



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF MINING PROGRAMS

NONCOAL SURFACE MINING PERMIT

NO. 08230301

Permittee Name and Address	<u>Bishop Brothers Construction Co., Inc.</u> <u>1376 Leisure Drive</u> <u>Towanda, PA 18848</u>	Location of Operation: Municipality <u>Athens Township</u> County <u>Bradford</u>
Name of Operation	<u>Minard Mine</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 360.7 acres of which 150.7 acres are planned to be affected. Permittee may conduct surface noncoal mining activities only on that area of the permit outlined on the Authorization to Mine and accompanying maps contained in Part C of this permit. Initial authority to conduct mining activities is granted for an area of 19.9 acres described in Part C of this permit. Additional authority to conduct mining activities may be granted by written approval of the Department and attached to Part C of this permit. Permittee is prohibited from conducting noncoal mining activities on that portion of the permit area which has not been authorized for mining by the Department, in writing, and shown on the bond approval and mining authorization map(s) contained in Part C of this permit.

This permit is hereby issued in accordance with the provisions of the Noncoal Surface Mining Conservation and Reclamation Act, Act of December 19, 1984 (P.L. 1093, No. 219), as amended, 52 P.S. §§3301 *et seq.*; and The Clean Streams Law, Act of June 22, 1937 (P.L. 1987, No. 394), as amended, 35 P.S. §§691.1 *et seq.*, The Air Pollution Control Act, Act of January 8, 1960 (1959 P.L. 2119, No. 787), as amended, 35 P.S. §§4001 *et seq.*, and the regulations promulgated pursuant to these Acts. This permit is also issued in accordance with the following statutes and regulations if marked.

- Coal Refuse Disposal Control Act, Act of September 24, 1968 (P.L. 1040, No. 318), as amended, 52 P.S. §§30.51 *et seq.*, and the regulations promulgated pursuant to this Act.
- Dam Safety and Encroachments Act, Act of November 26, 1978 (P.L. 1375, No. 325), as amended, 32 P.S. §§693.1 *et seq.*, and the regulations promulgated pursuant to this Act.
- Solid Waste Management Act, Act of July 7, 1980 (P.L. 380, No. 97), 35 P.S. §§6018.101 *et seq.*, and the regulations promulgated pursuant to this Act.
- Surface Mining Conservation and Reclamation Act, Act of May 31, 1945 (P.L. 1198, No. 418), as amended, 53 P.S. §§1396.1 *et seq.*, and the regulations promulgated pursuant to this Act.

Permittee is hereby authorized to conduct noncoal mining activities as described in the approved permit application and in accordance with the laws and regulations and terms and conditions as referenced above. A violation of any provision of these laws and regulations and terms and conditions is a violation of this permit.

Permit Issuance Date	<u>January 8, 2025</u>	By	 <u>Paul Kephart</u>
Permit Revision Date(s)	_____	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.

**MANDATED NONCOAL MINING ACTIVITY PERMIT
CONDITIONS AND REQUIREMENTS
(Under 25 Pa. Code Chapter 77)**

1. Except to the extent that the Department otherwise directs in this permit that specific actions be taken, the permittee shall conduct noncoal mining activities as described in the approved application. 77.129(1)
2. The permittee shall allow the authorized representatives of the Commonwealth, without advance notice or a search warrant, upon presentation of appropriate credentials, and without delay, to have access to areas in which noncoal mining activities will or are being conducted. 77.129(2)
3. The permittee shall conduct noncoal mining activities only on the lands specifically approved in the permit for which a bond has been filed with the Department under Subchapter D (relating to bonding and insurance requirements). 77.129(3)
4. The permittee shall take all possible steps to prevent an adverse impact resulting from non-compliance with the terms or conditions of this permit or the environment or public health and safety, including:
 - a. Any accelerated or additional monitoring necessary to determine the nature and extent of non-compliance and the results of the noncompliance.
 - b. Providing warning immediately after learning of the noncompliance to persons whose health and safety is in imminent danger due to the non-compliance. 77.130(1)
5. The permittee shall dispose of solids, sludges, filter backwash, or pollutants removed in the course of treatment or control of waters or emissions to the air in the manner which prevents violation of an applicable state or federal law. 77.130
6. The permittee shall conduct the activities in accordance with measures specified in this permit that are necessary to prevent environmental harm or harm to the health or safety of the public. 77.130(2)

Part A: NPDES Information

The following National Pollutant Discharge Elimination System (NPDES) permit is issued in conjunction with the mining permit/authorization and pursuant to the authority in 25 Pa. Code Chapter 92a. The permittee is required to comply with this NPDES permit as a condition of the mining permit.

