

VIA EMAIL

October 16, 2023

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 June 16, July 3, 2023, and August 21, 2023 submittals in response to the Department's March 10, 2023 comment letter regarding the above-referenced large underground noncoal permit application and associated National Pollutant Discharge Elimination System (NPDES) permit application. In addition, the Department met with the applicant and Geotech Engineering, Inc. on October 11, 2023 at the New Stanton District Mining Office to discuss the permit boundaries and review status. 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.

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

NOTE: Use the most recent version of Module 1 on the Department's e-Library (currently Rev. 1/2022) for replacement pages needed.

1. In accordance with the discussion at the October 11, 2023 meeting, the permit boundary must be revised to include additional acreage to encompass:
 - The entire spoil area northeast of Sedimentation Pond P-1.
 - The entire spoil area south/southwest of the "shop" on the Hawkins permit (SMP 63813210);
 - Well MW-WPW on the Hawkins permit (SMP 63813210).
 - The full length of the relocated UNT "E" to Tenmile Creek permitted under the existing Maggie Lynn Quarry SMP 63100401 including the associated 100-foot riparian area on each side of the stream bank.

Please revise the Module 1 Section C, Mining area, all exhibits, and bonding calculations to enlarge the permit area accordingly. The revised surface permit

- acreage, including the area that overlaps the Hawkins SMP, must be bonded under the proposed Maggie Lynn Underground permit (pending 63192001). (§77.104, §77.193)
2. The 3/16/23 Pennsylvania Natural Diversity Index (PNDI) Receipt 781939 is included in Module 1 and pages 1-9 and 1-12 indicate Pennsylvania Department of Conservation and Natural Resources (PA DCNR) review is needed. The PNDI was not discussed further in Module 1, however is mentioned in the March 2023 Wetland Delineation Report in Module 14. The introduction to this report discusses the PNDI and states that correspondence with the PA DCNR is ongoing to determine the potential impacts to listed species. Please provide the DCNR response when received and incorporate PNDI discussions into Module 1 as well. (§77.104, §77.126)
 3. The Northern Long-Eared Bat (*Myotis septentrionalis*) was listed as an Endangered Species, effective 3/31/23 and faces extinction due to range-wide impacts of the white-nose syndrome. (U.S. Fish and Wildlife Service (FWS) Northern Long-eared Bat Final Rule). Consequently, PNDI receipts dated before 3/31/23 are no longer valid. Please utilize the PNDI Update Receipt function to update the 3/16/23 PNDI-781939. It is understood that the applicant stated it would comply with the Avoidance Measure option on 3/16/23, but this must be confirmed as still valid after the 3/31/23 bat species reclassification to endangered. Provide the update in Module 1. (§77.104, §77.126)

Module 2: NPDES Information and NPDES Application (Comments below are for NPDES Application)

4. Please revise the NPDES application based on the following comments. (§92a)
 - a. In Section A, No. 3 the Maggie Lynn Quarry Permit No. was included. Instead, list the Maggie Lynn Underground Permit No. as 63192001 (pending).
 - b. Revise the total affected area in Section A No. 10 after Module 1 and exhibit comments are addressed to revise the permit boundary.
 - c. Provide the map date in Section A No. 13 as the date of the Exhibit 9 revision submitted with the response to these comments.
 - d. In Section C, No. 21, the coordinates for Outfall 001 plot on the opposite side of the pond from the mapped outfall location. The coordinates that were provided with the previous (Dec. 2021) version of the underground permit NPDES application appear correct. Please revise No. 21 back to the original Dec. 2021 coordinates. (The existing Maggie Lynn Quarry NPDES renewal was issued 7/18/23 using the Dec. 2021 coordinates.)
 - e. If flocculant addition is requested, include a Flocculant Addition Plan as an Attachment to the NPDES application and reference it in Section C, No. 21 and also include flocculant addition on flow chart. (See Comment 35.)
 - f. Revise Section C, No. 21 and the calculations provided on page 13 to correspond with design changes to Sediment Pond P-1. Ensure that the same design storm is used. Currently Module 13 uses the 10-year event and the NPDES uses the 25-year event.
 - g. The flow diagram on Page 5 indicates a maximum drainage area of 39.5 acres. This must be corrected to the drainage area per the revised Module 13.

