

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In the Matter of:

CONSOL Mining Company LLC;	:	CMA No. 30841313 (Dilworth Mine)
Laurel Run Mining Company LLC; and	:	CMA No. 02141301 (Harmar Mine)
Helvetia Coal Company LLC	:	CMA No. 03831305 (Jane Mine)
	:	CRDP No. 32803712 (Lewisville Recovery
275 Technology Drive	:	Plant)
Suite 101	:	CMA No. 63131302 (Montour #4 – Hahn
Canonsburg, PA 15317	:	Treatment Facility)
	:	CRDP No. 02733702 (Renton Refuse Area)
	:	CMA No. 63141301 (Westland Mine)
	:	SMP No. 32803010 (Kent No. 56)
	:	SMP No. 32890109 (Kent No. 57)
	:	CMA No. 03793072 (Iselin #10 Mine)
	:	CRDP No. 03813704 (Keystone No. 1
	:	Coal Refuse Disposal Area)
	:	SMP No. 32940105 (Lucerne 2 Mine)
	:	CMA No. 33723006 (Wilson 7 Mine)
	:	CMA No. 65130702 (Hutchinson AMD
	:	Plant)
	:	SMP No. 3279103 (Iselin No. 11 Mine)
	:	CMA No. 03801302 (Margaret No. 7 Mine
	:	Water Treatment Plant)
	:	CMA No. 32841321 (O'Donnell No. 3
	:	Mine)
	:	CMA No. 32141301 (O'Donnell No.
	:	4/Manor No. 8 Treatment System)
	:	CRDP No. 30733707 (Robena Refuse
	:	Disposal Area)
	:	CMA No. 63841304 (Vesta Mine)
	:	CMA No. 32841303 (Lucerne Mine #6)
	:	CRDP No. 32743710 ([Helvetia] Refuse
	:	Disposal Area No. 1)
	:	
	:	Alternative Financial Assurance Mechanism

POST-MINING DISCHARGE TREATMENT TRUST
CONSENT ORDER AND AGREEMENT

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	:	Alternative Financial Assurance Mechanism

POST-MINING DISCHARGE TREATMENT TRUST
CONSENT ORDER AND AGREEMENT

This Post-Mining Discharge Treatment Trust Consent Order and Agreement (“Treatment Trust CO&A”) is entered this 2nd day of October, 2024, (“Effective Date”) by and between the Commonwealth of Pennsylvania, Department of Environmental Protection (“Department”), and CONSOL Mining Company LLC (“CMC”), Laurel Run Mining Company LLC (“Laurel Run”), and Helvetia Coal Company LLC (“Helvetia”) (collectively, “Operators”).

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, 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, 52 P.S. §§ 1406.1-1406.21 (“Mine Subsidence Act”); the Coal Refuse Disposal Control Act, Act of September 24, 1968, P.L. 1040, 52 P.S. §§ 30.51-30.206 (“Coal Refuse Disposal Act”); The Clean Streams Law, Act of June 22, 1937, P.L. 1987, 35 P.S. §§ 691.1-691.1001 (“The Clean Streams Law”); Section 1917-A of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, 71 P.S. § 510-17 (“Administrative Code”); and the regulations promulgated thereunder.

B. Pursuant to Section 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 discharge treatment trust to be established as required by this Treatment Trust CO&A through the accompanying Post-Mining Discharge Treatment Trust Agreement constitutes an alternative financial assurance mechanism authorized by Section 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 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; and Section 9 of the Mine Subsidence Act, 52 P.S. § 1406.9, the Department has authority to issue such orders as are necessary to aid in the enforcement of the provisions of these acts, including orders compelling an operator to establish a post-mining discharge treatment trust as an alternative financial assurance mechanism.

C. CMC is a Delaware limited liability company with a business address of 275 Technology Drive, Suite 101, Canonsburg, PA 15317. CMC is authorized to conduct mining activities in Pennsylvania pursuant to Ownership and Control Registration License No. 28341, which expires October 31, 2024. CMC does not currently operate active producing coal mines in Pennsylvania.

D. Laurel Run is a Virginia limited liability company with a business address of 275 Technology Drive, Suite 101, Canonsburg, PA 15317. Laurel Run is authorized to conduct mining activities in Pennsylvania pursuant to Ownership and Control Registration License No. 6536, which expires October 31, 2024. Laurel Run does not currently operate active producing coal mines in Pennsylvania.