- Individual NPDES Permit No. PA0270041
- Coverage under General Permit BMR GP-104 No. _____
- Other Option Details: _____

PART B

NONCOAL SURFACE MINING PERMIT NO. 08230301

SPECIAL CONDITIONS OR REQUIREMENTS

Industrial (Noncoal) Minerals Authorized for Mining: sandstone/siltstone, sand and gravel, topsoil

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

1. Prior to permit activation, provide documentation from Athens Township that requirements of the township's Land Development Plan have been met.
2. Prior to permit activation, a letter from Athens Township commenting on the analysis of the floodway impacts will need to be obtained as required by 25 PA Code 105.13(e)(1)(vi).
3. Mining below the final proposed pit floor elevation of 720 feet above mean sea level in the Sand and Gravel Mining Area and mining below the final proposed pit floor elevation of 770 feet above mean sea level in the Hard Rock Mining Area on this permit is prohibited. Mining below the currently bonded pit floor identified in Part C of this permit is also prohibited.
4. Safety benches must be developed as mining progresses through the quarry. Hard Rock Mining Area: The maximum height of a working face shall not exceed 50 feet. The minimum width for each horizontal bench shall be 25 feet. Sand and Gravel Mining Area: The maximum height of a working face shall not exceed 25 feet. The minimum width for each horizontal bench shall be 25 feet. The Mine Conservation Inspector may, at his or her discretion, grant written approval for greater bench heights or lesser bench widths in specific situations.
5. The outer limits of the area approved by this permit are to be clearly field marked for the duration of the mining activity. Each bonding increment must also be clearly field marked within the permit area.
6. As required by 25 PA Code 77.572, highwalls in the hard rock mining area shall be set back a minimum of 25-feet from the boundary of the area covered by the bond. Highwalls in the sand and gravel mining area shall be set back at distances equal to the highwall height in the sand and gravel mining area.
7. Final reclaimed slopes of the hard rock mining area shall not exceed 35 degrees and there shall be no depressions which will impound water, other than sedimentation ponds that are approved by the Department as permanent structures.

An unmanaged water impoundment is approved by the landowner as part of the post-mining land use for the sand & gravel mining area.

8. Reclamation must be kept concurrent with mining as required by 25 PA Code Section 77.595(a) and described in Module 10.6. All sections of the operation that reach the limit of mining, as determined by the Mine Conservation Inspector, must be reclaimed. Under no circumstances may reclamation begin any longer than 30 days after mineral extraction is terminated. Final reclamation is to be achieved within two years of the completion of mining.
9. In accordance with the Northeast Bald Eagle Screening Form, if nesting bald eagles are observed near the permit area, a buffer of 660 feet must be maintained between all project activities and the nest. All existing landscape buffers that visually screen the nest must be maintained. Blasting may not be conducted within a half mile of nesting bald eagles. The PA Game Commission must be notified immediately upon discovery of nesting bald eagles near the permit area.