- h. In Section C, No. 23, in addition to indicating that sludge or sediment will be produced from the treatment operations, complete the answer to the question by providing a description of the material and ultimate disposal of the material.
- i. In Section D, please address the following comments.
 - i. In No. 24, provide correct units for conductivity ($\mu\text{mhos/cm}$ or $\mu\text{S/cm}$); the Ω symbol is used for resistivity units.
 - ii. In No. 26, please provide a statement that none of the EPA Table II constituents are expected to be present in the discharge, if true, rather than leave blank.
 - iii. For No. 27, the June 2023 application was not updated to include additional total selenium (T. Se) results. From the data provided, T. Se limits and twice monthly sampling would be imposed. It is suggested that the notes above No. 27 be revised and Page 6 updated to provide T. Se results by date, where analytical methods used detection limits below the Target Quantitation Limit (TQL) so all available data is considered. Also indicate the flow rates for the 12/15/22 effluent characterization sample and flow rates for all T. Se results to be included.
 - iv. The total mercury and total cyanide effluent characterization results for the 12/15/22 sample from Geochemical Testing were not provided in ug/l. For No. 27, correct the total mercury result to either <1.0 ng/l as given in the results, or <0.001 ug/l and correct the total cyanide result to either <0.005 mg/l as given in the results, or <5 ug/l.
 - v. For No. 28, check the “Iron, Total”, and “Manganese, Total” boxes and provide the maximum and daily average, as was done for sulfate and total aluminum. Iron and manganese are subject to effluent limits in the current quarry permit and will continue to be for the underground permit.
- j. Revise Section F3 Inventory Attachment of the Preparedness, Prevention, and Contingency (PPC) Plan as follows.
 - i. One Off Road No. 2 Diesel Fuel double-walled tank is currently listed. Please include its volume. Also add the second adjacent tank and indicate its content and volume. (Two steel tanks are present as shown on the Exhibit 9.)
 - ii. Include storage of calcium chloride which is discussed in Module 17 for dust suppression purposes. Specify whether it is in a solid or liquid form during storage.

Module 5: Property Interests/Right of Entry

- 5. Please address the following and provide Module 5 replacement pages as needed. The Module 5 instructions indicate each owner name listed must be **exactly** the same as the name identified on maps and other documents and these must be consistent with tax assessment maps. See Technical Guidance Document (TGD) 563-2000-208 “Right of Entry” for more information. (§77.104, §77.162, §77.163)
 - a. Submit the original Contractual Consent of Landowner and update Note #4 in Module 5.1 for Properties 36 and 37 once deed is recorded and consent obtained from both joint landowners and recorded.

- b. Since Module 5.2 does not include the addresses of contiguous landowners per §77.162, provide a cross-reference note in Module 5.2 to indicate the addresses for contiguous landowners are provided in Module 15.1.
 - c. Revise Module 5.3 as follows to be consistent with Washington County GIS:
 - i. Correct surname for one of the joint landowners on Property 10 to Hutchins, Jr, (rather than Hutchinson, Jr).
 - ii. Correct typographical error to first name of the Property 19 landowner (to Brian).
 - iii. Indicate Robert Sweany as sole landowner for Property 30.
 - d. Revise landowner lists on exhibits to reflect the Properties 19 and 30 minor revisions above, and update Property 31 landowner to Southwestern PA Water Authority.
6. The Contractual Consent of Landowner for Property 5 and an Occupied Building Waiver for the haul road were received, however they appear to be copies. Please submit the originals of both documents; refer to TGD 563-2000-208 for more information. *(Note: The copies of the Contractual Consent of Landowner forms provided for Properties 2, and 1, 3, and 4 will be replaced with the originals from SMP 63100401 upon issuance.)* (§77.104, §77.162)

Module 6: Checklist and Exhibits 6.1 and 6.2 Environmental Resources Maps

7. Please revise the Exhibit 6.1 to revise the permit boundary and the 1,000-ft perimeter per Comment 1 and add the NPDES discharge point 001 per Module 6 instructions. (§77.104, §77.410)
8. Please review the following comments on Exhibit 6.2 and revise. (§77.104, §77.410, §77.452, §77.454, §77.456, §77.459)
 - a. Enlarge the permit boundary, surface site boundary, and 1,000-ft perimeter per Comment 1, above. Revise permit area acreages and legend acreages accordingly.
 - b. Revise the depicted Hawkins (SMP 63813210) permit boundary per the October 19, 2012 issued revision.
 - c. Depict the 100-foot stream barrier for the relocated UNT “E” to Tenmile Creek.
 - d. A PNDI note is not needed on the Exhibit 6.2 as it represents existing conditions (under the current permit), but if included, make any revisions to the PNDI note that may be needed after the PNDI comments under Module 1 are resolved
 - e. Revise the landowner list per the minor changes noted in Comment 5.
 - f. Depict the 150-foot building waiver for the haul road for the Property 5 residence.
 - g. Please delete both flocculant drip locations from Exhibit 6.2, which represents existing conditions. Flocculant is not approved for use at the existing SMP for Maggie Lynn Quarry, was removed from the site, and is not an existing item.
 - h. Module 8 clarified that a survey was sent to determine whether a private water supply is present on Property 16 (Hein). Once this is known, please update the exhibit to depict as needed.

- i. Under the Module 8 comments below, it is noted that Washington County GIS Online information indicated wells are or were present on Properties 5, 36, and 37. While this information may be dated, please check, and update the exhibit if the wells are present, even though public water is being used.
- j. Please depict MP3 as a background sampling point. Water quality data for this point is available in the Maggie Lynn Quarry permit and must be transferred over to the Maggie Lynn Underground application per Module 8 comments below.
- k. Below monitoring program table, please add a note that Clyde Mine Pool elevation data collected by AMD Industries at the Clyde Mine Treatment Plant will also be submitted with quarterly data.
- l. The existing structures from Module 10.3 are partially depicted, however please add DD-1. The road ditches to sediment traps are shown, however the ditch symbol should be added to the legend. The road berms are labeled (RB-1, etc.), however the berms are missing from the map and the berm symbol is missing from the legend. Please revise.
- m. Gas wells within the underground mining area must depict the initial 150 ft barriers, which will be employed until the wells are surveyed and appropriate barriers are determined per Module 10.9. Revise all gas well barriers to depict as 150 ft barrier.
- n. The comment responses indicated work was underway to determine the diameter of the (Peoples) gas line along Leonard Road. Revise the exhibit to add this information.

