



VIA EMAIL

March 18, 2024

Neiswonger Construction, Inc.
17592 Route 322
Strattanville, PA 16258

Re: Large Noncoal Mine Application
Maggie Lynn Underground Mine
SMP Application No. 63192001
NPDES Permit Application No. PA0278360
Deemston Borough, Washington County

Dear Applicant:

The Department has reviewed the applicant's December 1, 2023 and December 21, 2023 submittals and January 2024 emails from GeoTech Engineering, Inc. (GEI) in response to the Department's October 16, 2023 comment letter, and a January 2, 2024 meeting regarding the above-referenced large underground noncoal (LNC) permit application and associated National Pollutant Discharge Elimination System (NPDES) permit application. In order to continue processing the permit applications the following additions, corrections, and clarifications must be made. All regulatory references below are from Pennsylvania Code Title 25. Environmental Protection unless noted.

General Comments

Public Hearing

The Department received a request to hold a Public Hearing for the subject application from Deemston Borough. This Public Hearing will likely be held in late April/early May. The applicant will be informed of the date, time, and place of the Public Hearing and the applicant and/or applicant's consultants are encouraged to attend. Unlike the prior Environmental Justice meeting held December 13, 2023, the Department must generate a written comment/response document in response to all comments and questions provided from the public at the Public Hearing. (§77.123)

Overlap with Hawkins Refuse Reprocessing SMP

In the event the subject application results in an issued permit, the Department anticipates that the PA Coal Reclamation Hawkins SMP 63813210 will submit a revision to reduce acreage to eliminate overlap of the two SMPs.

Future Submittal Organization

Permit module templates/instructions/forms are periodically revised by the Bureau of Mining Programs (BMP) in Harrisburg and stored on e-Library. Submittals that depict the correct module/form numbers and current revision dates indicate to the DMOs that the currently required information is being submitted. In future permitting submissions, please ensure that permit module form numbers appear only on the actual Department provided forms and not on the attachments to the module narrative where the applicant provides additional information (such as design summary forms, bond calculations, etc.) that supports the module.

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

1. The applicant has published the revised public notice per January 2024 email correspondence. Please submit the proof of publication. (§77.104, §77.121)
2. Per GEI's January 11, 2024 email, the applicant is updating the Pennsylvania Natural Diversity Index (PNDI) to incorporate the appropriate forest impacts noted in Comment 5 of the Department's March 10, 2023 comment letter. Please submit the updated PNDI and jurisdictional agency responses. Include any necessary revisions regarding the PNDI to the exhibits. (§77.104, §77.126)

Module 2: NPDES Information and NPDES Application

3. In Section A, No. 12, please provide the 911 compliant street address and check the boro box for municipality. (§92a)
4. In Section C, No. 21, the average and design flow rates for Outfall 001 are given as 5.229 MGD and 64.631 MGD, respectively. On page 13, the NPDES average flow and design flow are calculated as 5.229 MGD and 64.627 MGD. Then, on the Module 13 pond certification form, the NPDES flows are indicated as 0.0371 MGD and 0.2595 MGD. The NPDES application and Module 13 must include the same average and design flow. Revise so all are consistent. (§92a)
5. In Section C, No. 21, the average and design flow rates for Outfall 002 are given as 1.331 MGD and 9.048 MGD with calculations shown on page 13 using a drainage area of 4 acres. However, the Exhibit 12 indicates that the drainage area to Outfall 002 is 8.8 acres. Revise the calculations to utilize the correct drainage area to the existing pond. (§92a)
6. For the current page 6 for Outfall 001, provide a replacement page 6 to correct the outfall name from 011 to 001 under No. 27. Also revise the statements regarding total selenium results to include the year each sample date was collected (e.g. mm/dd/yyyy format) and list flow rate for each sample date. (§92a)
7. The application indicates that calcium chloride (Module 17) may be used on the site for dust suppression upon permit issuance. Please revise the Section F3 chemical inventory

to include the amount and form of calcium chloride that could be onsite in the event it will be used in the future. (§92a)