10. The Pennsylvania State Historic Preservation Office (SHPO) has identified this mining project area as having a high probability of containing archaeological resources. During ground disturbance activities, if the permittee uncovers archaeological resources, the permittee must cease all disturbance activities and notify the DEP Moshannon District Mining Office and the SHPO by phone and in writing of the discovery. The SHPO will be given 15 days from the date of notification to determine whether a Phase I archaeological survey is necessary. During all ground disturbance activities, the permittee should adhere to the submitted Plan for the Discovery of Archaeological Resources found on pages 1-173 and 1-174 of the permit application.
11. Stream Variance #1: Tutelow Creek – Northern Variance Area. This permit authorizes a stream variance approved on Issuance Date, to conduct surface mining activities within the 100-foot barrier of Tutelow Creek in the northern area of the permit. Mining support areas will be located within 100 feet of Tutelow Creek for Sand and Gravel Phase 2. Areas within 10 feet to 50 feet from the stream channel will be utilized for support activities. Mineral extraction will not occur within 100 feet of Tutelow Creek in this variance area. Details of the variance can be found on pages 14-12 through 14-14 of the permit application, Exhibit 14.1, and detail 5 on Exhibit 10.2.
12. Stream Variance #2: Tutelow Creek – Southern Variance Area. This permit authorizes a stream variance approved on Issuance Date, to conduct surface mining activities within the 100-foot barrier of Tutelow Creek in the southern area of the permit for all phases of the hard rock mining area. Areas within 10 feet to 40 feet from the stream channel will be utilized for mining support activities. Mineral extraction will not occur within 40 feet of Tutelow Creek. Mineral extraction will occur above the stream elevation. Details of the variance can be found on pages 14-12 through 14-14 of the permit application, Exhibit 14.1, and detail 6 on Exhibit 10.2.
13. Stream Variance #3: Unnamed Tributary to Tutelow Creek Variance Area. This permit authorizes a stream variance, approved on Issuance Date, to conduct surface mining activities within the Unnamed Tributary #1 to Tutelow Creek for all phases of the hard rock mining area. Areas within 10 feet to 40 feet from the stream channel will be utilized for mining support activities. Mineral extraction will not occur within 100 feet of Unnamed Tributary #1 to Tutelow Creek. Details of the variance can be found on pages 14-12 through 14-14 of the permit application, Exhibit 14.1, and detail 6 on Exhibit 10.2.
14. Northwest Floodway Variance Area: This permit authorizes a stream variance, approved on Issuance Date, to conduct surface mining activities within floodway of Tutelow Creek. The disturbance is approximately 9.4 acres for the northwest floodway variance area to Tutelow Creek. Mineral extraction will occur in the floodway variance area of Tutelow Creek for the Sand and Gravel Phase 2. Mineral extraction will not occur within 100 feet of Tutelow Creek. Details of the variance can be found on pages 14-14-1 through 14-14-4 of the permit application, Exhibit 14.1, and detail 5 on Exhibit 10.2.
15. Southeast Floodway Variance Area: This permit authorizes a stream variance, approved on Issuance Date, to conduct surface mining activities within floodway of Tutelow Creek and Chemung River. The disturbance is approximately 8.8 acres for the southeast floodway variance area at the confluence of Tutelow Creek and the Chemung River. Mineral extraction will occur in the floodway variance area of Tutelow Creek and the Chemung River for the Sand and Gravel Phase 1. Mineral extraction will not occur within 100 feet of Tutelow Creek or the Chemung River. Details of the variance can be found on pages 14-14-1 through 14-14-4 of the permit application, Exhibit 14.1, and detail 11 on Exhibit 10.2.
16. The permittee is authorized to install a bridge crossing over Tutelow Creek (pages 14-1 to 14-6 of permit application) and a culvert pipe on the unnamed tributary to Tutelow Creek (pages 14-7 through 14-11 of the permit application) at points shown on the Exhibit 9 and as described in the noted sections of Module 14. All work is to be done as described in Module 14 and in such a manner that the streams are protected from sedimentation during construction, use, and removal of the crossings.

In a letter dated April 25, 2024, the U.S. Army Corps of Engineers determined that the work described above is authorized under the Pennsylvania Programmatic General Permit 6 (PASPGP-6). All authorized activities must comply with the terms and conditions of the PASPGP-6. This surface mining permit authorizes a Chapter 105 encroachment permit and 401 certification to conduct the activities described in this condition. The letter and PASPGP-6 can be found on pages 14-201 through 14-219 of the permit application.

17. Although no impacts are expected to Wetlands I, II, or J, a series of six piezometers are proposed adjacent to the wetlands to monitoring groundwater conditions in response to mining. Should data reveal that adverse impacts have occurred, an individual Module 14 including a mitigation plan will be developed to restore the resources. Development and monitoring of the piezometers must proceed once mining proceeds north of the electric service line to the Minard residence (312 Minard Drive) as described in the mining plan on Module 10-4.
18. Chapter 105 impact fees in the amount of \$62,000 have been paid for the impacts that will take place within the initial bond increment area. Pages 14-16 and 14-17 of the application include a breakdown of the fees that were paid with the initial application. Additional Chapter 105 impact fees will need to be assessed in conjunction with the review of future bond increments.
19. This operation will use portable crushers, conveyors, and screening operations. No crushers or processing equipment may be brought onsite unless the permittee first obtains an Air Quality Operating Permit, a general permit, or an exemption from the Northcentral Regional DEP Office, Bureau of Air Quality.
20. Erosion & Sedimentation Control Requirements:

The following ditches require rock lining: East and West Slope Diversion Ditches.

The following ditches require clay lining: Not Applicable.

Water accumulations in the pit sump must be conveyed to Basin 2 by pumping. Gravity flow from the pit sump to Basin 2 is not authorized since Basin 2 was sized based on a maximum anticipated pumping rate of 200 gallons per minute.
21. As per 25 Pa Code 77.128(b) the permittee must request an extension if noncoal surface mining activities have not commenced within five years of the permit issuance date.