Module 8: Hydrology

9. The flow MP location descriptions for MPs C and F do not appear to correlate to the revised UNT labeling. Based on Exhibit 6.2, MP C appears to monitor the UNT "E" mainstem below the UNT "E" Western Branch. MP F appears to monitor the UNT "E" mainstem above the confluence of UNT "E" Western Branch. Please revise the Exhibit 6.2 flow MP table and future 8.1(A) forms to indicate this for the sample descriptions as warranted. (§77.104, §77.457, §77.532)
10. Below the table that lists the monitoring program in Module 8.2b, please add a note that Clyde Mine Pool elevation data collected by AMD Industries at the Clyde Mine Treatment Plant will also be submitted with quarterly data. (§77.104, §77.457, §77.532)
11. Please incorporate MP3 (Hawkins SMP) as a background sampling point and describe in Module 8.3b). (This MP is included in the Maggie Lynn Quarry permit but was inadvertently not transferred to the underground permit application.) (§77.104, §77.457, §77.532)
12. Please update the private water supply table (Form 8.2(A)(8)) and Module 8.7 regarding the following potential private water supplies, and incorporate Module 8 sampling, as appropriate. (§77.104, §77.532)
 - a. Add the Ondrik Well on Property 15 to the table and Module 8.7, explaining the well is present but the house is currently vacant and therefore the well is not

- currently used, nor was it sampled. Include a statement as to whether impact from mining would be expected, as the well parameters and approximate location are known.
- b. Per the survey sent to Hein (Property 16) on June 12, 2023, please incorporate discussion of any discovered water supplies in the table and Module 8.7, and sample if present.
 - c. Washington County GIS Online tax map indicates possible wells are or were present on Property 5 (Kosky) and Properties 36 and 27 (Kosky, formerly Gilpin), even though public water is primarily used. Please incorporate discussion of any wells in the table and Module 8.7, indicate whether they are used for any purpose, and sample if used.
13. It is understood the applicant plans to use MW-WPW on the PA Coal Reclamation, Inc. Hawkins Refuse Processing Permit (SMP 63813210) for monthly monitoring of the Clyde Mine Pool elevation. The proposed permit boundary and surface boundary are to be revised to include this well within the surface mine area of the Maggie Lynn Underground permit. Please continue monthly monitoring of MW-WPW to submit updated 8.1(A)s with the response to comments. (§77.104, §77.457, §77.532)
14. Please add the permit number for the pending Maggie Lynn Underground Mine permit to the future 8.1(A) forms. Three 8.1(A) pages available in the Maggie Lynn Quarry (MLQ) permit (SMP 63100401) appear to have inadvertently not been included. Please provide for the Maggie Lynn Underground application. (§77.104, §77.403, §77.406, §77.457, §77.532)
- a. MP 14: 10/01/08 through 07/08/16 (2 pages present in MLQ as 14 and 14(2))
 - b. MP3: 03/31/16 through 12/30/17 (1 page present in MLQ as MP3). Also add to Exhibit 6.2 as background point.

Module 9: Checklist and Exhibit 9 Operations Map

15. Please revise Exhibit 9 as follows. (§77.104, §77.410, §77.454)
- a. Enlarge the permit boundary, surface site boundary, and 1,000-ft perimeter per Comment 1, above. Revise permit area acreages, legend acreages, B-1 bonding limits, and bonding acreages under bond map legend accordingly.
 - b. Revise the depicted Hawkins (SMP 63813210) permit boundary per the October 19, 2012 issued revision.
 - c. Depict the 100-foot stream barrier for the relocated UNT E to Tenmile Creek.
 - d. Make any revisions to the PNDI note that may be needed after the PNDI comments under Module 1 are resolved.
 - e. Revise the landowner list per the minor changes noted in Comment 5.
 - f. Depict the 150-foot building waiver for the haul road for the Property 5 residence.
 - g. See Comment 35 regarding the two Flocculant Drip Locations shown and ensure the two locations shown correlate to the drawing provided to PFBC or revise.
 - h. A buried pipe was observed in the field which outlets to CD-1 near the 2B stone stockpile. Its approximate location is not depicted on the Exhibit 9. Revise to include the location, pipe material, and dimensions of the pipe.