E. Helvetia is a Pennsylvania limited liability company with a business address of 275 Technology Drive, Suite 101, Canonsburg, PA 15317. Helvetia is authorized to conduct mining activities in Pennsylvania pursuant to Ownership and Control Registration License No. 4311, which expires October 31, 2024. Helvetia does not currently operate active producing coal mines in Pennsylvania.

F. CONSOL Mining Holding Company LLC is a parent company of CMC, Laurel Run and Helvetia.

G. Consolidation Coal Company (“CCC”) was a Delaware corporation authorized to do business in Pennsylvania and is a predecessor permittee to certain CMC mining permits that have post mining discharge treatment systems as identified in Paragraphs O through JJ below. CCC was sold to a third party on December 5, 2013.

H. Keystone Coal Mining Corporation (“KCMC”) was a Pennsylvania corporation authorized to do business in Pennsylvania and is a predecessor permittee to certain CMC mining permits that have post mining discharge treatment systems as identified in Paragraphs O through JJ below. KCMC was sold to a third party on December 5, 2013.

I. **2018 Robena Treatment Trust CO&A**

1. On June 27, 2018, the Department and CMC entered into a Post-Mining Discharge Treatment Trust Consent Order and Agreement, which required CMC to post financial assurance in the amount of \$12,405,480.00 to provide for the operation and maintenance of the Colvin AMD Treatment System and the Robena Surface AMD Treatment Facility, which are associated with the discharges from the Robena underground mine (“Robena Mine”) and the Robena Coal Refuse Disposal Area (“CRDA”) (“2018 Robena Treatment Trust CO&A”).

2. As required by Paragraph 5.a of the 2018 Robena Treatment Trust CO&A, CMC entered into a Participation Agreement with the Clean Streams Foundation, Inc. (“CSF”) on June 27, 2018, which established an irrevocable trust within the CSF Master Trust known as the CMC Robena Treatment Trust. CMC has fully funded the Trust pursuant to Paragraph 5.c of the 2018 Robena Treatment Trust CO&A with surety bonds totaling \$12,405,480.00.

3. Surface reclamation, sealing of boreholes, and structure demolition as documented in Paragraph N of the 2018 Robena Treatment Trust CO&A have not been completed at the Robena CRDA.

4. CMC is currently in compliance with the funding obligations imposed on it in the 2018 Robena Treatment Trust CO&A.

5. The obligations set forth in this Treatment Trust CO&A applicable to the Colvin AMD Treatment System and Robena Surface AMD Treatment Facility are consistent with and encompass those obligations set forth in the 2018 Robena Treatment Trust CO&A.

6. The obligations contained in the 2018 Robena Treatment Trust CO&A are superseded and replaced by the terms and conditions set forth in this Treatment Trust CO&A.

J. **2005 Harmar CO&A**

1. On December 20, 1988, in addition to other parties, the Pennsylvania Department of Environmental Resources (now known as the Department of Environmental Protection) and CCC, entered into a Consent Decree in the Commonwealth Court of Pennsylvania relating to CCC's obligations associated with the Harmar Mine ("1988 Consent Decree"). On March 31, 2005, the parties amended the 1988 Consent Decree ("1988 Consent Decree Amendment").

2. Pursuant to Paragraph 4 of the 1988 Consent Decree, CCC agreed to correct and abate certain environmental conditions at the Harmar Mine and to assume Harmar Coal Company's responsibility and liability for compliance with federal and state environmental laws, including, but not limited to: long term pumping of and treatment of water from the Harmar Mine pool, closing and sealing surface openings into the Harmar Mine, reclamation of all surface areas and facilities associated with the Harmar Mine, and properly handling and disposing of demolition and other waste streams.

3. The 1988 Consent Decree Amendment required CCC and the Department to enter into a separate consent order and agreement to provide for the creation of a trust or

similar financial vehicle approved by the Court to fund, in perpetuity, the pumping of and treatment of water from the Harmar Mine pool and other remediation activities related to the site as set forth by the terms of the 1988 Consent Decree. CCC was required to use the \$15 Million that was distributed to it from the Harmar Environmental Trust as the corpus for the new trust or similar financial vehicle. All of the other provisions of the 1988 Consent Decree remained in effect.

