, 35 P.S. Section 691.1 *et seq.*, the Department of Environmental Protection (Department) hereby approves the discharge to the following surface water(s): **SWAMP CREEK, UNNAMED TRIBUTARY TO SWAMP CREEK** subject to all effluent limitations, monitoring and reporting requirements and other terms, conditions, criteria, and special requirements for the discharge as defined in this permit, to surface waters of the Commonwealth. This permit is issued pursuant to the authority in 25 Pa. Code Chapter 92a and is subject to the requirements of 25 Pa. Code Chapter 92a.

The authority granted by this permit is subject to the following further qualifications:

1. If there is a conflict between the application, its supporting documents and/or amendments and the terms and conditions of this permit, the terms and conditions of this permit shall apply.
2. Failure to comply with the terms, conditions, or effluent limitations of this permit is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. [40 CFR 122.41(a)]
3. A complete application for renewal or reissuance of this permit, or notice of intent to cease discharging by the expiration date, must be submitted to DEP at least 180 days prior to the above expiration date (unless permission has been granted by DEP for submission at a later date), using the appropriate NPDES permit application form. [92a.21(c)] In the event that a timely and complete application for renewal or reissuance has been submitted and DEP is unable, through no fault of the permittee, to reissue the permit before the above expiration date, the terms and conditions of this permit, including submission of the Discharge Monitoring Reports ("DMRs"), will be automatically continued and will remain fully effective and enforceable against the discharger until DEP takes final action on the pending permit application. [25 Pa. Code § 92a.7]
4. The permit may be terminated prior to the expiration date upon notice to and approval by the Department.
5. No condition of this permit shall release the operator from any responsibility or requirement under Pennsylvania, or federal environmental statutes, and regulations or local ordinances.
6. This permit is subject to the requirements of the mining permit referenced above.

EFFECTIVE DATE: April 15, 2005 EXPIRATION DATE: April 15, 2020
 RENEWAL DATES: 4/15/10 & 7/2/18

AUTHORIZED BY:


 Michael J. Menghini, District Mining Manager

PART A EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Section A. MINE DRAINAGE TREATMENT FACILITIES

- There are no point source discharges of this type at this site.
- The facilities listed below utilize non-discharge technologies. [If checked, additional info is in section A.1.]

<u>Outfall No.</u>	<u>Latitude</u>			<u>Longitude</u>			<u>To</u>
001	40°	19'	10"	-75°	33'	13.5"	unnamed tributary to Swamp Creek

- This permit establishes effluent limitations in the form of implemented BMPs identified in the associated E&S Plan, Reclamation Plan and NPDES application for this permit. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters of the Commonwealth.

The following BMPs apply:

- The following limits apply to the mine drainage treatment facility outfalls listed above.

DISCHARGE LIMITATIONS					MONITORING REQUIREMENTS	
<u>Discharge Parameter</u>	<u>Minimum</u>	<u>Average Monthly</u>	<u>Maximum Daily</u>	<u>Instantaneous Maximum</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow (MGD)		0.4			1/day (minimum)	Measured
pH (S.U.)	6.0			9.0	2/month (minimum)	Grab
Acidity, Total (as CaCO ₃) (mg/L)				Report	2/month (minimum)	Grab
Alkalinity, Total (as CaCO ₃) (mg/L)				Report	2/month (minimum)	Grab
Net Alkalinity (mg/L)	0.0				2/month (minimum)	Grab
Total Suspended Solids (mg/L)		35.0	70.0	90.0	2/month (minimum)	Grab
Total Dissolved Solids (mg/L)		500			2/month (minimum)	Grab
Benzene (mg/L)		0.001	0.002	0.0025	2/month (minimum)	Grab
Carbon Tetrachloride (mg/L)		< 0.0005	< 0.0005	< 0.0005	2/month (minimum)	Grab
Lead, Total (mg/L)		0.015	0.03	0.0375	2/month (minimum)	Grab
Chlorobenzene (mg/L)		< 0.0005	< 0.0005	< 0.0005	2/month (minimum)	Grab
Benzo(a)Anthracene (mg/L)		< 0.0025	< 0.0025	< 0.0025	2/month (minimum)	Grab
BTEX, Total (mg/L)		0.1	0.2	0.25	2/month (minimum)	Grab
1,2-Dichloroethane (mg/L)		< 0.0005	< 0.0005	< 0.0005	2/month (minimum)	Grab
Vinyl Chloride (mg/L)		< 0.0005	< 0.0005	< 0.0005	2/month (minimum)	Grab
1,4-Dichlorobenzene (mg/L)		0.01	0.02	0.25	2/month (minimum)	Grab
Bis(2-Ethylhexyl)Phthalate (mg/L)		< 0.005	< 0.005	< 0.005	2/month (minimum)	Grab
Chrysene (mg/L)		< 0.0025	< 0.0025	< 0.0025	2/month (minimum)	Grab
Dieldrin (mg/L) *		0.00003	0.00006	0.000075	2/month (minimum)	Grab

Endrin (mg/L)		0.002	0.004	0.005	2/month (minimum)	Grab
Trichloroethylene (mg/L)		0.0025	0.0050	0.0063	2/month (minimum)	Grab
Pentachlorophenol (mg/L) *		< 0.0005	< 0.0005	< 0.0005	2/month (minimum)	Grab
1,4-Dioxane (mg/L) **		Monitor	Monitor	Monitor	2/month (minimum)	Grab
1,1,1-Trichloroethane (mg/L)		0.02	0.04	0.05	2/month (minimum)	Grab
Chromium, Total (mg/L)		0.1	0.2	0.25	2/month (minimum)	Grab
1,2-Dichlorobenzene (mg/L)		0.01	0.02	0.25	2/month (minimum)	Grab
Benzo(k)Fluoranthene (mg/L)		< 0.0025	< 0.0025	< 0.0025	2/month (minimum)	Grab
1,1,2-Trichloroethane (mg/L)		< 0.0005	< 0.0005	< 0.0005	2/month (minimum)	Grab
1,1-Dichloroethylene (mg/L)		< 0.0005	< 0.0005	< 0.0005	2/month (minimum)	Grab
MTBE (mg/L)		0.02	0.04	0.05	2/month (minimum)	Grab
Benzo(a)Pyrene (mg/L)		< 0.0025	< 0.0025	< 0.0025	2/month (minimum)	Grab

* Water Quality Based Effluent Limits (WQBEL) Below Quantitation Limits:

A. The parameter(s) listed below are subject to water quality-based effluent limits (WQBELs) in Part A of this permit that are necessary to comply with State water quality standards, but may be less than quantitation limits (QLs), as defined in 25 Pa. Code § 252.1, that are generally achievable by conventional analytical technology. The permittee shall analyze the parameter(s) using methods that will achieve the QL(s) as listed below. For the purpose of compliance, a statistical value reported on the DMR that is less than the QL(s) (i.e., "non-detect") will be considered to be in compliance.