PART B ADDENDUM
NONCOAL SURFACE MINING PERMIT NO. 08230301
MONITORING AND REPORTING REQUIREMENTS

HYDROLOGIC MONITORING

In addition to the water monitoring conducted in accordance with the NPDES permit the following water monitoring program shall be followed:

Monitoring Points:

Monitoring Point ID	Description	Latitude Longitude
S1C	Tutelow Creek-upstream at T-303 crossing (784 feet msl)	41°58' 41.7"N 76°33' 47.1"W
S5B	Chemung River upstream at park on Mile Lane Road (783 feet msl)	41°59' 08.1"N 76°33' 11.7"W
S1A	Tutelow Creek-downstream above confluence with the Chemung River (745 feet msl)	41°57' 52.7"N 76°32' 25.4"W
S2A	Unnamed Tributary #1 to Tutelow Creek (776 feet msl)	41°58' 05.0"N 76°32' 56.4"W
S5A	Chemung River downstream above confluence with Tutelow Creek (744 feet msl)	41°57' 53.3"N 76°32' 24.5"W
1B	Wetland-north central section of permit. (770 feet msl)	41°58' 30.2"N 76°33' 19.6"W

Monitoring shall be done at the above-listed points for the following parameters:

Parameter	Unit of Measurement	Type of Monitoring	Monitoring Frequency
Flow	GPM	Measurement	Quarterly
Field pH	S.U.	Measurement	Quarterly
Laboratory pH	S.U.	Grab	Quarterly
Temperature	°C	Measurement	Quarterly
Total Suspended Solids	mg/L	Grab	Quarterly
Conductivity	µS/cm	Grab or Measurement	Quarterly

Monitoring Points:

Monitoring Point ID	Description	Latitude Longitude
1A	Jeanette Minard drilled well water supply (770 feet msl)	41°58' 23.3"N 76°33' 02.6"W
103A	JDS drilled well water supply (766 feet msl)	41°58' 39.6"N 76°33' 05.8"W
104-1A	Richard Minard drilled well water supply (782 feet msl)	41°58' 38.8"N 76°33' 26.3"W

Monitoring shall be done at the above-listed points for the following parameters:

Parameter	Unit of Measurement	Type of Monitoring	Monitoring Frequency
Static Water Level	Feet MSL	Measurement	Quarterly
Field pH	S.U.	Measurement	Quarterly
Laboratory pH	S.U.	Grab	Quarterly
Temperature	°C	Measurement	Quarterly
Total Suspended Solids	mg/L	Grab	Quarterly
Conductivity	µS/cm	Grab or Measurement	Quarterly

Monitoring Points:

Latitude/Longitude coordinates are approximate based on proposed locations. See Part B condition #17.

Monitoring Point ID	Description	Latitude Longitude
PZ1	Piezometer to monitor wetlands I, II and J	41°58'34.53"N 76°33'18.18"W
PZ2	Piezometer to monitor wetlands I, II and J	41°58'29.76"N 76°33'16.87"W
PZ3	Piezometer to monitor wetlands I, II and J	41°58'26.07"N 76°33'15.47"W
PZ4	Piezometer to monitor wetlands I, II and J	41°58'25.77"N 76°33'17.05"W
PZ5	Piezometer to monitor wetlands I, II and J	41°58'28.70"N 76°33'19.12"W
PZ6	Piezometer to monitor wetlands I, II and J	41°58'32.12"N 76°33'20.68"W

Monitoring shall be done at the above-listed points for the following parameters:

Parameter	Unit of Measurement	Type of Monitoring	Monitoring Frequency
Static Water Level	Feet MSL	Measurement	Quarterly

Reporting

The results of the quarterly monitoring must be submitted on Form 5600-PM-BMP0315-8.1 Module 8.1(A) or most recent reporting form or format to the Moshannon District Mining Office no later than thirty (30) days after the end of the calendar quarter.

Calendar Quarter

January-March
April-June
July-September
October-December

Reporting Due

April 30
July 30
October 30
January 30 of the following year

PART C

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

**AUTHORIZATION TO MINE
PERMIT NO. 17095-08230301-01**

PERMITTEE NAME	<u>Bishop Brothers Construction Co., Inc.</u>	BI01 ISSUANCE DATE	<u>January 8, 2025</u>
AND ADDRESS	<u>1376 Leisure Drive</u>	REVISION DATE	_____
	<u>Towanda, PA 18848</u>	MUNICIPALITY	<u>Athens Township</u>
		COUNTY	<u>Bradford</u>