- i. CD-2 is depicted on the Exhibit 9 beneath the lime dust stockpile. Revise.
- j. The Pit #1 bench widths shown on the exhibit are less than the minimum required 25 ft width and inconsistent with the Module 10.2b) narrative and schematic. Revise the Exhibit 9 and/or the Module 10b) narratives/schematics as needed to ensure consistency of the benching plans.
- k. The Pit #2 benching contours on the exhibit still depict a bottom-most bench width of 35 ft, which is inconsistent with the Module 10.2b) narrative and schematic. Revise the Exhibit 9 and/or the Module 10b) narratives/schematics as needed to ensure consistency of the benching plans.
- l. The Pit #3 highwall configuration included in the Module 10.2b) schematic indicates bench widths of 35 ft, while the exhibit depicts approximately 27 ft wide benching. Revise the Exhibit 9 and/or the Module 10b) narratives/schematics as needed to ensure consistency of the benching plans for all three pits.
- m. The highwall setback distance depicted on the highwall profiles in Module 10.2b) meet the minimum requirement by regulation. However, the excavation contours depicted on the Exhibit 9 for Pit #3 are closer than 25 ft to the permit line. Revise the Pit #3 configuration to remain at least 25 ft from the permit line/bonding limit as required.
- n. As indicated in Module 10.1, last paragraph under “Surface Mining Pit #1 Area”, the Super Silt Fence along the Benwood Limestone outcrop will be installed (instead of “as needed”). Please remove the “As Needed” pointer to this control on the exhibit since the Department advised it is to be installed as a preemptive measure.
- o. Gas wells within the underground mining area must depict the initial 150 ft barriers, which will be employed until the wells are surveyed and appropriate barriers are determined per Module 10.9. Revise all gas well barriers to depict as 150 ft barrier.
- p. The comment responses indicated work was underway to determine the diameter of the (Peoples) gas line along Leonard Road. Revise the exhibit to add this information.
- q. Please depict the second structure present next to the scale house/office and any additional equipment storage and repair areas, and additional trailers or buildings to be utilized for tag-in/out, emergency response, etc.

Module 10: Operational Information and Bond Calculations

16. The replacement Module 10 submitted does not show the Department’s form number nor revision date in the header. Please resubmit this module in its entirety (Modules 10.1 through 10.15) after making the revisions below so that the form number and revision date of the form are visible, as they were with the December 2021 submittal. Ensure Module 10 is appropriately updated if the applicant decides to bond in Phase 1 for Pit #3 for the future Portals 5, 6, and 7. (§77.104)
17. The exhibits show the proposed barrier width between the underground mine and Tenmile Creek as 150 ft, however two areas within Module 10 indicate 300 ft. If 150 ft

- is proposed, revise the Module 10 narratives indicated below and any other locations that do not match the proposed barrier width. (§77.104, §77.452, §77.454)
- a. Module 10.1, 3rd paragraph under “Surface Mining Pit #1 Area” heading.
 - b. Module 10.1, 4th paragraph under “Underground Mining Area” heading, 4th bullet.
18. The narrative under the Module 10.1 “Underground Mining Area” heading is not consistent within it and with and other parts of the application as noted below. Please revise so the application is consistent. (§77.104, §77.452, §77.551)
- a. Module 10.1, 2nd paragraph on page 10-3 states that Portals 1 through 3 will be installed and bonded, while Portal 4 (and Portals 5,6, and 7) will not be bonded as part of Phase I. The bond calculations do include sealing of Portal 4. Page 10-9h bonding detail page indicates “Total cost to bond all 3 portals 4 x \$44,696 \$178,784”, and this was included in the bond summary page on 10-9b. Module 15.9 (and also page 15-20) likewise indicates four seals. Revise the 2nd paragraph on Page 10-3 to indicate Portal 4 is being bonded as part of Phase I.
 - b. The 3rd paragraph of Module 10.1 states the roof thickness will vary from 7 to 25 feet. Revise to incorporate the 15’ minimum roof thickness to be consistent with the rest of the application (per narratives Modules 10 and 15).
 - c. Module 10.1, 4th paragraph, 2nd bullet states “There will be a solid five (5) foot thick section of the Benwood Limestone left intact above the underground mined section of the mine.” Revise to incorporate the 15’ minimum roof thickness to be consistent with the rest of the application (per narratives Modules 10 and 15).
 - d. The narrative under the “Potential Mine Opening Pit #3 Area” indicates a maximum of 200 ft of earth removal to get to the level of the Benwood Limestone, however the Module 10.2b) schematic depicts a 225 ft pit. Revise as needed to ensure consistency.
 - e. Also see Comment 17 regarding the barrier along Tenmile Creek and revise the narrative as needed.
19. Revise the 10.2 narrative and details per the following comments. (§77.104, §77.456, §77.571, §77.572)
- a. See Comment 15.j, 15.k, and 15.l and revise the Exhibit 9 and/or the Module 10b) narratives/schematics as needed to ensure consistency of the benching plans for Pit #s 1, 2, and 3.
 - b. The potential Pit #3 area discussion both in Module 10.2a) and again above the schematic in Module 10.2b) states that the maximum depth of the Pit #3 area will be approximately 200 ft near the northeastern side, however the schematic illustrates a 225 ft depth. Revise to ensure consistency.
20. Module 10.9 contains a bullet list of gas wells, not all of which are shown on the exhibits and two wells are shown on the exhibits that are not in the bullet list. Please revise Module 10.9 and provide needed clarity by addressing the following comments. (§77.104, §77.452, §77.454, §77.504)
- a. Substitute a table for the bullet list and place the operator/well name or type of well in 1st column, Permit No. or ID No. in 2nd column, coordinates for all wells in 3rd column (distinguish as exhibit or surveyed coordinates for those shown, and