Parameter Name	Quantitation Limit (mg/l)
Dieldrin	0.00005
Pentachlorophenol	0.010

B. The permittee shall, where determined to be feasible by the permittee, achieve a QL less than the QL identified above to improve the level of confidence that State water quality standards are being met in the receiving waters.

C. The permittee shall manage non-detect values and report statistical results to DEP in accordance with published DMR guidance (3800-BK-DEP3047 and 3800-FS-DEP4262). Where a mixed data set exists containing non-detect results and "detected" values (i.e., results greater than or equal to the QL), the QL shall be used for non-detect results to compute average statistical results.

** The effluent limits will be included once a limit is developed by the Department.

Effluent Characterization Sampling

The permittee shall provide analysis of samples collected from the mine drainage treatment outfalls no later than two years after the initial discharge of each facility in compliance with 40 CFR 122.21(k)(5)(vi). Specifically, sampling results are required for the pollutants listed in 40 CFR 122, Appendix D, Table III, Tables II and IV, for those that are expected to be present. This quantitative data requirement is subject to the small business exemption at 40 CFR 122.21(g)(8) for Table II.

Section B. STORMWATER CONTROL FACILITIES

There are no point source discharges of this type at this site.

<u>Outfall No.</u>	<u>Latitude</u>			<u>Longitude</u>			<u>To</u>
<u>002</u>	40°	19'	18"	-75°	32'	56"	<u>unnamed tributary to Swamp Creek</u>
<u>003</u>	40°	19'	9.4"	-75°	33'	42.7"	<u>unnamed tributary to Swamp Creek</u>

This permit establishes effluent limitations in the form of implemented BMPs identified in the associated E&S Plan, Reclamation Plan and NPDES application for this permit. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters of the Commonwealth.

The following BMPs apply:

The following limits apply to dry weather discharges from stormwater facilities listed above.

DISCHARGE LIMITATIONS					MONITORING REQUIREMENTS	
<u>Discharge Parameter</u>	<u>Minimum</u>	<u>Average Monthly</u>	<u>Maximum Daily</u>	<u>Instantaneous Maximum</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Total Suspended Solids (mg/L)		35.0	70.0	90.0	1/month (minimum)	Grab
pH (S.U.)	6.0			9.0	1/month (minimum)	Grab
Acidity, Total (as CaCO ₃) (mg/L)	Report			Report	1/month (minimum)	Grab
Alkalinity, Total (as CaCO ₃) (mg/L)	Report			Report	1/month (minimum)	Grab
Net Alkalinity (mg/L)	0.0				1/month (minimum)	Grab

The following alternate discharge limitations apply to discharges from the stormwater facilities listed above resulting from precipitation events less than or equal to the 10-year/24-hour precipitation event.

This section not applicable due to Water Quality Based Effluent Limits (WQBELs).

DISCHARGE LIMITATIONS					MONITORING REQUIREMENTS	
<u>Discharge Parameter</u>	<u>Minimum</u>	<u>Average Monthly</u>	<u>Maximum Daily</u>	<u>Instantaneous Maximum</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Total Settleable Solids (mL/L)				0.5	1/month (minimum)	Grab
pH (S.U.)	6.0			9.0	1/month (minimum)	Grab
Acidity, Total (as CaCO ₃) (mg/L)	Report			Report	1/month (minimum)	Grab
Alkalinity, Total (as CaCO ₃) (mg/L)	Report			Report	1/month (minimum)	Grab
Net Alkalinity (mg/L)	0.0				1/month (minimum)	Grab

Effluent Characterization Sampling

The permittee shall provide analysis of samples collected from erosion and sedimentation control outfalls within two years of the initial discharge of each facility in compliance with 40 CFR 122.26(c)(1)(i)(G). Specifically, sampling results are required for the pollutants listed in 40 CFR 122, Appendix D, Table III, Tables II and IV, for those that are expected to be present and pH, specific conductivity, temperature, alkalinity, acidity, iron, manganese, aluminum, sulfate, chloride, settleable solids, total dissolved solids, oil and grease, BOD₅, COD, Kjeldahl nitrogen, and nitrate plus nitrite nitrogen. This quantitative data requirement is subject to the small business exemption at 40 CFR 122.21(g)(8) for Table II.

Additional Requirements for Sections A and B
(Applicable to all outfalls under all precipitation conditions)

1. pH must be between 6.0 and 9.0 at all times.
2. Alkalinity must be greater than acidity at all times.
3. Samples collected to comply with the monitoring requirements shall be taken while the facility is discharging at the outfall points listed above. The monitoring requirement frequencies apply to both continuous and non-continuous discharges; therefore, sampling is required in every month during which a discharge occurs. A monitoring report of "no discharge" should only be used to indicate that there was no discharge during the entire reporting period.
4. The discharger may not discharge floating materials, scum, sheen, or substances that result in deposits in the receiving water. Except as provided in the permit, the discharger may not discharge foam, oil, grease, or substances that produce an observable change in the color, taste, odor, or turbidity of the receiving water. [25 Pa. Code § 92.41(c)]
5. The permittee may not discharge substances in concentration or amounts sufficient to be inimical or harmful to the water uses to be protected or to human, animal, plant or aquatic life. [25 Pa. Code § 93.6(a)]
6. The measurement frequency specified is the minimum number of sampling events required. Permittees are encouraged, and it may be advantageous in demonstrating compliance, to perform more than the minimum number of sampling events.

Mandated Standard Conditions for NPDES Permits

1. Definitions

The following definitions apply within this permit. Reference citations are given from sections of 40 CFR as noted which have been adopted by reference in 25 Pa. Code Chapter 92a.

