

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In The Matter of:

Robindale Energy Services, Inc.	: SMP Nos.:
224 Grange Hall Road	: 32713707 No. 24 Coal Refuse Disposal Area
P.O. Box 228	: 11743703 Lancashire 25
Armagh, PA 15920-0228	: 32733709 Dilltown Facility
	: 32841601 Dilltown Prep Plant
	: 56733702 Marmon Refuse Site
	: 56743704 Penn Pocahontas CRDA
	: 05090101 Dudley Mine
	: 32040202 Charles Refuse Reprocessing
	:
	: Bedford, Cambria, Indiana and Somerset Counties
	: Funding of the Global Trust
	: Alternative Financial Assurance Mechanism

**THIRD AMENDMENT TO POST-MINING TREATMENT TRUST  
CONSENT ORDER AND AGREEMENT**

This Third Amendment to the Post-Mining Treatment Trust Consent Order and Agreement entered into this 22 day of September, 2022 (“Third COA Amendment”), amends the Post-Mining Treatment Trust Consent Order and Agreement dated November 19, 2014 between the Commonwealth of Pennsylvania, Department of Environmental Protection (“Department”), and Robindale Energy Services, Inc. (“Robindale”).

The Department has found and determined the following:

A. The Department is the agency with the duty and authority to administer and enforce the Surface Mining Conservation and Reclamation Act, Act of May 31, 1945, P.L. 1198, *as amended*, 52 P.S. §§ 1396.1-1396.19a (“Surface Mining Act”); the Bituminous Mine Subsidence and Land Conservation Act, Act of April 27, 1966, P.L. 31, *as amended*, 52 P.S. §§ 1406.1-1406.21 (“Mine Subsidence Act”); the Coal Refuse Disposal Control Act, Act of September 24, 1968, P.L. 1040, *as amended*, 52 P.S. §§ 30.51-30.66 (“Coal Refuse Disposal

Act”); The Clean Streams Law, Act of June 22, 1937, P.L. 1987, *as amended*, 35 P.S. §§ 691.1-691.1001 (“Clean Streams Law”); Section 1917-A of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, *as amended*, 71 P.S. § 510-17 (“Administrative Code”); and the rules and regulations adopted thereunder.

B. On November 19, 2014, the Department and Robindale entered into a Post-Mining Treatment Trust Consent Order and Agreement (“2014 COA”). Under the terms of the 2014 COA, Robindale agreed to establish a post-mining treatment trust with First National Trust Company to provide for the long-term treatment of post-mining water discharges from the following six mine sites operated by Robindale: RNS #24 Coal Refuse Disposal Area; RNS Lancashire #25; RES Dilltown Coal Refuse Disposal Area; RES Dilltown Prep Plant; RES Marmon Coal Refuse Disposal Area; and, Penn Pocahontas Coal Refuse Disposal Area. A copy of the first page of the 2014 COA is attached as Exhibit EE, and the document in its entirety is maintained in the Department's Cambria District Mining Office and posted on the Department's website.

C. On November 19, 2014, the Department, Robindale, and First National Trust Company signed a Post-Mining Discharge Treatment Trust Agreement (“2014 Trust Agreement”) which established a post-mining treatment trust with First National Trust Company (“Trustee”) known as the Robindale Global Treatment Trust (“Global Trust”). A copy of the 2014 Trust Agreement is attached to the 2014 COA as Exhibit F.

D. On August 15, 2016, the Department and Robindale executed a First Amendment to Post-Mining Treatment Trust Consent Order and Agreement (“First COA Amendment”) and First Amendment to the Post-Mining Treatment Trust Agreement (“First Trust Agreement Amendment”) to add the Dudley Mine Site, SMP No. 05090101, and the discharges associated

with that site to the 2014 COA and to the Global Trust. A copy of the first page of the First COA Amendment and First Trust Agreement Amendment are attached as Exhibit FF, and the documents in their entireties are maintained in the Department's Cambria District Mining Office and posted on the Department's website.

E. On June 18, 2018, the Department and Robindale executed a Second Amendment to Post-Mining Treatment Trust Consent Order and Agreement ("Second COA Amendment") and Second Amendment to the Post-Mining Treatment Trust Agreement ("Second Trust Agreement Amendment") to add the Charles Refuse Site, SMP 32040202, and the discharges associated with that site, to update the Dudley Mine Treatment system, in Paragraph D, above, and to modify the payment schedule into the treatment trust in 2014 COA and to the Global Trust. A copy of the first page of the Second COA Amendment is attached as Exhibit GG, and the document in its entirety is maintained in the Department's Cambria District Mining Office and posted on the Department's website.