NAME OF OPERATION Minard Mine

TYPE OF OPERATION

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

- A. Permittee is hereby authorized to conduct noncoal mining activities on lands of Jeanette H. Minard situated in Athens Township, Bradford 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 Support Area (15.2 acres) and Operation Area (4.7 acres) in the map submitted in support of the request for this Mining Authorization, which covers 19.9 acres. All mining activities including mineral extraction and support activities shall be confined to the area bonded under this mining authorization. Only the hard rock (consolidated) mining area is bonded for mineral extraction with BI01.
- C. The maximum allowed depth of pit or height of highwall is 180 feet with benches developed every 50 feet, but shall not extend below the bonded elevation of pit floor which is 770 feet above mean sea level. 70,000 cubic yards of overburden piles are bonded as spoil to be used to backfill 1,300 feet of highwall. Blasting of the highwall will account for the remaining 1,810 feet. The maximum amount of length of highwall allowed is 3,110 feet (1,130 feet of perimeter highwall and 1,980 feet of interior bench). See bond calculations dated August 14, 2024 for further details.
- D. Bond Description
 Original Bond Additional Bond Replacement Bond Transfer Bond
 Collateral Bond dated October 16, 2024 in Amount of \$242,493.00 supported by Letter of Credit No. 1088 from Community Bank.
 Additional Remarks: Total Bond Required and on Deposit for BI01 = \$242,493.00
- 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 ten (10) additional special conditions or requirements relating to this authorization.

By: _____

Paul KephartTitle: District Mining Manager

For the Department of Environmental Protection

BOND AUTHORIZATION SPECIAL CONDITIONS

1. There will be no blasting within this permit until the operator has secured the Department's written approval of a phase-specific blast plan.
2. A Consent of Landowner for Jeanette H. Minard (519.01 +/- acres) was recorded on January 10, 2020 in the recorder's office of Bradford County as Instrument No. 201611350 and is filed with this surface mining permit.
3. A notarized building waiver granting permission to conduct mining and support activities (not to include blasting) within 300 feet but no closer than 60 feet of occupied dwellings on lands of Jeanette H. Minard is dated May 3, 2023. The waiver was recorded on June 2, 2023 in the recorder's office of Bradford County. This waiver covers dwellings located on Property No. 104, Tax Map No. 9-20-104, 312 Minard Drive, Athens PA 18810.
4. A notarized building waiver granting permission to conduct mining and support activities (not to include blasting) within 300 feet but no closer than 100 feet of occupied dwellings on lands of Richard L. and Rebecca J. Minard is dated May 3, 2023. The waiver was recorded on June 2, 2023 in the recorder's office of Bradford County. This waiver covers dwellings located on Property No. 104-1, Tax Map No. 9-20-104-1, 1284 Meadowlark Drive, Sayre PA 18840.
5. A notarized building waiver granting permission to conduct mining and support activities (not to include blasting) within 300 feet but no closer than 0 feet of occupied dwellings on lands of JDS Group Holdings, LLC (signed by Samantha Fairlie, Member) was dated May 3, 2023. The waiver was recorded on June 2, 2023 in the recorder's office of Bradford County. This waiver covers dwellings located on Property No. 102 & 103, Tax Map No. 9-20-102 & 9-20-103, 1522 & 1570 Meadowlark Drive, Sayre PA 18840.
6. An agreement dated March 25, 2024, was provided from FirstEnergy Pennsylvania Electric Company (Penelec) regarding mining activities within the restricted area of Penelec's 's 34kV Distribution Line in Athens Township, Bradford County within parcel ID 09-020.00-104. Agreement allows an access road to be constructed under the First Energy Pennsylvania Electric Company 34kV Distribution Line-Circuit 00514-61 as long as conditions of the agreement are met. This agreement **does not allow** the relocation of the electric line. A new agreement will need to be obtained before the electric line is relocated.
7. Notarized Approximate Original Contour (AOC) Reclamation Variance waiving AOC and approving the proposed reclamation plan alternative to AOC for the Jeanette H. Minard property dated May 3, 2023 is filed with this surface mining permit as page 20-4 of the permit application.
8. Notarized Post Mining Land Use Change Authorization approving the change in land use from forestland to unmanaged natural habitat and from cropland to unmanaged water impoundment for the Jeanette H. Minard property dated May 3, 2023 is filed with this surface mining permit as page 20-3 of the permit application.
9. Notarized letter allowing driveways and haul roads to remain permanently at the conclusion of mining on the Jeanette H. Minard property dated May 3, 2023 is filed with this surface mining permit.
10. An overburden stockpile of 70,000 cubic yards must be established as soon as is practicable in order to have adequate material available to complete reclamation of the Phase 1 area that is bonded to be backfilled.