8. The Department will include the Flocculant Addition Plan in Module 13 instead of the NPDES application as previously noted. Therefore, revise page 3 No. 21 to state “see flocculant addition plan in Module 13 of this permit app.” instead of page 15. The Department will discard pages 15-22 from the NPDES application since the Flocculant Addition Plan will be solely in Module 13. Comments on the Flocculant Addition Plan are therefore provided under Module 13 comments below. (§92a)

Module 5: Property Interests/Right of Entry

9. Please submit the original, recorded Contractual Consent of Landowner forms for Properties 6 and 7. It is noted that roads and existing E&S controls are on both properties. Page 5-2 of the December 1, 2023 submittal states these were being pursued. (§77.104, §77.162, §77.163)
10. The Module 5 narrative indicates that required Contractual Consent of Landowner forms or required waivers and/or recording of these are in progress. Most of these were completed with originals submitted to the Department December 21, 2023, except for Properties 6 and 7. The process must be fully completed, and Module 5 updated to indicate this, with nothing in progress, for Module 5 to be approvable. Please revise the Section 5.1 notes as shown below. (§77.104, §77.162, §77.163)
 - a. Page 5-2, Notes #1 and #2: Replace last sentence in each note with “The Department will replace the provided copies of the Contractual Consent of Landowner Form with the original, recorded Contractual Consent of Landowner Form from the SMP 63100401 file upon issuance of SMP 63192001.” Page numbers should be added as well.
 - b. Page 5-2, Notes #3 and #5: Replace the current sentences in each note to state “The original, recorded Contractual Consent of Landowner Form is attached with this module.” Page numbers should be added as well.
 - c. Page 5-2, Note #4: Update the note similarly to 7b above **if true** and the landowner consent process is completed. If still in process, the Department suggests holding off on the page 5-2 submittal until the landowner consent process is completed and submitting the revised page 5-2 along with the final landowner consent forms for Properties 6 and 7. The applicant must request an extension for Module 5 submittal if this is not completed within the timeframe the response to this comment letter is due.

Exhibit 6.2

11. Please revise Exhibit 6.2 as follows. (§77.104, §77.410, §77.454)
 - a. Add and label Culverts C-5, and C-6 and label Culvert C-4.
 - b. Adjust CD-2 if the location is shifted per Comment 13c below.
 - c. Please depict Berm B-1 on the exhibit if it is currently existing.
 - d. The 100-year floodplain around Pond P-1 must be revised to correspond to the larger pond footprint.

Module 8

12. Please revise Modules 8.3a) (paragraph 6) and Module 8.6c) to document the groundwater source(s) at the existing pits as rainwater alone would not provide a stable water source that is indicated as being present for dust control in Module 17. In Module 8, clarify whether pit water is being produced in Pit 1, Pit 2, or both, and indicate pit water production rates in each pit, and explain the source of the pit water. (§77.104, §77.403, §77.405)

Exhibit 9

13. Please revise Exhibit 9 as follows. (§77.104, §77.410, §77.454)
 - a. Include any necessary revisions regarding the PNDI.
 - b. The pond on the current Hawkins permit is referenced in the NPDES application and in Module 13 as Sediment Pond P-2. Please label it as P-2 on the exhibit.
 - c. Collection ditch CD-2 is still depicted on the exhibit as being beneath two lime dust stockpiles. Revise to correct this condition by moving the stockpile in the field or shifting the ditch slightly.
 - d. Berm B-1 is still depicted on the exhibit though it is indicated in the response document that it has been removed from the proposal. Berm B-1 should still be utilized as discussed in a Module 12 comment below, and therefore it should remain depicted on the Exhibit 9.
 - e. The discharge location for Pond P-1 is now located approximately 160 feet from the existing 2-8" cross pipes which are estimated to have a capacity of less than the pond's principle spillway (8.20 cfs). Additionally, there is no defined flow path to the receiving stream. Revise to provide a suitable flow path to the receiving stream.
 - f. The 100-year floodplain around Pond P-1 must be revised to correspond to the larger pond footprint.
 - g. Label the ditches that outlet to Pond 2 with unique identifiers so that they can be easily referenced in the future.