- (a) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. [122.41(m)(1)(i)]
- (b) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production. [122.41(m)(1)(ii)]
- (c) "Average monthly" discharge limitation means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month. [122.2]
- (d). "Maximum daily" discharge limitation means the highest allowable "daily discharge." [122.2]
- (e) "Daily discharge" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "Daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day. [122.2]
- (f) "Average" refers to the use of an arithmetic mean, unless otherwise specified in this permit. [122.41(l)(4)(iii)]
- (g) "Instantaneous Maximum" means the highest allowable discharge of a concentration or mass at any one time as measured by a grab sample. [92a.2]
- (h) "Composite Sample" means a combination of individual samples obtained at regular intervals over a time period. Either the volume of each individual sample is proportional to discharge flow rates, or the sampling interval (for constant volume samples) is proportional to the flows rates, over the time period used to produce the composite.
The maximum time period between individual samples shall not exceed two hours, except that for wastes of a uniform nature the samples may be collected on a frequency of at least twice per working shift and shall be equally spaced over a 24-hour period (or over the operating day if flows are of a shorter duration).
- (i) "Grab Sample" means an individual sample collected at a randomly-selected time over a period not to exceed 15 minutes.
- (j) "Measured Flow" means any method of liquid volume measurement, the accuracy of which has been previously demonstrated in engineering practice, or for which a relationship to absolute volume has been obtained.
- (k) "At Outfall XXX" means a sampling location in outfall line XXX below the last point at which wastes are added to outfall line XXX, or where otherwise specified.
- (l) "Estimate" means to be based on a technical evaluation of the sources contributing to the discharge including, but not limited to pump capabilities, water meters and batch discharge volumes.
- (m) "Toxic Pollutant" means any pollutant listed as toxic under Section 307(a)(1) of the Clean Water Act. [122.2]
- (n) "Hazardous Substance" means any substance designated under 40 CFR Part 116 pursuant to Section 311 of the Clean Water Act. [122.2]
- (o) "Best Management Practices" ("BMPs") are activities, facilities, measures, or procedures used to protect and maintain the quality of waters, and existing and designated uses within this Commonwealth. BMPs include E&S Plans, Reclamation Plans, Storm Water Management Act Plans, and other treatment requirements, operating procedures, and practices to control project site runoff, spillage or leaks, and other drainage from the mining activity.
- (p) "Erosion and Sediment Control Plan" ("E&S Plan") is a site-specific plan included with the mining permit or authorization application identifying BMPs to minimize accelerated erosion and sedimentation and which meets the requirements of 25 Pa. Code Chapter 102.

- (q) "Point Source" means a discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, CAAP, CAFO, landfill leachate collection system, or vessel or other floating craft from which pollutants are or may be discharged. [25 Pa. Code 92a.2]
- (r) "Operator" means a person or entity conducting mining activity that is covered by this permit. The operator name must match the "Permittee" in relation to their mining permit or exploration activity approval and also that of "Operator" in the associated mine operator's license.
- (s) "Reclamation Plan" means approved documentation made part of a permit or exploration notice that describes how the permittee will restore the land surface as required by the appropriate regulations to meet an approved post-mining land use. This plan includes activities such backfilling, regrading, soil stabilization, and revegetation. Once the permittee completes the reclamation plan, reclamation bond(s) may be released for a permitted mine site.
- (t) "Stormwater" means surface runoff and drainage resulting from precipitation events, including ice and snowmelt runoff. [122.26(b)(13)]
- (u) "Dry weather flow" means the base flow or surface discharge from an area or treatment facility which occurs immediately prior to a precipitation event and which resumes 24 hours after the precipitation event ends. [25 Pa. Code §§ 87.1, 88.1, 89.1, and 90.1]
- (v) "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. [122.41(n)(1)]

2. Standard Federal Conditions

40 CFR Sections 122.41 and 122.42 require that the following conditions are applied to all permits.

(a) *Duty to comply.* [92a.41(a)(1) and 122.41(a)] The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

(1) The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.

(2) The Clean Water Act provides that any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed \$25,000 per day for each violation. Section 309(d) of the CWA, 33 U.S.C. § 1319(d), provides that any person who violates Section 301 of the CWA, 33 U.S.C. § 1311, or violates any permit condition or limitation in a permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342, shall be subject to a civil penalty payable to the United States of up to \$25,000 per day for each violation, which, pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, and the subsequent Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19, was increased to \$32,500 per day for each violation occurring on or after March 15, 2004, and \$37,500 per day for each violation occurring on or after January 12, 2009. The Clean Water Act provides that any person who *negligently* violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than 2 years, or both. Any person who *knowingly* violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both. Any person who knowingly

violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.

(3) Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Administrative penalties for Class I violations are not to exceed \$10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$25,000. Penalties for Class II violations are not to exceed \$10,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$125,000.

(b) *Duty to reapply.* [92a.41(a)(2) and 122.41(b)] If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit.

(c) *Need to halt or reduce activity not a defense.* [92a.41(a)(3) and 122.41(c)] It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(d) *Duty to mitigate.* [92a.41(a)(4) and 122.41(d)] The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

(e) *Proper operation and maintenance.* [92a.41(a)(5) and 122.41(e)] The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

(f) *Permit actions.* [92a.41(a)(6) and 122.41(f)] This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

(g) *Property rights.* [92a.41(a)(7) and 122.41(g)] This permit does not convey any property rights of any sort, or any exclusive privilege.

(h) *Duty to provide information.* [92a.41(a)(8) and 122.41(h)] The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.

(i) *Inspection and entry.* [92a.41(a)(9) and 122.41(i)] The permittee shall allow the Department, or an authorized representative (including an authorized contractor acting as a representative of the Department or EPA), upon presentation of credentials and other documents as may be required by law, to:

- (1) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- (2) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (3) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

(4) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

(j) *Monitoring and records.* [92a.41(a)(10) and 122.41(j)]

(1) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

(2) Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR part 503), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Department at any time.