- eMap coordinates for those not shown on exhibits), and map status (indication of whether or not the well is shown on the exhibits, and if not, why not) in 4th column. As noted previously, the exhibits must be revised to depict the 150 ft barrier.
- b. The 1st paragraph includes the statement that two gas wells that were permitted but not drilled are depicted on the exhibits, however these two gas wells do not appear to be shown on the exhibits, nor is there any need to do so. Therefore, please revise the 1st paragraph to explain that they are not shown. However, please include these two wells and their eMap coordinates in the table of wells (bullet list in Module 10.9 is to be revised to table format per Comment 20.a. and indicate they are not shown in the 4th column.
 - c. Add Historic Gas Well ID #538 and Farmline Gas Well ID #FM-2227 to the table, which are shown on the exhibits but are not in the bullet list.
 - d. On the table, indicate that four wells (Historic Gas Well ID # 539, and Farmline Gas Well #s FM-2577, FM-2573, FM-2224) are not shown on the exhibits and why this is the case. Provide the eMap coordinates of these wells that are not shown as well.
 - e. Review the Module 10.9 narrative paragraphs for accuracy once all the wells are considered and revise as needed.
21. Revise the Module 10.10 narrative to include the discussion that was provided in the response to Comment 73, as not all boreholes have been backfilled. In the narrative, include the details from Response 73 to clarify the fate of MW-1, name the three wells that will be used for monitoring, and list the wash plant well that will monitor the Clyde Mine water level. (§77.104, §77.452, §77.454)
 22. Revise the Module 10.11 narrative to include the discussion on the three Waynesburg country bank mines that was provided in the response to Comment 73. (§77.104, §77.452, §77.454)
 23. The August 21, 2023 email stated the revised agreement between Equitrans and Neiswonger would be submitted to the Department upon completion. To date, the revised Equitrans agreement has not been received. In addition, please include the Peoples Gas Agreement attached to the August 21, 2023 email submittal with the hard copy and electronic submittal in response to this comment letter. (§77.126, §77.452, §77.456)
 24. The various landowner requests must be revised again for the following. (§77.104, §77.462, §77.530, §77.593, §77.631)
 - a. The permanent haulroad request is still only signed by John Kosky Contracting and not by the owners (John and Stacy Kosky) of the second parcel.
 - b. The pond and ditch landowner signoff does not include the necessary maintenance and liability statement.
 25. The Bonding Increment Application and Authorization to Conduct Noncoal Mining Activities (Form 5600-FM-BMP0304) Page 1 provided as page 10-9a indicates “Revised: June 2023”, however it appears the same as the December 2021 submittal and Page 2 was

not submitted. Please update bonded acreages per Comment 15.a, above, address the March 2023 Comment 78 that included comments on both Pages 1 and 2, and submit both pages. (§77.104, §77.193, §77.202)

26. The Department's Form 5600-FM-BMP0474 was not used for the June 2023 submittal as was done in the December 2021 submittal. Please submit this Bond Calculation Summary – Noncoal Consolidated form 5600-FM-BMP0474 using the latest e-Library version. The following comments apply to Form 5600-FM-BMP0474 and the associated detail forms. (§77.104, §77.193, §77.202)
- a. Indicate at the top on Form 5600-FM-BMP0474 that these are Phase I Bond Calculations using 2023 BRGs.
 - b. Ensure bonded acreages are updated per Comment 15.a, above.
 - c. The volume of spoil to be backfilled for Pit #2 reclamation is stated to be 107,341 cy on page 10-9f, however, page 10-9c and the bond summary included only 101,878 cy. Please revise to include the full 107,341 cy.
 - d. The applicant notes it is intended that Pit #1 be blasted instead of backfilled. As discussed at the October 11, 2023 meeting, the spoil located northeast of Sedimentation Pond P-1 is to be used to backfill this pit instead of blasting. Revise.
 - e. It was also noted that a volume diagram was supplied for Pit #1 similar to the one provided for Pit #2 on page 10-9f, however this was not received. Please provide.
 - f. The calculations for spoil and topsoil included on page 10-9f uses \$2.50/cy for spoil but only \$1.50/cy for topsoil. The haulage rate should be \$2.50/cy for both items.
 - g. Supply a detail page for the tree planting line item that includes the planting rate and acreage of each different area to be replanted with woody vegetation.
 - h. Please clarify the Mine Sealing Bonding Calculations detail pages as follows:
 - i. Revise the first sentence of the 1st paragraph on page 10-9g to indicate that bonding is provided for four portal openings (as indicated elsewhere in the application), rather than three and remove the reference to Exhibit 18 as no seals are shown on Exhibit 18;
 - ii. Revise the last sentence of the 1st paragraph on page 10-9g to also indicate that the PE-certified seal design referenced in Module 15.8 is shown on page 15-21.
 - iii. On page 10-h, the bold statement should read “Total cost to bond all four portals”.
 - iv. If the applicant decides to bond in Phase 1 for Pit #3 for the future Portals 5, 6, and 7, update the application (Exhibits, Modules 10, 15, in addition to bond calculations) to include backfilling Pit #3 using the spoil that is south/southwest of the shop on the Hawkins permit, and to include a total of seven, rather than four seals.
 - i. The portion of the overhead powerlines owned by Clyde Holding, Inc. that exists on property not owned by Neiswonger Construction must be appropriately bonded for removal and reclaimed once it is no longer needed for operation of the processing plant. Include the cost to remove an estimated 850 feet of line, transformers, and poles as a structure demolition cost.