4. On April 22, 2005, as required by the 1988 Consent Decree Amendment, the Department and CCC entered into a Consent Order and Agreement, that required CCC to submit bond or other security to the Department in the amount of \$21,347,499.91 in order to provide financial resources to the Department to operate and maintain adequate water pumping and treatment facilities to provide for the long-term pumping and maintenance of the Harmar Mine pool. ("2005 Harmar CO&A").

5. As required by Paragraph 3 of the 2005 Harmar CO&A, CCC posted a conventional post mining discharge operation and maintenance ("PMDOM") bond in the amount of \$21,347,499.91 as financial assurance to operate and maintain the pumping and treatment facilities and to treat the mine drainage from the Harmar Mine in perpetuity in the event CONSOL becomes unable to meet its obligations.

6. Paragraph J of the 2005 Harmar CO&A provides that CCC has complied and continues to comply with its obligation under Paragraph 4.a of the 1988 Consent Decree to operate and maintain adequate water pumping and treatment facilities to provide for the long-term pumping and maintenance of the Harmar Mine pool, so as to prevent any discharge of untreated or inadequately treated mine drainage to the surface.

7. Paragraph M of the 2005 Harmar CO&A states that “[o]ther than CCC’s future obligations to reclaim the areas affected by those of its activities required to maintain the level of the Harmar Mine pool and to treat water pumped from the Harmar Mine, which obligation is now covered by the terms of [the 2005 Harmar CO&A], CCC has met all of the obligations imposed by Paragraph 4.c. of the 1988 Consent Decree...”

8. Paragraph N of the 2005 Harmar CO&A states that, “[e]xcept with respect to any demolition wastes or other solid, liquid, residual or hazardous wastes created by or discovered after reclamation, CCC has met, to the Department’s satisfaction, the obligations imposed by Paragraph 4.d of the 1988 Consent Decree...”

9. Paragraph O of the 2005 Harmar CO&A provides that CCC is in current compliance with the obligations still imposed upon it by the 1988 Consent Decree in general, and, in particular, by Paragraph 4.e of the 1988 Consent Decree which required CCC to “assum[e] all duties, liabilities and obligations of Harmar [Coal Company] to comply with federal and state environmental laws . . . and all regulations of the Environmental Quality Board promulgated under each such Act.”

10. CMC, as a successor in interest to CCC, and the current permittee of the Harmar Mine, is currently in compliance with the obligations imposed on CCC under the 2005 Harmar CO&A.

11. The obligations set forth in this Treatment Trust CO&A applicable to the Harmar Mine are consistent with and encompass those obligations set forth in the 2005 Harmar CO&A.

12. The obligations contained in the 2005 Harmar CO&A are superseded and replaced by the terms and conditions set forth in this Treatment Trust CO&A.

K. **2009 Multisite Treatment Bonding CO&A**

1. On November 9, 2009, CCC, KCMC, and the Department entered into a Post-Mining Treatment Bonding Consent Order and Agreement (“2009 Multisite Treatment Bonding CO&A”), which required CCC and KCMC to post financial assurance in the amount of \$34,357,126.00 to provide for the long term operation and maintenance of the treatment systems associated with discharges from the Margaret #7 Mine; O’Donnell #4/Manor #8 Mine; Montour #4 Mine; Westland Mine; and the Hutchinson Refuse Area¹.

2. As required by Paragraph 6 of the 2009 Multisite Treatment Bonding CO&A, CCC and KCMC posted conventional PMDOM bonds totaling \$34,357,126.00 as financial assurance to operate and maintain the pumping and treatment facilities and to treat the mine drainage from the identified mines in perpetuity in the event CCC and KCMC became unable to meet their obligations.

3. CMC, as a successor in interest to CCC and KCMC, is currently in compliance with the obligations imposed on CCC and KCMC pursuant to the 2009 Multisite Treatment Bonding CO&A.

4. The obligations set forth in this Treatment Trust CO&A applicable to the Margaret No.7 Mine Water Treatment Plant; O’Donnell No. 4/Manor No. 8 Treatment System; Montour #4-Hahn Treatment Facility; Westland Mine; and Hutchinson AMD Plant are consistent with and encompass those obligations set forth in the 2009 Multisite Treatment Bonding CO&A.

