



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

3/25/2022  
ROSEBUD MINING CO  
301 MARKET ST,  
KITTTANNING, PA 16201-1504

Re: Permit Issuance  
ROSEBUD MINING CO  
Mine 78 Surface No. 3 Mine  
Permit Number: 56210102  
Paint Township, Somerset County

Dear Applicant:

We have enclosed the above referenced surface coal mine permit which allows mining on the Middle Kittanning, Upper Kittanning, Upper Freeport and Lower Freeport seams; please review the conditions carefully. This permit will terminate automatically if it has not been activated or renewed within three years of the issuance date. Once the permit has been terminated, you will need to apply for a new permit if you wish to mine the site.

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717.787.3483. TDD users may contact the Board through the Pennsylvania Relay Service, 800.654.5984. Appeals must be filed with the Environmental Hearing Board within thirty (30) days of the receipt of written notice of this action unless the appropriate statute provides a different time. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law. A Notice of Appeal form and the Board's rules of practice and procedure may be obtained online at <http://ehb.courtapps.com> or by contacting the Secretary to the Board at 717-787-3483. The Notice of Appeal form and the Board's rules of practice and procedure are also available in the braille or on audiotape from the Secretary to the Board.

**IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST REACH THE BOARD WITHIN 30 DAYS. YOU DO NOT NEED A LAWYER TO FILE AN APPEAL WITH THE BOARD.**

**IMPORTANT LEGAL RIGHTS ARE AT STAKE, HOWEVER, SO YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL SECRETARY TO THE BOARD 717.787.3483 FOR MORE INFORMATION.**

If you have any questions or comments, please contact me at 814-472-1900.

Sincerely,  
David Thomas  
District Mining Manager  
Bureau of District Mining Operations

**COAL SURFACE MINING PERMIT**  
**56210102**

The following Operator is hereby authorized to conduct coal mining activities as described in the associated approved permit application and in accordance with the laws and regulations and terms and conditions referenced herein for the following Site.

**OPERATOR/PERMITTEE**

ROSEBUD MINING CO  
301 MARKET ST,  
KITTTANNING, PA 16201-1504

**SITE**

Mine 78 Surface No. 3 Mine

OPERATION TYPE: Bituminous Surface Mine  
PERMITACRES: 241.0  
EFFECTIVE DATE: 3/25/2022

**A. AUTHORITY**

1. This permit is hereby issued in accordance with the provisions of the Surface Mining Conservation and Reclamation Act, Act of May 31, 1945 (P.L. 1198, No. 418), as amended, 52 P.S. §§1396.1 et seq., 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.
2. This permit is also issued in accordance with the following statutes and regulations:
  - 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.

**B. PROVISIONS**

1. The Permittee shall conduct coal mining activity as described in the approved associated permit application, except to the extent that the Department otherwise directs in the permit that specific action be taken.
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 coal 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 preempt any duty to obtain state or local assent required by law for the coal mining activity.
3. 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.
4. Nothing in this permit shall be construed to preclude the institution of any legal action or 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.
5. 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.

**C. PERMIT ACTIONS AND ASSOCIATED PERMITS**

1. The area of this permit is covered under PA0279820

**D. AUTHORIZATION TO MINE**

The Permittee is prohibited from conducting coal mining activities on that portion of the permit area which has not been authorized for mining by the Department. The Authorization to Mine is for 84.7 acres and is shown on the Operations map. Authority to mine additional acres may be granted by written approval of the Department supported by approved maps and documentation.

Consent of Landowner. The Permittee is authorized to conduct coal mining activities on the following parcels:

<b>Landowner(s)</b>	<b>Acres</b>	<b>Date Recorded</b>	<b>Location of Recording</b>
Rosebud Mining Company	65.20	08/25/2021	Paint Township, Somerset
Berwind Corp	25	08/25/2021	Paint Township, Somerset

Bond Description. A total bond amount of \$225,203; is required for the authorized mining area.