- j. The structure demolition detail page is poorly legible in both the e-copy and hard copies. Please ensure a legible version is submitted after it is revised.
- k. Include bond calculations for removal of large equipment tires which are present and forming the retaining wall of the dump area at the head of the processing plant. In addition, it is noted that the applicant intends to remove all burned out mobile processing equipment, scrap metal, additional large tires, and refuse permit wide. This must be done before bond calculations are finalized (i.e. within the timeframe of the response to comments), or these items must be bonded.

Module 12: Erosion and Sedimentation Controls

- 27. The 12.2 narrative discusses that CD-2 will be removed after Pit #2 has been reclaimed. However, the contributory area of CD-2 is more than just Pit #2 and will include drainage pumped from Pit #3. Revise to provide an accurate description of the use and removal timing for CD-2 (§77.104, §77.452, §77.456)
- 28. The designs for the Collection Road Ditches must be revised for the following. (§77.104, §77.458)
 - a. Manning's "n" values for many of the ditches do not correspond with the design depth of flow and channel lining.
 - b. Several segments of ditching utilized bed slopes of 10% or greater and therefore require shear stress evaluation.
 - c. Ensure that the proposed channel lining materials meet either the velocity or shear stress requirements.
- 29. The certification forms for the sediment traps was submitted on the 2014 version. Please use the latest pond certification form (7/2021). (§77.104)
- 30. Revise Exhibit 12 as needed to depict the revised permit boundary per Comment 1. (§77.104)

Module 13: Impoundments – Treatment Facilities

- 31. The statement in the 13.3c) narrative regarding the pond holding limited water is no longer true. Pond P-1 has been holding, and periodically discharging, water since March 2022. Please provide a detailed plan for water handling while pond reconstruction work is occurring. (§77.457, §77.461, §77.527)
- 32. The certification forms for the sediment pond was submitted on the 2020 version. Please use the current pond certification form (7/2021). (§77.104)
- 33. The design of sediment pond P-1 must be revised for the following. (§77.461, §77.525, §77.527, §77.531)
 - a. As discussed in the previous comment letter, sediment pond design guidelines for mining operations were clarified in January 2022 with the release of SOP No. BMP-013. This policy emphasizes not authorizing stormwater volume reductions

- provided in the E&S Manual that are applicable on short duration, non-mining earth disturbances. Revise the pond design to remove the use of volume reductions due to the long duration operations and sediment type that reports to pond P-1.
- b. Due to the influent water containing observed high concentrations of fine particles, include plans for the installation of a baffle or curtain system.
 - c. The 13.3 and 13.5 narratives both discuss 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.
34. The NPDES Average and Design flow rates provided in Module 13 and on the NPDES application do not correspond. Revise per the sediment pond designs. (§77.104)
35. The Flocculant Addition Plan must be clarified. The drawing attached to GEI's 3/28/23 email to the PFBC was not submitted, and this is needed to correlate the PFBC-approval with the locations shown on the exhibits. (The coordinates in the email chain plot at different locations than the drip locations on the exhibits.) In addition, address the following comments to clearly incorporate flocculant addition into the underground mine application, as it is to be part of the NPDES application. (§77.104, §92a)
- a. Provide a dated Flocculant Addition Plan that includes a brief narrative page with two attachments. The two attachments to this plan should include:
 - i. The complete submittal to PFBC sent 3/28/23 (the two 3/28/23 emails with all attachments sent to PFBC).
 - ii. The correspondence to/from PFBC, including the PFBC approval of the plan proposed. The narrative page can serve to:
 1. List the locations proposed for use (provide coordinates/reference exhibit locations/name the areas/collection ditches receiving flocculant, etc.) (The PFBC submittal Attachment may be referenced for some of this information)
 2. Type of flocculant to be used and application method/rate (drip rate) at each location (Reference the PFBC submittal with Material Data Sheets).
 - iii. Indicate the applicant's commitment that during all times of flocculant addition to Sediment Pond P-1, that no discharge from the principle or emergency spillway is occurring or imminent, and that the dewatering valve will be closed to allow maximum retention and reaction time of the flocculant prior to discharge.
 - b. Please incorporate the Flocculant Addition Plan with its attachments into the NPDES application as an Attachment, and then reference this plan location in Section C, No. 21 of the NPDES application, and in the Module 13 narrative. Flocculant addition must also be depicted on the NPDES application flow chart.