Module 10: Operational Information and Bond Calculations

14. More than 100 pages have been included as Module 10 attachments. The submitted pages are not grouped by topic, making the current review and any future evaluation of the permit documents difficult. Please address as follows. (§77.104)
 - a. Review and reorder the Module 10 attachments by topic and renumber the pages. Note that plugging certificates for three gas wells are also to be added. (PennDOT correspondence regarding mining below state roads is currently split on pages 10-81 through 10-84 and 10-103 through 10-120 and must be together).
 - b. Update the page references in the module narrative. (e.g. in the current submittal, Module 10.12 states PennDOT correspondence regarding mining below state roads is on pages 10-62 to 10-83, however it is currently split on different pages as noted in the preceding bullet.)

- c. Consider grouping the attachments into lettered Appendices with an Appendix cover page for each. A “List of Appendices” page could be included in front of them to aid organization.
 - d. Do not include the module form number on the attachment pages as discussed in a General Comment above.
15. Please check and revise the Module 10.9 narrative/table per the following comments. (§77.104, §77.452, §77.504)
 - a. The first paragraph states that six wells were permitted but not drilled and are listed in the table, however only two such wells are listed in the table. Add the other four wells to the table if they are within 150 feet of the SMP boundary. If they are not located within 150 feet of the SMP boundary, revise the narrative to indicate only two wells permitted but not drilled are listed in the table. (These wells are not to be shown on the exhibits).
 - b. Revise the third paragraph of the Module 10.9 narrative to indicate twenty (20) gas wells are located within the limits of the underground mining rather than sixteen.
 - c. In the table, correct typographical error in latitude for the Farmline Abandoned Gas Well ID #FM-2572 to 40° 00’ 22.1”.
 - d. In the table, for plugged gas well ID #R-88 443-WAS, please also indicate this well is shown on eMap as Historic Gas Well ID #617.
 - e. Provide the plugging certificates for the three wells that are indicated to be plugged as an Attachment to Module 10 and indicate in the narrative that they are included as an attachment to Module 10.
16. Please revise the Module 10.10 narrative to describe how drill holes will be sealed, including the four existing monitoring wells and potential future holes. Drill cuttings alone would not provide a suitable seal for holes that intercept the Clyde Mine or the proposed limestone mine. (§77.104, §77.503)
17. Please revise bond Form 5600-FM-BMP0474 and the relevant detail forms to address the following comments. (§77.104, §77.193, §77.202)
 - a. Revise the well sealing line item to include bond for sealing MW-WPW. For each well where the borehole is 12-inches or less, the bond rate is \$6.50 per lineal foot, with an \$1,850.00 minimum per hole. Each borehole is to be assessed individually. It appears the minimum cost must be applied for well MW-TH-2. Provide calculations for all current and proposed wells (currently four wells) on Form 5600-FM-BMP0467. Adjust the well sealing line items and all applicable totals as needed.
 - b. In the December 4, 2023 response, the applicant stated an intention to remove all burned out mobile processing equipment, scrap metal, additional large tires (other than 40 tires located at the head of the processing area included in bond calculations), and refuse permit wide over the next several weeks. Please complete the removal and properly dispose of these items within the timeframe of the response to this letter or inventory these items and itemize their disposal in bond calculations.

- c. Please utilize the new price per stem for tree planting which is increasing to \$1 under the bond rate guidelines published in the March 16, 2024 *Pennsylvania Bulletin*.

Module 12: Erosion and Sedimentation Controls

18. The Department has received several comments both verbal and written regarding the deposition of material onto public roads as a result of trucks leaving the current mining operation. Please review the following and revise the application. (§77.458)
 - a. Discuss if street sweepers or water trucks have been used to clean the public roadways during current mining operations. Also include a discussion on the future plans to mitigate mine permit generated material that becomes deposited on the public roadway.
 - b. If trackout from vehicles is the source of the material, include the installation of a truck wash or rumble pads to aid in cleaning the trucks.
 - c. If material is falling out of the bed of trucks, then site operators must ensure that product isn't loaded above the sideboards of the trucks.
 - d. Truck operators must be required to do a walk around inspection of their vehicle prior to exiting the site to ensure that tailgates are securely latched and that tarpaulins are secure.
19. Include the ditch names and designs from the Hawkins permit for the ditching around the spoil pile reporting to Pond 2. Alternately, provide new designs for this pair of ditches. (§77.458)
20. Berm B-1 wasn't questioned in the October 16, 2023 Department letter item Number 28; only the road collection ditches. The design for B-1 was previously justified and subsequently approved in a revision to the existing surface permit based on the December 2020 corrections submission. Discharging DD-1 at the proposed location is not viable whether using a level spreader or rock apron. For this reason, B-1 was to be utilized to convey the water down the steep hillside using the most reasonable method possible. Reinstigate the use of berm B-1. (§77.104, §77.458)