**Post-Mining Treatment Trust**

F. On April 27, 2022, in accordance with Paragraph 16 of the 2014 COA, the Department and Robindale held the 2021 Fiscal Year Review meeting during which the Primary Target Valuation and the payment schedule for the Global Trust were reviewed and updated.

G. As a result of the 2021 Fiscal Year evaluation of the Global Trust, pursuant to Paragraph 8(b) of the 2014 COA, the variation in Actual Treatment Costs for several of the treatment systems covered by the Global Trust triggered a recalculation of the Primary Target Valuation. Robindale and the Department agreed that the Primary Target Valuation has increased to \$8,982,384.31.

H. The parties agree that the present Target Trust Value of a fully funded Global Trust (Primary Target Valuation plus the Recapitalization Cost Value and the Insurance PV

value) is \$9,647,698.68 for the discharges covered by the 2014 COA, the First COA Amendment, and the Second COA Amendment. The parties have agreed to modify the amended Global Trust payment schedule that is set forth in Exhibit BB to the Second COA Amendment in order to meet the revised Target Trust value.

**ORDER**

After full and complete negotiation of all matters set forth in this Third COA Amendment and upon mutual exchange of covenants contained herein, the parties intending to be legally bound, it is hereby ORDERED by the Department and AGREED to by Robindale as follows:

1. Authority.

a. This Third COA Amendment is an Order of the Department authorized and issued pursuant to Sections 5 and 610 of the Clean Streams Law, 35 P.S. §§ 691.5 and 691.610; Section 4.3 of the Surface Mining Act, 52 P.S. § 1396.4c; Sections 3.1 and 9 of the Coal Refuse Disposal Act, 52 P.S. §§ 30.53a and 30.59; Section 9 of the Mine Subsidence Act, 52 P.S. § 1409.9; and Section 1917-A of the Administrative Code, 71 P.S. § 510-17. The failure of Robindale to comply with any term or condition of this Third COA Amendment shall subject Robindale to all penalties and remedies provided by those statutes for failing to comply with an order of the Department.

2. Findings.

a. Robindale agrees that the findings in Paragraphs A through H of this Third COA Amendment are true and correct, and in any matter or proceeding involving Robindale and the Department, Robindale shall not challenge the accuracy or validity of these findings.

b. The parties do not authorize any other persons to use the findings in this Third COA Amendment in any matter or proceeding.

c. These findings are hereby incorporated into the 2014 Trust Agreement by reference as if fully set forth therein.

3. Paragraphs 6(b) and (c) of the 2014 COA are revised as follows:

6. Funding of the Primary Trust Account

b. Ongoing Payments to the Primary Trust Account: Robindale will deposit subsequent payments into the Primary Trust Account until the Global Trust is fully funded, as follows, and as set forth in Exhibit HH:

i. On January 1, 2023, Robindale shall deposit \$325,000 into the Primary Trust Account.

ii. On January 1, 2024, Robindale shall deposit \$325,000 into the Primary Trust Account.

iii. On January 1, 2025, Robindale shall deposit \$325,000 into the Primary Trust Account.

iv. On January 1, 2026, Robindale shall deposit \$325,000 into the Primary Trust Account.

v. On January 1, 2027, Robindale shall deposit \$325,000 into the Primary Trust Account.

vi. On January 1, 2028, Robindale shall deposit \$288,481 into the Primary Trust Account.

This final payment amount may need adjusted to correspond with the performance of the Global Trust. Payments will be required without notice. Exhibit BB of the Second COA Amendment is being replaced with Exhibit HH to this Third COA Amendment.

c. The Necessary Trust Value (Primary Target Valuation plus the Recapitalization Cost Value and the Insurance PV value) of the Global Trust at the end of each year from 2022 to 2027 is set forth in Exhibit HH, assuming an annual growth rate of 8.43%, inflation of 3.1% and no change in operating and maintenance costs.

4. Except as modified or amended in the First COA Amendment, Second COA Amendment, and in this Third COA Amendment, all other provisions of the 2014 COA shall remain in full force and effect.

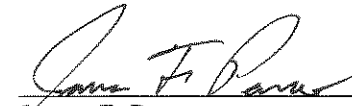
5. Execution. This Third COA Amendment may be executed in counterparts, each of which shall be deemed to be an original, and all of which together shall constitute one and the same instrument.