**Type Number Amount Surety co. or supporting instruments**

Surety 107568563 \$225,203 TRAVELERS CASUALTY & SURETY CO OF AMER

E. VARIANCES AND WAIVERS

F. CONDITIONS

1. Except to the extent that the Department otherwise directs in this permit that specific actions be taken, the permittee shall conduct coal mining activities as described in the approved application. 86.41(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 coal mining activities will or are being conducted. 86.41(2)
2. In issuing this Surface Mining Permit, the Department considered the fact that the permittee submitted a Replacement Supply Consent wherein an adjacent property owner agreed to accept certain designated replacement water supply in the event the mining activities of the permittee hereunder adversely impacted the quality or quantity of the existing supply. The permittee is placed on notice that any Replacement Supply Consent or Waiver described above shall not act to limit in any way the Department's right to institute any action at law or in equity, including actions for civil and criminal penalties, for any pollution or degradation of the ground or surface waters of the Commonwealth attributable to the permittee's mining activities, or for any other adverse impacts to the hydrologic balance resulting from the permittee's activities, which affects or impacts may be evidenced by loss or diminution in the quality or quantity of such private water supply.
3. The permittee shall affect by coal mining activities only those lands specifically approved in the permit for which a bond has been filed with the Department in accordance with Subchapter F (relating to bonding and insurance requirements). 86.41(3)
4. The permittee shall take all possible steps to prevent an adverse impact to the environment or public health and safety resulting from non-compliance with terms or conditions of this permit, including:
  - a. Any accelerated or additional monitoring necessary to determine the nature and extent of non-compliance and the results of the non-compliance;
  - b. Providing warning, as soon as possible after learning of the non-compliance, to a person whose health and safety is in imminent danger due to the non-compliance. 86.42(1)
5. The permittee shall conduct the activities in accordance with measures specified in this permit as necessary to prevent environmental harm or harm to the health or safety of the public. 86.42(2)
6. Surface mining shall be by the block cut method only on slopes exceeding twenty degrees.
7. There shall be no tippable refuse disposal within SMP No. 56210102.
8. Before conducting auger mining on SMP No. 56210102, the permittee shall obtain an Auger Mining Safety Permit for the area to be auger mined. This Auger Mining Safety Permit must be in the operator's possession on site prior to commencing any auger mining.
9. The permittee shall conduct mining on SMP No. 56210102 in accordance with the Indiana Bat Protection and Enhancement Plan (PEP) dated [insert date here]. The Department will approve no land use changes or other changes to the reclamation plan that are inconsistent with the PEP. Among other things the PEP requires planting of specific tree species mixtures on areas of restored Indiana Bat habitat. The permittee shall insure that re-vegetation of the site is conducted in conformity with the PEP. The Department may not release Stage II or Stage III bonds if the site restoration does not conform to the PEP. Tree clearing may only occur yearly between the dates of October 15 or November 15 through March 31.
10. If during auger mining the operator encounters existing deep workings, the auger mining shall cease, the district mine conservation inspector shall be notified, and an approved seal shall be installed. Auger mining may not resume until approval is obtained from the district office.
11. All unmarketable coal refuse or binder shall be removed from SMP No. 56210102 and must be disposed of at an approved location.
12. The permittee must complete the alkaline addition plan presented in Module 10.9 of surface mining permit 56210102. Module 10.9 identifies the neutralization potential of the alkaline material to be used, its source, the amount to be added to the site, and the methods and locations of incorporation of the alkaline material. Prior to changing the alkaline addition or materials handling plan in Module 10.9, the permittee must obtain approval in the form of a permit revision from the Cambria District Office.

The permittee must maintain weigh slips on site documenting the amount of alkaline material imported onto surface mining permit 56210102 and must make those slips available to the Department upon request.

[The permittee must contact the district mine inspector to obtain approval of the alkaline addition to the (pit floor and/or materials-handling pods and/or backfill) prior to covering the alkaline addition material].
13. Pit water must be monitored quarterly for pH, alkalinity, acidity, iron, manganese, sulfate, specific conductance and suspended solids. On multiple seam operations, water associated with each seam shall be sampled, and the analysis shall indicate the seam with which the water is associated.
14. This Surface Mining Permit is issued with bonds determined in accordance with Technical Guidance Document, TGD "Conventional Bonding for Land Reclamation-coal," ref. no. 563-2504-001
15. On or before March 30, each year beginning with 2023, written notice must be provided to the owners of properties on which Stage I and 2 reclamation was completed in the preceding 12 months in accordance with TGD No. 563-2504-001. The permittee shall provide a copy of the notice to the District Mining Office.
16. The permittee has elected to submit bond recalculation during the permit mid-term process in additional renewal bond review. On or before January 25, 2025 the permittee shall submit its midterm bond review verification of its mining operations in accordance with Technical Guidance Document No. 563-2504-001
17. The total number of open pits at any time shall not exceed two (2).