Module 14: Streams – Wetlands

36. The proposed ST-11 impoundment is depicted within the 100-foot stream barrier for UNT-E but is not described as a stream variance. Revise. (§77.104, §77.459, §77.523)

Module 15: Noncoal Underground Mines

37. Ensure Module 15 is appropriately updated if the applicant decides to bond in Phase 1 for Pit #3 for the future Portals 5, 6, and 7. (§77.104)
38. Under Module 15.1, add the address for Peoples Natural Gas for Properties 6 and 7 (375 North Shore Drive, Suite 600, Pittsburgh, PA 15212-1513). (§77.104)
39. Please revise Exhibit 15.2 as follows. (§77.104, §77.454)
 - a. Enlarge the permit boundary, surface site boundary, and 1,000-ft perimeter per Comment 1, above. Revise permit area acreages and legend acreages accordingly.
 - b. Revise the Hawkins (SMP 63813210) permit boundary per the October 19, 2012 revision.
 - c. Depict the 100-foot stream barrier for the relocated UNT E to Tenmile Creek.
 - d. Make any revisions to the PNDI note that may be needed after the PNDI comments under Module 1 are resolved.
 - e. Revise the landowner list per the minor changes noted in Comment 5.
 - f. Depict the 150-foot building waiver for the haul road for the Property 5 residence.
 - g. See Comment 35 regarding the two Flocculant Drip Locations shown and ensure the two locations shown correlate to the drawing provided to PFBC or revise.
 - h. Module 8 clarified that a survey was sent to determine whether a private water supply is present on Property 16 (Hein). Once this is known, please update the exhibit to depict as needed.
 - i. A Module 8 comment noted that Washington County GIS Online information indicated wells are or were present on Properties 5, 36, and 37. Update the exhibit to depict if present.
 - j. See Comments 15.j, 15.k, 15.l and 15.m. As Exhibit 9 is revised, ensure Exhibit 15.2 is revised accordingly.
 - k. Gas wells within the underground mining area must depict the initial 150 ft barriers, which will be employed until the wells are surveyed and appropriate barriers are determined per Module 10.9. Revise all gas well barriers to depict as 150 ft barrier.
 - l. The comment responses indicated work was underway to determine the diameter of the (Peoples) gas line along Leonard Road. Revise the exhibit to add this information.
40. Please submit appropriate pages to resolve the following pagination issues and ensure text continuity. (§77.104)
 - a. Pages 15-14a to 15-15 (first two lines are missing at top of 15-14a and line at bottom of 15-14a and top of 15-15 is duplicated).
 - b. Text is missing from bottom of page 15-16 to top of page 15-17.
41. The exhibits show the proposed barrier width between the underground mine and Tenmile Creek as reduced to 150 ft, however two areas within Module 15 still indicate

300 ft. If 150 ft is proposed, revise the Module 15 narratives below accordingly. (§77.104, §77.452, §77.454)

- a. Module 15.6b), 3rd paragraph states no underground mining activities will occur within 300 +/- ft of MP 73. It appears this should be revised to 150 +/- ft.
 - b. Module 15.6b), 8th (last) paragraph references a 300 foot “no underground mining” barrier.
42. Please incorporate the average depth of mining in various areas to be mined into the Module 15 narrative (e.g. within Modules 15.5, 15.6, especially 15.6, 7th paragraph) based on the elevation of the bottom of the Benwood Limestone, and accounting for the five feet of limestone remaining intact in the floor. (Retain statements regarding the maximum depth of mining to be 820 ft msl in order to remain above the normal pool elevation of Tenmile Creek). (§77.104, §77.452, §77.454)
43. Revise Module 15.6d) if needed to add any additional private water supplies that may result from ongoing work per Module 8 Comment 12. (§77.104, §77.410, §77.454)
44. In Module 15.6e), list the ten flow-only monitoring points (15,17,21,A,B,D,E,F,G,H) and indicate monthly flow will be measured at these points. Also mention that monthly flow will also be measured at monitoring point C, in addition to quarterly sampling. (§77.104, §77.410, §77.454)
45. March 10, 2023 Department Comments 93.c, 93.d, and 94 were not addressed. Please revise pages 15-9 and 15-16 as needed. As noted in the last paragraph of Module 15.5 on Page 15-7, “All water generated by the mine will be directed to Sediment Pond P-1 for settling and discharge”. Page 15-9 must be revised to say the same, instead of “In the event settling is necessary...”. (§77.104, §77.410, §77.454)

Module 16: Large Noncoal Blast Plan

46. Submit the complete blast plan package for review prior to any blasting-related activities, including an updated Exhibit 16.17. Please revise Exhibit 16.17 as follows. (§77.104, §77.453)
- a. Enlarge the permit boundary, surface site boundary, and 1,000-ft perimeter per Comment 1, above. Revise permit area acreages and legend acreages accordingly.
 - b. Revise the permit boundary of the Hawkins permit (SMP 63813210) per the Oct. 19, 2012 issued revision.
 - c. Depict the 100-foot stream barrier for the relocated UNT E to Tenmile Creek.
 - d. Make any revisions to the PNDI note that may be needed after the PNDI comments under Module 1 are resolved.
 - e. Revise the landowner list per the minor changes noted in Comment 5.
 - f. Depict the 150-foot building waiver for the haul road for the Property 5 residence.
 - g. See Comment 35 regarding the two Flocculant Drip Locations shown and ensure the two locations shown correlate to the drawing provided to PFBC or revise.