(3) Records of monitoring information shall include:

- (i) The date, exact place, and time of sampling or measurements;
- (ii) The individual(s) who performed the sampling or measurements;
- (iii) The date(s) analyses were performed;
- (iv) The individual(s) who performed the analyses;
- (v) The analytical techniques or methods used, including detection limits; and
- (vi) The results of such analyses.

(4) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136 unless another method is required under 40 CFR subchapters N or O.

(5) The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

(k) *Signatory requirement.* [92a.41(a)(11) and 122.41(k)]

(1) All applications, reports, or information submitted to the Department shall be signed and certified. (See § 122.22)

(2) The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

(l) *Reporting requirements* [92a.41(a)(12) and 122.41(l)]

(1) *Planned changes.* The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

- (i) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in § 122.29(b); or
- (ii) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under § 122.42(a)(1).
- (iii) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not

reported during the permit application process or not reported pursuant to an approved land application plan;

(2) *Anticipated noncompliance.* The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

(3) *Transfers.* This permit is not transferable to any person except after notice to the Department. The Department may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Clean Water Act. (See § 122.61; in some cases, modification or revocation and reissuance is mandatory.)

(4) *Monitoring reports.* Monitoring results shall be reported at the intervals specified elsewhere in this permit.

(i) Monitoring results must be reported on a DMR or forms provided or specified by the Department for reporting results of monitoring of sludge use or disposal practices.

(ii) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136, or another method required for an industry-specific waste stream under 40 CFR subchapters N or O, the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Department.

(iii) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Department in the permit.

(iv) Monitoring results obtained each month shall be summarized for that month and reported on a DMR.

(v) The DMR shall be submitted quarterly within 28 days after the end of the quarter to the appropriate District Mining Office.

(5) *Compliance schedules.* Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

(6) *Twenty-four hour reporting.*

(i) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

(ii) The following shall be included as information which must be reported within 24 hours under this paragraph.

(A) Any unanticipated bypass which exceeds any effluent limitation in the permit. (See § 122.44(g)).

(B) Any upset which exceeds any effluent limitation in the permit.

(C) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Department in the permit to be reported within 24 hours. (See § 122.44(g).)

(iii) The Department may waive the written report on a case-by-case basis for reports under paragraph (i)(6)(ii) of this section if the oral report has been received within 24 hours.

(7) *Other noncompliance.* The permittee shall report all instances of noncompliance not reported under paragraphs (l) (4), (5), and (6) of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (l)(6) of this section.

(8) *Other information.* Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.

(m) *Bypass* [92a.41(m) and 122.41(a)(13)]

(1) *Bypass not exceeding limitations.* The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (m)(2) and (m)(3) of this section.

(2) *Notice* —

(i) *Anticipated bypass.* If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

(ii) *Unanticipated bypass.* The permittee shall submit notice of an unanticipated bypass as required in paragraph (l)(6) of this section (24-hour notice).

(3) *Prohibition of bypass.*

(i) Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless:

(A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(C) The permittee submitted notices as required under paragraph (m)(2) of this section.

(ii) The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the three conditions listed above in paragraph (m)(3)(i) of this section.

(n) *Existing manufacturing, commercial, mining, and silvicultural dischargers.* [92a.42 and 122.42(a)]

In addition to the reporting requirements above, all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Department as soon as they know or have reason to believe:

(1) That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

(i) One hundred micrograms per liter (100 µg/l);

(ii) Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;

(iii) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with § 122.21(g)(7); or

(iv) The level established by the Department in accordance with § 122.44(f).

(2) That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

- (i) Five hundred micrograms per liter (500 µg/l);
- (ii) One milligram per liter (1 mg/l) for antimony;
- (iii) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with § 122.21(g)(7).
- (iv) The level established by the Department in accordance with § 122.44(f).

3. Standard State Conditions

(a) All discharges authorized by the NPDES permit shall be consistent with the terms and conditions of the permit; that facility expansions, production increases or process modifications which result in new or increased discharges of pollutants shall be reported by submission of a new application or, if the discharge does not violate effluent limitations specified in the NPDES permit, by submission to the Department of notice of the new or increased discharges of pollutants, that the discharge of any pollutant more frequently than or at a level in excess of that identified and authorized by the permit shall constitute a violation of the terms and conditions of the permit.

(b) The permittee must comply with applicable water quality standards, including the narrative standards found at 25 Pa. Code § 93.6.

(c) The permittee shall comply with the immediate oral notification requirements of 25 Pa. Code § 91.33 (relating to incidents causing or threatening pollution). Oral notification is required as soon as possible, but no later than 4 hours after the permittee becomes aware of the incident causing or threatening pollution. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the incident causing or threatening pollution. The written submission must conform to the requirements of 40 CFR 122.41(l)(6). [92a.41(b)]

4. Preparedness, Prevention and Contingency (PPC) Plans

(a) Persons subject to this permit shall maintain a Preparedness, Prevention and Contingency (PPC) plan.

(b) The permittee shall periodically review, update and amend the PPC Plan at least once a year and whenever the information submitted in the plan is no longer accurate.

(c) The permit does not authorize the discharge of any polluting substances resulting from an on-site spill. Such spills shall be controlled through proper implementation of a PPC Plan.

(d) This permit does not authorize any discharge (stormwater or non-stormwater), which contains any pollutant that may cause or contribute to an impact on aquatic life or pose a substantial hazard to human health or the environment due to its quantity or concentration.

(e) Operator personnel shall conduct site compliance evaluations at least once a year. All areas shall be visually inspected for evidence of, or the potential for pollutants entering the drainage system. Measures to reduce pollutant loading shall be evaluated to determine whether they are adequate and properly implemented in accordance with the terms of this permit or whether additional control measures are needed. Stormwater management measures, E&S plan measures and other structural pollution prevention measures shall be observed to ensure that they are operating correctly. The PPC Plan shall be revised as needed within 15 days of such inspection with implementation of any changes occurring not more than 90 days after the inspection.