IN WITNESS WHEREOF, the parties hereto have caused this Third COA Amendment to be executed by their duly authorized representatives. The undersigned representatives of Robindale certify under penalty of law, as provided by 18 Pa. C.S. § 4904, that they are authorized to execute this Third COA Amendment on behalf of Robindale; that Robindale consents to the entry of this Third COA Amendment as a final ORDER of the Department; and that Robindale hereby knowingly waives its rights to appeal this Third COA Amendment and to challenge its content or validity, which rights may be available under Section 4 of the Environmental Hearing Board Act, Act of July 13, 1988, P.L. 530, 35 P.S. § 7514; the Administrative Agency Law, 2 Pa. C.S. § 103(a) and Chapters 5A and 7A; or any other provision


of law. Signature by Robindale's attorney certifies only that the agreement has been signed after consulting with counsel.

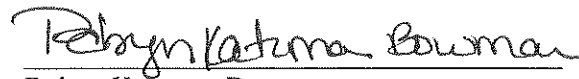
FOR ROBINDALE ENERGY SERVICES, INC.:

FOR THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF ENVIRONMENTAL PROTECTION:

  
James F. Panaro  
Executive Vice President

  
David Thomas  
District Mining Manager  
Cambria District Mining Office

  
Marie L. McCombs  
Treasurer

  
Robyn Katzman Bowman  
Assistant Counsel  
Southcentral Region  
Office of Chief Counsel


  
Name:  
Attorney for Robindale Energy Services, Inc.

EXHIBIT LIST

- |            |  |
|------------|--|
| EXHIBIT EE | November 19, 2014, Post-Mining Treatment Trust Consent Order and Agreement                     |
| EXHIBIT FF | First Amendment to November 19, 2014, Post-Mining Treatment Trust Consent Order and Agreement  |
| EXHIBIT GG | Second Amendment to November 19, 2014, Post-Mining Treatment Trust Consent Order and Agreement |
| EXHIBIT HH | Amended Trust Payment Plan   |



EXHIBIT EE

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the Matter of:

Robindale Energy Services, Inc.	:	Mines & Permit Nos.
P. O. Box 228	:	✓ 32713707 (RNS #24 Coal Refuse Disposal Area)
Armugh, PA 15920-0228	:	✓ 11743703 (RNS Lancashire #25)
	:	✓ 32733709 (RES Dilltown Ref)
	:	✓ 32841601 (RES Dilltown Prep Plant)
	:	✓ 56733702 (RES Marmon Refuse Site)
	:	✓ 56743704 (RES Penn Pochontas PPC Refuse Site)
	:	
	:	Alternative Financial Assurance Mechanism

POSTMINING TREATMENT TRUST CONSENT ORDER AND AGREEMENT

This Consent Order and Agreement is entered into this 19<sup>th</sup> day of November, 2014, by and between the Commonwealth of Pennsylvania, Department of Environmental Protection ("Department") and Robindale Energy Services, Inc. ("Robindale").

The Department has found and determined the following:

A. The Department is the agency with the duty and authority to administer and enforce the Surface Mining Conservation and Reclamation Act, Act of May 31, 1945, P.L. 1198, as amended, 52 P.S. §§ 1396.1 et seq. ("Surface Mining Act"); the Bituminous Mine Subsidence and Land Conservation Act, Act of April 27, 1966, P.L. 31, as amended, 52 P.S. §§ 1406.1 et seq. (Subsidence Act); the Coal Refuse Disposal Control Act, Act of September 24, 1963, P.L. 1040, as amended, 52 P.S. §§ 30.51 et seq. ("Coal Refuse Disposal Act"); the Clean Streams Law, Act of June 22, 1937, P.L. 1987, as amended, 35 P.S. §§ 691.1 et seq. ("Clean Streams Law"); Section 1917-A of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, as amended, 71 P.S. § 510-17 ("Administrative Code") and the rules and regulations promulgated thereunder.