- h. The existing structures from Module 10.3 are partially depicted. The road ditches to sediment traps are shown as requested however please add the ditch symbol to the legend. The road berms are labeled (RB-1, etc.), however the berms are missing from the map and the symbol is missing from the legend. Please revise.
- i. Gas wells within the underground mining area must depict the initial 150 ft barriers, which will be employed until the wells are surveyed and appropriate barriers are determined per Module 10.9. Revise all gas well barriers to depict as 150 ft barrier.
- j. The comment responses indicated work was underway to determine the diameter of the (Peoples) gas line along Leonard Road. Revise the exhibit to add this information.
- k. Add the symbol/explanation for the road barriers along SR 2024 and SR 2041 that are shown on the map.

Module 17: Air Pollution and Noise Control Plan

- 47. It is indicated in 17.1 that crushing and screening will be wet operations but there is no discussion in the mine permit application on the consistent source of water that will be utilized. Revise to discuss whether surface impoundments, groundwater wells, public water supply, surface stream withdrawal, or specify combinations of sources that will be utilized. Include an estimate on the quantity necessary for the proposed dust suppression operations. (§77.104, §77.452, §77.455, §77.575)
- 48. Several sections of the 17.2 response are completed while sections g) and h) are indicated as Not Applicable. Crushing/processing equipment and conveyors are both to be utilized. Answer that they are addressed in the GP3 or briefly discuss the dust controls to be implemented as required. (§77.104, §77.455, §77.575)
- 49. The Module 17.3 narrative response and attached noise study does not sufficiently address if the operation may be classified as a public nuisance. Several letters submitted by the public indicated ongoing noise from the quarry as a concern. Conduct a new noise study done during times when mining/processing operations are not occurring, that also addresses the comments noted below on the May 25, 2023 noise study. (§77.104, §77.575)
 - a. Base level sound levels were not recorded. Field evaluation occurred while processing operations were ongoing at the Maggie Lynn Quarry. It is incorrectly indicated that the existing operational noises are part of background levels.
 - b. The test result summary on page 17-15 describes the generator of the high decibel level results at locations 1 and 2, but not at locations 3 and 4.
 - c. Locations 3 and 4 have two values listed as typical readings. In addition, it is not specified what method was used to establish a “typical” dB levels.
 - d. It is indicated in the Estimated Noise Levels narrative on page 17-16 that audible impact associated with the quarry will continue.

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

50. Please revise Exhibit 18 as follows. (§77.104, §77.409, §77.454, §77.456)
- a. Enlarge the permit boundary, surface site boundary, and 1,000-ft perimeter per Comment 1, above. Revise permit area acreages and legend acreages accordingly.
 - b. Revise the Hawkins (SMP 63813210) permit boundary per the October 19, 2012 revision.
 - c. Depict the 100-foot stream barrier for the relocated UNT E to Tenmile Creek.
 - d. Revise the landowner list per the minor changes noted in Comment 5.
 - e. The existing structures from Module 10.3 are partially depicted, however please add DD-1. The road ditches to sediment traps are shown as requested however the ditch symbol should be added to the legend. The road berms are labeled (RB-1, etc.), however the berm symbol is missing from both the map and legend. Please revise.
 - f. Gas wells within the underground mining area must depict the initial 150 ft barriers, which will be employed until the wells are surveyed and appropriate barriers are determined per Module 10.9. Revise all gas well barriers to depict as 150 ft barrier.
 - g. The comment responses indicated work was underway to determine the diameter of the (Peoples) gas line along Leonard Road. Revise the exhibit to add this information.
 - h. Reclamation contours are depicted outside both the bonded limit and permit boundary to the east of Pond P-1. Revise.
 - i. No collection ditches, berms, haul road traps, etc. area depicted on the Exhibit 18 in support of the facilities requested to remain permanently by the landowners. Revise to depict all features requested to remain.
 - j. The Phase boundary provided near Pit #3 and the “shop” building is depicted crossing outside the proposed permit boundary. Revise.
 - k. Depict the riparian areas (1 and 2) requiring revegetation.

Module 19: Land Use / Vegetation

51. Please revise the Module 19.3 responses to correspond with any DCNR comments regarding the PNDI and provide complete responses to Sections d) and e). (§77.104, §77.126, §77.408, §77.409)

Module 20: Postmining Land Use and Reclamation

52. The 20.3c) and d) narratives must be revised to account for the existence of the Tenmile Creek Valley Natural Heritage Area which documents a unique and globally significant area which supports various rare, globally significant, and threatened species of flora and fauna. (§77.104, §77.591, §77.592, §77.593, §77.594)

Module 21: Postmining Land Use and Reclamation

53. Revise Exhibit 21.2(b) as needed to depict the revised permit boundary per Comment 1. (§77.591, §77.592, §77.593, §77.594)

Module 23: Revegetation

54. As stated previously, correspondence with the PA DCNR is ongoing per March 16, 2023 PNDI results that further agency review was required. Revise the tree planting plan as indicated by DCNR, if any, or include additional species such as Yellow Oak, Basswood, Sugar Maple, Flowering Dogwood which will support the protection and enhancement of the Tenmile Creek Valley Natural Heritage Area. (§77.104, §77.456, §77.611, §77.615)

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 (November 15, 2023). 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
J. Edwards, Permits Chief – email
D. Roote, Lead Reviewer – email
C. Vought, Sr. Engineer – email
J. Weyant, MCI – email, copy
A. Walker, MCIS – email
e-FACTS – email