NPDES INDIVIDUAL PERMIT CONDITIONS

1. Operation and Maintenance of Erosion and Sedimentation Plan
 - a. The permittee shall implement the erosion and sedimentation plan contained in approved Surface Mining Permit Number 46030301.
 - b. The permittee shall be responsible for the inspection, maintenance, and repair of the erosion and sedimentation control BMPs to ensure that the proposed system continues to function as designed until final bond release occurs for the mine site.
 - c. All BMPs shall be inspected by the responsible entity on a regularly scheduled basis and, at minimum, once a quarter and after all major storm events (greater than 0.5 inch in 24 hours). A qualified representative of the operator must perform inspections of the facilities. The inspections shall determine the operational condition, safety, and the effectiveness of the BMP. Based on the inspection results, an inspection report shall generate a listing of maintenance needs or repairs required. The permittee shall keep a listing of the repairs needed and a schedule for corrective action. Corrective actions shall be performed within the schedule. Written records shall be kept of all inspections and maintenance work performed related to the discharge management facilities.
2. The permittee is responsible to renew this NPDES permit until such time that the area is stabilized and no further earth disturbance will occur.

PART B

NONCOAL SURFACE MINING PERMIT NO. 46030301C2 & C3 Gibraltar Rock, Inc. Gibraltar Quarry Operation SPECIAL CONDITIONS OR REQUIREMENTS

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

1. The permittee shall notify the Surface Mine Conservation Inspector and the Monitoring and Compliance Manager at the Pottsville District Office by certified letters at least seven days prior to activation of this SMP.
2. The permittee shall notify New Hanover Township (by certified letter) at least seven days prior to activation of this SMP. A copy of the notification letter shall also be submitted to the Surface Mine Conservation Inspector and the Monitoring and Compliance Manager at the Pottsville District Office.
3. The light industrial zone areas located within the permit boundaries shall be field marked prior to activation of this SMP. There shall be no mining activities within the light or heavy industrial zones unless approved by New Hanover Township or a subsequent court decision. The field marking shall remain as long as it is necessary. In determining whether the permittee has complied with this special condition, before any mining activities commence on the site, the Department will rely upon the legal status of any New Hanover Township Zoning Hearing board action or any relevant court decision, rather than becoming the enforcer of any local zoning ordinance.
4. Prior to commencement of mining activities, the permittee must fence in all the bonded areas to prevent unauthorized access to the site.
5. The permittee shall obtain an Air Quality Plan Approval prior to the commencement of any mineral processing activity including construction as defined under 25 Pa. Code Section 121.1. A copy of the Plan Approval shall be submitted to the Surface Mine Conservation inspector and the Monitoring and Compliance Manager at the Pottsville District Office prior to the commencement of any mineral processing activity.
6. All mineral processing activity shall comply with all applicable air quality requirements.
7. The permittee shall obtain a permit from New Hanover Township to construct a haul road and access the mine site from Hoffmansville Road prior to the commencement of any mining activities on the northern pit area (northeast of Hoffmansville Road) of this SMP. A copy of the municipal approval shall be submitted to the Surface Mine Conservation Inspector and the Monitoring and Compliance Manager at the Pottsville District Office. Pursuant to Chapter 77.142, a new connection to a public road will requires a major permit revision including a public notice. Construction may begin only upon approval by the Department a major permit revision.
8. The permittee shall submit to the Department a complete application for a revision to this SMP providing all necessary details of the work to be done, including approval by New Hanover Township for the work within the right-of-way of Hoffmansville Road, prior to beginning construction of the proposed future pipeline and conveyor beneath Hoffmansville Road and spanning the unnamed tributary to Swamp Creek. Construction may begin only upon issuance by the Department of the above SMP revision.
9. Only areas necessary for construction of erosion and sediment pollution controls and other associated items may be disturbed prior to installation of the necessary controls in any area.

10. Any area which is disturbed during this operation shall be stabilized within three (3) weeks of the most recent earthmoving activity in that area, or as soon as weather or seasonal constraints permit. Individual erosion and sediment pollution controls must be maintained until the areas draining to each control are permanently stabilized.
11. Minor field adjustments or additions to the permitted erosion and sediment pollution control plan shall be made as necessary to ensure that runoff from all affected, unstabilized areas passes through an adequate erosion and sediment pollution control device prior to exiting the site; runoff from off-site, unaffected areas is properly diverted around or through the site without coming in contact with sediment-laden, on-site runoff and; drainage areas to controls or other facilities as designed are maintained.
12. The permittee shall install and maintain adequate, stable, site entrances to eliminate deposition of material onto the public right-of-way.
13. The construction of all sediment basins or other impoundments shall adhere to all requirements and procedures contained in U.S. Soil Conservation Service Engineering Standard #350, or U.S. Soil Conservation Engineering Standard 378, "Pond" - Pa. as amended, or U.S. Soil Conservation Service Technical Release No. 60 "Earth Dams and Reservoirs," whichever is applicable.
14. Upon construction of the proposed erosion and sediment pollution controls and prior to commencing mining and/or other related or preparatory activities on the permit, a site meeting shall be held including but not limited to, the Department's Surface Mining Conservation Inspector and a representative of the permittee directly responsible for activities on this site in order to review the controls and all necessary operational and maintenance requirements. The Department will issue an inspection report following the site meeting.
15. The completed erosion and sediment pollution controls shall be certified by a professional engineer, before use, to ensure that they are constructed in accordance with 25 PA Code Chapter 102, the conditions of this permit and the plans and specifications proposed in the approved application.
16. This SMP authorizes the permittee to mine argillite, hornfels, diabase, shale and associated topsoil, subsoil and overburden. The proposed ultimate depth of mining is 20 feet (6.10 m) above Mean Sea Level (hereafter "MSL") in the southern pit and minus 50 feet (minus 15.24 m) below MSL in the northern pit, as outlined on cross-sections A-A through D-D dated 02/28/03, revised 6/24/04. However, the permittee is only approved at any time to mine to the depth stated in the current approved Authorization to Mine with the exception of a sump area, which may be 30 feet (9.14 m) deeper. The size of the sump area shall not exceed 20,000 square feet.
17. Mining below the elevation identified in the Authorization to Mine (Part C) must be approved by the Department on an incremental 50-foot (15.24 m) lift-by-lift basis. Any request to proceed to the next 50-foot (15.24 m) interval must be submitted to the Department, and authorized, in writing, prior to mining below the currently authorized elevation. At a minimum, applications to proceed to the next 50-foot (15.24 m) interval shall include the following: (a) an updated groundwater report which contains an analysis of the groundwater elevation data collected prior to that time; (b) summary of quarry pumping data; (c) an updated groundwater model, if necessary, simulating the effects associated with deepening the quarry and lowering groundwater levels; (d) a summary of any groundwater problems associated with the operation, including all well complaints, well losses, or well replacements. Upon review of the submitted information, the Department will issue or deny a new Authorization to Mine (Part C) to mine to the next 50-foot (15.24 m) lift.
18. As part of the review to authorize mining to the next 50-ft interval, if the Department determines that mining operations on this site have affected the local groundwater regime or surface water flow such

that: a.) there is an unpredicted change in the aquifer or stream not addressed in the permit documentation; b.) there is a major change in the predicted groundwater inflow to the pit; c.) there is a pattern of well complaints established by the Department; or d.) other circumstances occur that would cause a significant change in the water handling plan, the Department may require the permittee to submit an application for a major permit revision per Title 25, Section 77.141 and 77.142 (regarding public notice) in order to receive authorization for the next elevation.