Module 13: Impoundments – Treatment Facilities

21. The designs presented for Sediment Pond P-1 must be revised for the following: (§77.461, §77.525, §77.527, §77.531)
 - a. Volume reductions are still presented in the Module 13 Addendum regarding P-1. However, it appears that the actual dimensions utilized in the pond design ignored the volume reductions and the impoundment is appropriately sized. Revise the text to remove the reductions.
 - b. The certification form indicates a principle spillway elevation of 823.8' while the designs and specifications indicate 824.8'. The later provides appropriate volume. Revise the certification.
 - c. The certification form indicates the inside impoundment slopes as being 2.5:1 while page 13-12 and the detail on page 13-28 (dated June 2023) indicate a 2:1

slope. Using a 2.5:1 slope provides the appropriate volumes. Revise to reflect the correct inside slope keeping in mind that a permanent pond requires 3:1 embankment slope both inside and outside.

22. The Module 13.5 narrative still discusses the inlet of the dewatering pipe being 2-feet above the bottom of the pond. However, this dimension was changed in the revised designs to be 3-feet. Revise the narrative. (§77.104, §77.461)
23. Module 13.6 must be revised to discuss the removal of the existing Sediment Pond P-2 that will be covered by the underground permit application. (§77.461)
24. The clipped site map included on Page 13-28 indicates two flocculant addition locations; one in the Pit #1 sump and the other in CD-2 upstream of the intersection with CD-1. The current Exhibit 9 indicates only one addition point and the December 1, 2023 response letter discusses only one application point. Revise page 13-28 to show one application location or delete it from the application. (§77.526)
25. The Department will include the Flocculant Addition Plan as an Attachment to Module 13. Please address the following items and use the bullet list below (generated by the Department to clarify the surmised current plan) as a basis for the flocculant plan to obtain PFBC approval. (§92a, §77.526)
 - a. Clearly state in the plan if flocculant addition is proposed in only one location.
 - b. Indicate if flocculant addition is only while pumping is occurring and the flocculant drip will be directed to the pumped water stream.
 - c. Provide the flocculant application rate per flow rate. (30 ml floc per 250 gpm).
 - d. Include how the application rate will be adjusted to correspond with increased or decreased pumping rate.
 - e. Revise the Flocculant Addition Plan in a manner similar to the bullet list below, and obtain PFBC approval for the final, clarified plan.
 - Enviro-Floc CF-1, distributed by Enviromine, Inc., is proposed for use on SMP 63192001 in accordance with the attached approval from the Pennsylvania Fish and Boat Commission (PFBC). Flocculant logs will not be permitted without additional approvals.
 - Flocculant will be added at a single location, with the approximate flocculant drip location shown on Exhibits 9 and 15.2. Flocculant addition is to occur within the Pit 1 area prior to the pumped water reaching CD-1 as shown on the Exhibits 9 and 15.2.
 - The overland flow path from the point of flocculant addition at the CD-1 inlet to Sediment Pond P-1 will be 1,400 feet at minimum in accordance with correspondence to PFBC. (*Update with PFBC if needed.*)
 - The typical pumping rate is 250 gpm wherein one 15 ml drip of flocculant is applied every 30 seconds (30 ml floc per minute for 250 gpm).
 - Prior to starting the flocculant drip application, the Sediment Pond P-1 dewatering valve must be closed, and permittee must verify that no discharge is occurring or imminent from either the principle spillway or emergency spillway.