18. a. Pit #1: The open pit shall not exceed 38,889 cubic yards in volume

Note for reference: The bond calculations for this pit were based, in part, on a projection that the maximum pit length (measured at the base of the pit from end wall to end wall) would be 200 feet, the maximum pit width (measured at the base of the pit from the highwall to the inside toe of spoil or low wall) would be 150 feet, and the maximum highwall height would be 45 feet measured from the base of the highwall to the top of the highest bench). Refer to the bond calculation worksheet for B101 for the complete pit volume calculations. The maximum pit dimensions may not necessarily all occur at the same time.

A minimum of 0% (zero) percent of the spoil needed to fill the pit must be located no further than 500 feet from the base of the highwall measured horizontally.

- b. Pit #2: The open pit shall not exceed 38,889 cubic yards in volume.

Note for reference: The bond calculations for this pit were based, in part, on a projection that the maximum pit length (measured at the base of the pit from end wall to end wall) would be 200 feet, the maximum pit width (measured at the base of the pit from the highwall to the inside toe of spoil or low wall) would be 150 feet, and the maximum highwall height would be 45 feet (measured from the base of the highwall to the top of the highest bench). Refer to the bond calculation worksheet for B101 for complete pit volume calculations. The maximum pit dimensions may not necessarily all occur at the same time.

- c. A minimum of 0% (zero) percent of the spoil needed to fill the pit must be located no further than 500 feet from the base of the highwall measured horizontally.

d. The maximum disturbed area requiring spreading of topsoil shall not exceed 16.0 acres at any time. A minimum of 0% (zero) percent of the topsoil must always be located no further than 500 feet measured horizontally from the disturbed areas requiring topsoil spreading.

- e. The maximum disturbed area requiring seeding shall not exceed 20.9 acres at any time.

f. The maximum number of sediment ponds in place simultaneously for which the Department has not granted permanent structure approval shall not exceed two.

g. Excluding sediment ponds, treatment ponds, collection ditches and haulroads, the maximum total acres of support areas (topsoil storage areas, equipment storage areas, coal stockpile areas, etc.) shall not exceed 1.0 acres.

h. The maximum number of disturbed acres designated for a post-mining land use of forestland that have not been planted in trees shall not exceed 33.4 acres at any time.

i. On permits approved for multiple pits, volumes may be exchanged between pits for bonding purposes with prior approval of the district mine inspector. The per-yard bond rate for the voids in the respective pits must be considered before exchanging volumes between pits.

19. Per 25 PA Code Chapter 86.168, public liability insurance coverage must be maintained in full force for the duration of the permittee's mining and reclamation operations on this SMP.

20. The permittee must maintain an adequate stockpile of lime for use in alkaline addition on SMP No. 56210102, beginning prior to conducting any coal removal and continuing until backfilling of the final pit has begun.

21. Conventional bond liability for the approved mining area was calculated based on the next bond review to be conducted during the next midterm. The permittee shall submit its bond review verification of its mining operations in accordance with Technical Guidance Document No. 563 -2504 -001.

22. A Consent of Landowner for Rosebud Mining Company was recorded on July 21, 2021, in the recorder's office of Somerset County in Deed Book Volume 2898, Page 295, and is filed herein.

23. A Consent of Landowner for Berwind Corporation was recorded on July 21, 2021, in the recorder's office of Somerset County in Deed Book Volume 2898, Page 299, and is filed herein.

24. A Consent of Landowner for Petco Industries, LLC was recorded on February 15, 2022, in the recorder's office of Somerset County in Deed Book Volume 2940, Page 876, and is filed herein.

25. There will be no blasting on SMP No. 56120102 until Module 16 has been approved.

26. All E&S measures will be constructed, inspected and maintained in accordance with TDG 363-2134-008.