19. No topsoil, subsoil or overburden shall be removed from the SMP without the Department's authorization. The removal request shall be submitted to the Department as an application for a permit revision. Adequate justification, calculations and maps shall support the application.
20. Prime farmland soil (outlined on the Module 21: Soil Map) shall be stored separately for use as the final reclamation layer and all soil horizons (A, B and C) shall be stored separately for reuse. The soil storage area shall be field marked, and the field markers shall be maintained and be clearly visible for the duration of mining and reclamation activities.
21. The permittee shall perform a stability analysis that meets the requirements of 25 PA Code Section 77.573 before mining on the first lift [i.e. on the 320 ft. (97.5 m) bench elevation] reaches 200' (60.96 m) horizontal distance to Hoffmansville Road. The permittee shall perform another stability analysis before mining on the first lift [i.e. on the 390 ft. (118.9 m) bench elevation] reaches 200' (60.96 m) distance to Coleflesh Road. These stability analyses shall include measurements of joints, fractures and other geologic features (e.g. bedding planes and metamorphic facies boundaries) of all exposed highwall orientations, and shall include more detailed evaluation of the northeast highwall sections of these pits, where the orientations of the bedding planes are dipping toward the center of the pit. These stability analyses shall be performed and sealed by a registered Professional Geologist and submitted to the Department for approval. A copy of the stability analyses shall be submitted to New Hanover Township.
22. A minimum horizontal distance of 15 feet (4.57 m) shall be maintained between the outside toe of any berm and the SMP boundary in order to provide access to these sections of the berm.
23. All areas within this SMP, identified on the Exhibit 6.2 Environmental Resources Map, dated 2/26/18, revised 2/26/18, as "offset from occupied dwellings" shall be field marked. The field markers shall be maintained and be clearly visible for the duration of mining and reclamation activities. There shall be no mining (mineral extraction) within these areas.
24. There shall be no mining within 100 feet (30.48 m) of the wetlands jurisdictional boundary areas. Therefore, this SMP authorizes a 100-foot (30.48 m) buffer zone to be flagged and maintained (except for authorized support activities) around the jurisdictional boundary determination area (wetlands) pursuant to the requirements of 25 PA Code Chapter 105. This 100-foot (30.48 m) wetland buffer zone must be maintained for the life of this SMP, unless a Section 404 permit is secured from the U.S. Army Corps of Engineers and this SMP is correspondingly revised. However, the permittee is authorized to construct temporary erosion and sedimentation pollution controls, and the screening berm, as well as conduct support related activities within the 100-foot (30.48 m) buffer zone associated with Wetland A and Wetland B. The temporary erosion and sedimentation pollution controls must be inspected and approved by the Surface Mine Conservation Inspector prior to any other activity being conducted within the buffer zone. The Department will issue an inspection report following the site meeting.
25. The permittee shall annually evaluate the functions and values of Wetland A and Wetland B during the month of June, and the initial evaluation shall occur within one year of the issuance of 46030301C3. The permittee is to submit a copy of each evaluation within sixty days of completion, to the Monitoring and Compliance Manager at the Pottsville District Office. The frequency interval of

evaluation may be changed (through a permit revision application) if the evaluation data indicates that the mining activities are not impacting the wetland in any manner.

26. The permittee shall install, within thirty days of activation of this SMP, two 60° V –notch weirs at the location shown on Figure WSM 1, dated 01/25/04, and begin a weekly flow monitoring program. Monitoring results shall be submitted quarterly within 28 days after the end of the quarter to the Monitoring and Compliance Manager at the Pottsville District Office.
27. The permittee shall install, within 60 days of activation of this SMP, piezometer transects consisting of 5 shallow and 2 deep wells at 5 locations shown of Exhibit 14.4(c)(1) – Stream & Wetland Monitoring Plan and on Figure WSM 1, dated 01/25/04. Static water levels and temperature shall be measured monthly with results submitted quarterly within 28 days after the end of the quarter to the Monitoring and Compliance Manager at the Pottsville District Office. The permittee shall monitor quarterly the quality (for pH, Total Suspended Solids, Total Dissolved Solids or Specific Conductance, Field Temperature at sample source, Chromium (total), Lead, Endrin, Dieldrin, VOCs, Semi-volatiles, and 1,4-Dioxane) and flow of the following surface monitoring points: SW-1, SW-2, SW-3, SW-4, SW-5, SW-6 and SW-7. Monitoring results shall be submitted quarterly within 28 days after the end of the quarter to the Monitoring and Compliance Manager at the Pottsville District Office and to the Environment Cleanup Division of the Southeast Regional Office.
28. The permittee shall monitor quarterly the quality (for pH, Total Suspended Solids, Total Dissolved Solids or Specific Conductance and Field Temperature at sample source) and monthly the static water levels of groundwater at the following monitoring points: MW-1N, MW-2N, MW-3N, MW-4N, MW-9, MW-12A, OW-1, OW-2, OW-3, OW-4 (upper and lower) and OW-6 (upper and lower). Monitoring points OW-2, OW-4 (upper and lower), OW-6 (upper and lower), MW-1N and MW-3N shall be additionally quarterly sampled for Chromium (total), Lead, Endrin, Dieldrin, VOCs, Semi-volatiles, and 1,4-Dioxane once mining commences. Monitoring results shall be submitted quarterly within 28 days after the end of the quarter to the Monitoring and Compliance Manager at the Pottsville District Office and to the Environment Cleanup Division of the Southeast Regional Office. In the event that a monitoring point is going to be, or has been lost due to mining or any other reason, the permittee shall notify the Pottsville District Office. This notification shall be submitted at least ninety days before any well is going to be mined through and as soon as the loss is known for all other circumstances. The Department, at its discretion may require replacement of any lost well and/or monitoring point, in order to maintain an adequate monitoring plan.
29. If surface and/or groundwater monitoring results or any other supporting data indicate a degradation or pollution of the unnamed tributaries or any wetland associated with this permit from mining activities the Department will, depending on the circumstances and significance of the impact, determine the appropriate action, which may include cessation of mining. A plan addressing how the permittee intends to eliminate or remediate any negative impact shall be submitted to the Pottsville District Office within 15 days of written notification from the Department or sooner as determined by the Department.
30. The permittee shall replace any water supply that is degraded in quantity or quality within 1,500 feet (457 m) of the permit boundary at its sole cost without the property owner being required to demonstrate that the permittee's mining activities adversely affected the water supply. However, if upon inspection of the affected water supply, the permittee determines that the water loss is caused by a mechanical or electrical failure for which the permittee is not responsible, the permittee's obligation to restore/replace the water supply will not apply. Within 60 days of the commencement of mining activities on the site, the permittee shall send written notification to New Hanover Township and all water supply owners whose wells are located within the 1,500 feet of the permit boundary. The above referenced notification shall include the name and telephone number of the permittee's