- Any changes to the Flocculant Addition Plan must be submitted to PFBC for approval and a revised Flocculant Addition Plan sent to the New Stanton DMO as a minor revision to the SMP.
- The attached Appendix is an integral part of the Flocculant Addition Plan and includes correspondence with PFBC and the map and Safety Data Sheets for Enviro-Floc CF-1 sent to PFBC.

Module 15 and Exhibit 15.2: Noncoal Underground Mines

26. Please complete the address for Properties 6 and 7 on page 15-1. It is 375 North Shore Drive, Suite 600, Pittsburgh, PA 15212-1513 (street address was missed). (§77.104)
27. Please revise Module 15.6 throughout to document the groundwater source(s) at the existing pits as rainwater alone would not provide a stable water source that is indicated as being present for dust control. Clarify whether pit water is being produced in Pit 1, Pit 2, or both, and indicate pit water production rates in each pit, and explain the source of the pit water. (§77.104, §77.410, §77.454)
28. Comment 44 from the October 16, 2023 comment letter does not appear to have been addressed. Please incorporate the ten flow-only monitoring points into Module 15.6e) (15, 17, 21, A, B, D, E, F, G, and H) by tributary, and indicate monthly flow will also be monitored at monitoring point C. (§77.104, §77.410, §77.454)
29. Please revise Exhibit 15.2 to address the Exhibit 9 comments and also update the legend symbol to reflect the initial 150 ft. gas well barrier on Exhibit 15.2. (§77.104, §77.410, §77.454)

Module 17: Air Pollution and Noise Control Plan

30. The Module 17.3 narrative response and attached noise study indicates an approximate 18-26.5 dB increase at locations 3 and 4 when comparing non-operational (background) levels to when the processing plant is running. Several letters submitted by the public indicated ongoing noise from the quarry as a concern and residents expressed noise concerns at the December 13, 2023 Environmental Justice public information meeting. Please submit a noise mitigation plan to address ongoing complaints and increases in noise. (§77.104, §77.575)
31. Numerous complaints, both formal and informal, have be provided to the Department regarding fugitive dust. The operator must ensure that fugitive dust suppression techniques are routinely utilized at an appropriate frequency. Revise the Module 17.2 to include additional details on the water volumes needed for all dust control activities, rates and frequency of application, inspection, etc. regarding dust mitigation activities to be employed on the permit. The 1000 gpd currently stated for use does not seem plausible to account for haul road watering, dampening stockpiles, and the processing plant sprayer bars. Also provide an air quality monitoring plan so the Department can evaluate the effectiveness of the air pollution control plan should permit issuance occur. Please

provide an air quality monitoring plan so the Department can evaluate the effectiveness of the air pollution control plan. (§77.455, §77.575)

32. Please review page 17-2 in both the June and November 2023 submissions. It appears that that 17.3d) question was inadvertently deleted from the bottom of the most recent submission. Revise. (§77.104)

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

33. Please revise the Exhibit 18 regarding any applicable Exhibit 9 comments and depict Sediment Pond P-2 and the two ditches leading as being reclaimed as they are not to remain post-mining per the revised Module 13.6. (§77.104, §77.409, §77.454, §77.456)

The revisions and additions you submit must satisfy the provisions of Title 25, PA Code Section 77.126 by providing an affirmative demonstration of compliance with all existing laws, rules and regulations of the Department. All revised plan drawings must bear the date of revision and the seal or signature of the engineer or person who prepared the revision. **All revised pages of the application, including the narrative, must indicate page number and date of revision.** If revisions extend beyond the original page, each additional sheet should bear the original page number and a sequential letter of the alphabet.

Please submit three hard copies and one electronic copy of all information within 21 business days (April 16, 2024). The applicant must request an extension for Module 5 submittal if it is not fully completed within this timeframe. If you have any questions regarding this matter, please contact our office.

Sincerely,



Diane Roote, P.G.
Licensed Professional Geologist
Bureau of District Mining Operations

cc: Application File – copy
Geotech Engineering, Inc. – email
C. Meyer, Environmental Program Manager - email
D. Roote, Lead Reviewer – email
C. Vought, Sr. Engineer – email
D. Zoeller, MCI – email, copy
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