B. Pursuant to § 4(d.2) of the Surface Mining Act, 52 P.S. § 1396.4(d.2), the Department may establish alternative financial assurance mechanisms which shall achieve the objectives and purposes of the bonding program. These mechanisms include the establishment of a site-specific trust fund funded by a mine operator for the treatment of post-mining discharges of mine drainage. The post-mining treatment trust being established as required by this Consent Order and Agreement through the accompanying Post-Mining Discharge Treatment Trust [Participation] Agreement constitutes an alternative financial assurance mechanism authorized by § 4(d.2) of the Surface Mining Act. Pursuant to Sections 5, 315 and 610 of the Clean Streams Law, 35 P.S. §§ 691.5, 691.315 and

EXHIBIT FF

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the Matter of:	:	Addition of
	:	
Robindale Energy Services, Inc.	:	SMP No. 05090101 (Dudley Mine)
P. O. Box 228	:	
Armagh, PA 15920-0228	:	Alternative Financial Assurance
	:	Mechanism

FIRST AMENDMENT TO POSTMINING TREATMENT TRUST  
CONSENT ORDER AND AGREEMENT

This First Amendment to the Post-Mining Treatment Trust Consent Order and Agreement entered into this 15<sup>th</sup> day of August, 2016 ("First Amendment"), amends the Post-Mining Treatment Trust Consent Order and Agreement dated November 19, 2014 ("2014 COA") between the Department of Environmental Protection (hereinafter "Department"), and Robindale Energy Services, Inc. (hereinafter "Robindale").

The Department has found and determined the following:

A. Robindale is the permittee of the Dudley Mine site, SMP No. 05090101, ("Dudley Mine") located in Broad Top Township, Bedford County, which is associated with a post-mining discharge liability.

B. The 2014 COA is being amended to add the Dudley Mine Site and the discharges associated with that site as well as amend certain provisions of the prior agreement. A copy of the 2014 COA is attached hereto as Exhibit K.

Dudley Mine (SMP No. 05090101)

C. The original permit for the Dudley Mine was issued to Robindale on February 9, 2010.

D. The Dudley Mine is currently active with a pit open for coal removal.

E. The reclamation bonds currently posted for the Dudley Mine are:

EXHIBIT GG

Execution Copy

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the Matter of:

	:	Addition of:
	:	
Robindale Energy Services, Inc.	:	Charles Refuse Reprocessing
224 Grange Hall Road	:	SMP No. 32040202
P. O. Box 228	:	
Armagh, PA 15920-0228	:	Alternative Financial Assurance Mechanism

SECOND AMENDMENT TO POST-MINING TREATMENT TRUST  
CONSENT ORDER AND AGREEMENT

This Second Amendment to the Post-Mining Treatment Trust Consent Order and Agreement entered into this 18<sup>th</sup> day of June, 2018 ("Second COA Amendment"), amends the Post-Mining Treatment Trust Consent Order and Agreement dated November 19, 2014 between the Commonwealth of Pennsylvania, Department of Environmental Protection ("Department"), and Robindale Energy Services, Inc. ("Robindale").

The Department has found and determined the following:

A. On November 19, 2014, the Department and Robindale entered into a Post-Mining Treatment Trust Consent Order and Agreement ("2014 COA"). Under the terms of the 2014 COA, Robindale agreed to establish a post-mining treatment trust with First National Trust Company to provide for the long-term treatment of post-mining water discharges from the following six mine sites operated by Robindale: RNS #24 Coal Refuse Disposal Area, RNS Lancashire #25, RES Diltown Coal Refuse Disposal Area, RES Diltown Prep Plant, RES Mamon Coal Refuse Disposal Area, and Penn Pocahontas Coal Refuse Disposal Area. A copy of the first page of the 2014 COA is attached as Exhibit Q, and the document in its entirety is maintained in the Department's Cambria District Mining Office and posted on the Department's

EXHIBIT HH

Proposed Payments					
Begin Year	Initial Contribution	Annual Contribution	Calculated Trust Value	Necessary Trust Value	Over/(Under) Funded
2021	\$ 5,669,261		\$ 5,669,261	\$ 9,647,699	\$ (3,978,438)
2022		\$ 325,000	\$ 6,472,180	\$ 9,946,777	\$ (3,474,598)
2023		\$ 325,000	\$ 7,342,784	\$ 10,255,127	\$ (2,912,343)
2024		\$ 325,000	\$ 8,286,781	\$ 10,573,036	\$ (2,286,255)
2025		\$ 325,000	\$ 9,310,357	\$ 10,900,801	\$ (1,590,444)
2026		\$ 325,000	\$ 10,420,220	\$ 11,238,725	\$ (818,506)
2027		\$ 288,481	\$ 11,587,125	\$ 11,587,126	\$ (0)
Earnings	8.43%				
Inflation	3.10%				