representative (e.g. quarry superintendent) who can be notified at any time (24 hours a day, 7 days a week) in the event of a water loss. If any changes with the name and telephone number of the permittee's representative occur then a revised notification shall always follow within 30 days.

31. All quarry production blasts of a scaled distance of 90 or less shall be monitored by the permittee with seismographic and sound equipment at the nearest structure neither owned nor leased by the permittee. A record of each blast shall be maintained by the permittee for a period of at least five years.
32. Prior to any initial blasting, the permittee shall notify property owners for each structure located within 1000 feet (305 m) of the permit boundary. The notice shall offer pre-blast surveys for each of the structures. The owners of the structures will have 30 days from the date of the notice to request a pre-blast survey. The permittee has 30 days to conduct the pre-blast survey after the end of the 30 day property owner response period. If no requests for pre-blast surveys are received, the permittee may blast at the end of the 30 day property response period. For any structure subject to this condition, a property owner's failure to cooperate in completing the requirements of this condition shall release the permittee from the requirement to conduct a pre-blast survey, upon review and approval by the Department.
33. During the period of time between the completion of the pre-blast surveys required in above special condition, and the completion of the initial ramp to the initial first-lift working face [i.e. 50 foot (15.24 m) depth], all blasts shall be designed with a maximum 250 pounds (124 kg) per delay period. Within thirty days of establishing the initial first-lift working face, the permittee shall conduct a site-specific study of the relationship between peak particle velocity from test blasts and ground vibration frequency measured at a minimum of four available representative structures located within 1,000 feet (305 m) of the Gibraltar Rock Quarry. The study shall include an analysis of the relationship between ground vibration frequency (i.e. induced by blasting) at structures surrounding the Gibraltar Rock Quarry and the natural resonant frequency of these surrounding structures. The study shall be similar to the type of response spectra analysis used to establish safe blasting vibration criteria, as described in U.S. Bureau of Mines Report of Investigation Number 8507 (By Siskind et al, 1980) and Federal Register Vol. 48, No. 46, p.980 (Tuesday, March 8, 1983), and related publications. The results of this study shall be submitted to the Pottsville District Office within sixty days of completion of the study. Any blasting at the site shall be conducted in accordance with the permittee's current and approved blasting plan unless the Department determines that the approved blast plan requires modification based upon the study results.
34. The permittee is hereby granted a variance, per 25 PA Code Section 77.504(b)(2), to affect areas within 100 feet (30.48 m) of an unnamed Tributary to Swamp Creek, subject to the following
 - a) No change in maps, plans, profiles and specifications as approved shall be made except with the written consent of the Department.
 - b) Permittee shall notify the Surface Mine Conservation Inspector when work is commenced to implement the plan and also upon removal of any structures or regrading after completion of work.
 - c) All disturbed areas not draining to some type of sediment removal facility (i.e., new channel, out slopes of berms, etc.) shall be stabilized within twenty days of affecting these areas, weather permitting.
 - d) Within thirty days after completion of work authorized in the approved plan, permittee shall file with the Department a statement certifying that work has been performed in accordance with approved plan(s).

- e) The approved Erosion and Sediment Pollution Control Plan must be properly implemented, closely monitored and revised as conditions warrant to minimize erosion and prevent excessive sedimentation in the receiving stream channel.
- f) The Pennsylvania Fish Commission shall be notified prior to beginning of construction.
- g) Permittee shall exercise caution during installation of approved facilities to eliminate excessive turbidity and sedimentation of the stream channel downstream and shall immediately stabilize all excavated areas by seeding and mulching or other approved means.
- h) All material and debris removed from the stream bed shall be moved entirely out of the flood plain area.
- i) Care shall be taken so as not to discharge construction materials or sediment into stream waters. No waste construction materials or pollutants may be disposed of into the waters of the Commonwealth (i.e. concrete, gravel, washings, sediment, etc.).
- j) All material/equipment necessary to construct, complete and stabilize work areas and channel must be readily available or on-site prior to beginning of work to avoid unnecessary delays. All disturbed areas within or flowing into the relocated channel shall be stabilized prior to diverting flow into the channel.
- k) In the event future conditions make a substantial change in the upstream drainage area, the permittee shall provide a structure capable of passing the greater flows without excessive backwater or overflow.
- l) The operator agrees to maintain the authorized structure(s) free of flood debris and deposits. Approval is hereby granted for associated maintenance work subject to all plans and conditions of this permit.
- m) No mining activities can commence within the 100 foot (30.48 m) variance zone until a Section 404 permit, or permit waiver, is secured from the United States Corps of Army Engineers. This action of the Department constitutes 401 certification under the authority of the Clean Water Act.

Refer to Module 14.1 for additional information.

The Department has determined that there is no prudent and feasible alternative to conducting those aspects of the activity within the distance limitation, and that the public health and safety will not be endangered, that the environment and the interests of public and the landowner affected thereby will be adequately protected.

- 35. The permittee is granted a variance, in accordance with 25 PA Code Chapter 77, Section 77.504(b)(2), to affect areas within 100 feet (30.48 m) of the outside line of right-of-way of State Routes 73 and 663, and within 100 feet (30.48 m) of the outside line of right-of-way of Church, Hoffmansville and Colflesh Roads. This variance is granted for support activities only; there shall be no mineral extraction within these areas. The Department has determined that there is no prudent and feasible alternative to conducting those aspects of the activity within the distance limitation, and that the public health and safety will not be endangered, and that the environment and the interests of public and the landowner affected thereby will be adequately protected.
- 36. The permittee is granted a variance, in accordance with 25 PA Code Chapter 77, Section 77.504(b)(2), to affect areas within 300 feet (91.44 m) of the occupied dwellings and/or commercial industrial buildings located along the following: State Route 73, State Route 663, Church, Hoffmansville and Colflesh Roads. This variance is granted for support activities only; there shall be

no mineral extraction within these areas. The Department has determined that there is no prudent and feasible alternative to conducting those aspects of the activity within the distance limitation, and that the public health and safety will not be endangered, and that the environment and the interests of public and the landowner affected thereby will be adequately protected.

37. If a pattern of violation occurs with respect to permit conditions and/or regulations, the permittee shall be required to show cause why the permit should not be suspended or revoked. A pattern of violation shall be defined as the same violation being cited three times within one-year time period. Violations that occur outside of the operator's control shall not be considered as part of any pattern of violation.
38. The area adjacent to the northeast to this Surface Mining Permit has been contaminated by hazardous substances such as pesticides, chlorinated solvents and petroleum products. The permittee shall cooperate with DEP Southeast Regional Office, Environmental Cleanup Office and authorized cleanup entities to allow access to the permit area in order to collect samples and conduct cleanup and treatment of contaminants if necessary pursuant to Chapter 77.129.
39. The Department reserves the right to modify, suspend or rescind this Surface Mine Permit (SMP) or require a permit revision be submitted by the operator for this SMP and/or the associated NPDES permit should unforeseen circumstances or issues related to the area adjacent to the northeast to this SMP, which has been contaminated by hazardous substances such as pesticides, chlorinated solvents and petroleum products, develop and impact or potentially impact the activities authorized under this SMP that are not addressed or anticipated in the current and approved SMP plan, modules and designs.
40. Any trees or dead snags greater than five (5) inches in diameter at breast height may only be removed between October 1 and March 31 in order to protect bat(s) habitat.
41. Should any historic and archaeological resources be encountered during mining activities on this site, mining must immediately cease, and the permittee must notify both the PHMC and the District Mining Office. Mining cannot resume until written approval is obtained from the District Mining Office.

PART C

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF MINING PROGRAMS**

**NONCOAL
AUTHORIZATION TO MINE**

Number 6794-46030301-02

under issued S.M.P. number 46030301C2 & C3

PERMITTEE NAME	<u>Gibraltar Rock, Inc.</u>	ISSUANCE DATE	<u>July 2, 2018</u>
AND ADDRESS	<u>355 Newbold Road</u>	MUNICIPALITY	<u>New Hanover Township</u>
	<u>Fairless Hills, PA 19030</u>	COUNTY	<u>Montgomery</u>
NAME OF OPERATION	<u>Gibraltar Quarry</u>		

TYPE OF OPERATION

- Noncoal Surface Mine
- Other _____

- A. Permittee is hereby authorized to conduct noncoal mining activities on lands of Gibraltar Rock, Inc. situated in New Hanover Township, Montgomery 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 area designated as area to be bonded for mining & area to be bonded for support in the map submitted in support of the request for this Mining Authorization, which covers 241.0 acres.
- C. The maximum allowed depth of pit shall not extend below the elevation of pit floor which is 220' MSL in the southern pit & 290' MSL in the northern pit. The maximum length of highwalls requiring bond allowed is 10,043 LF.
- D. Bond Description
 - Original Bond \$324,414.00 Additional Bond \$1,098,511.00
 - Surety Bond No. _____ in Amount of _____ with _____ as surety.
 - Collateral Bond dated November 24, 2004 in Amount of \$1,422,925.00, supported by PNC Bank (amended 2017 Letter of Credit No. 5, CLB Inst No. 18100849-00-000).
 - PILB
 - Additional Remarks: Water Loss Bond in Amount of \$3,500.00.
- 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 three (3) additional special conditions or requirements relating to this authorization.

By: 
Michael J. Menghini

Title: District Mining Manager
 for the Department of Environmental Protection

cc: Amiee Bollinger, SMC
 EarthRes Group, Inc., Consultant
 File

ADDITIONAL SPECIAL CONDITIONS AND/OR REQUIREMENTS:

1. The limits of mining and/or support area(s) approved by this permit are to be field marked and shall remain marked for the duration of mining and reclamation activity.
2. This Authorization to Mine replaces and supersedes all previously issued Authorizations.
3. A maximum of 241.0 acres, with a total financial reclamation responsibility of \$1,422,925.00, is authorized to be affected at any time, as outlined below:

<i>Operation</i>	<i>(Unit)</i>	<i>Units</i>	<i>Rate \$/Unit</i>	<i>Total Cost</i>
Disturbed Support Area (includes revegetation)	(ac.)	60.9	\$1,900	\$115,710.00
Disturbed Mining Area (includes select grading and revegetation)	(ac.)	180.1	\$3,500	\$630,350.00
Highwall Blasting	(linear ft.)			
Up to 20 ft. Height			\$10.00	\$ 0.00
>20 up to 30 Height			20.00	\$ 0.00
>30 up to 40 Height			40.00	\$ 0.00
>40 up to 50 Height		10,043	55.00	\$552,365.00
>50 Height			75.00	\$0.00
Berm Construction	(linear ft.)	14,900	5.00	\$74,500.00
Ponds				
Demolition of structures				\$10,000.00
Mobilization/Demobilization			4% of the above costs up to \$40,000	\$40,000.00
TOTAL				\$1,422,925.00