¹ Although the site and facility names used in the 2009 Multisite Treatment Bonding CO&A differ slightly from those used in this Treatment Trust CO&A, the sites and facilities covered by the 2009 Multisite Treatment Bonding CO&A are the same sites and facilities covered by this Treatment Trust CO&A.

5. The obligations contained in the 2009 Multisite Treatment Bonding CO&A are superseded and replaced by the terms and conditions set forth in this Treatment Trust CO&A.

L. CMC is the permittee of the following mine sites which have associated post-mining discharge liability and contain water treatment facilities:

NAME	TOWNSHIP (Twp.) OR BOROUGH (Boro)	COUNTY	MINING PERMIT NO.	NPDES PERMIT NO.
Dilworth Mine	Cumberland Township	Greene	CMAP No. 30841313	PA0022594
Harmar Mine	Harmar and Indiana Twps./Fox Chapel Boro.	Allegheny	CMAP No. 02141301	PA0215571
Jane Mine	Plumcreek Twp.	Armstrong	CMAP No. 03831305	PA0002283
Lewisville Recovery Plant	Young Twp.	Indiana	CRDP No. 32803712	PA0092142
Montour #4 - Hahn Treatment Facility	Cecil Twp.	Washington	CMAP No. 63131302	PA0001147
Renton Refuse Area	Plum Boro.	Allegheny	CRDP No. 02733702	PA0023370
Westland Mine	Chartiers Twp.	Washington	CMAP No. 63141301	PA0215431
Kent No. 56	Blacklick Twp.	Indiana	SMP No. 32803010	PA0124834
Kent No. 57	Blacklick Twp.	Indiana	SMP No. 32890109	PA0598640
Iselin #10 Mine	Kiskiminetas and Young Twps.	Armstrong and Indiana	SMP No. 03793072	PA061237
Keystone No. 1 CRDA	Plumcreek Twp.	Armstrong	CRDP No. 03813704	PA0002283
Lucerne 2 Mine	Center Twp.	Indiana	SMP No. 32940105	PA0212806
Wilson 7 Mine	Winslow Twp.	Jefferson	SMP No. 33723006	PA0603406
Hutchinson AMD Plant	Sewickley Twp.	Westmoreland	CMAP No. 65130702	PA0214116
Iselin No. 11 Mine	Young Twp.	Indiana	SMP No. 3279103	PA0079791
Margaret No. 7 Mine Water Treatment Plant	Plumcreek and Cowanshannock Twps.	Armstrong	CMAP No. 03801302	PA0235385
O'Donnell No. 3 Mine	Washington Twp.	Indiana	CMAP No. 32841321	PA0006874
O'Donnell No. 4/Manor No. 8 Treatment System	Washington Twp.	Indiana	CMAP No. 32141301	PA0235890
Robena Refuse Disposal Area	Monongahela Twp.	Greene	CRDP No. 30733707	PA0215830

M. Laurel Run is the permittee of the following mine site which has associated post-mining discharge liability and contains a water treatment facility:

NAME	TOWNSHIP	COUNTY	MINING PERMIT NO.	NPDES PERMIT NO.
Vesta Mine	North Bethlehem Twp.	Washington	CMAAP No. 63841304	PA0111643

N. Helvetia is the permittee of the following mine sites which have associated post-mining discharge liability and contain water treatment facilities:

NAME	TOWNSHIP	COUNTY	MINING PERMIT NO.	NPDES PERMIT NO.
Lucerne Mine #6	Center Twp.	Indiana	CMAAP No. 32841303	PA0236390
(Helvetia) Refuse Disposal Area No. 1	Center Twp.	Indiana	CRDP No. 32743710	PA0214884

O. **Dilworth Mine (Rice's Landing Treatment Facility)**

1. The Dilworth Mine ("Dilworth") is an underground mine located in Cumberland Township, Greene County. The Dilworth Coal Company began operation of Dilworth in 1902 and produced coal until its closure in 1928. Dilworth was re-opened in 1974 by the United States Steel Corporation with different entrances. Dilworth was sold to CCC in 1984, and the mine was permitted by CCC in 1986. The mine produced coal until 2002 when active removal of coal ceased. CCC transferred the mining permit to CMC on April 1, 2014. CMC operates and maintains the Rice's Landing Treatment Facility which is authorized under Dilworth's Bituminous Coal Mining Activity Permit ("CMAAP") No. 30841313 and National Pollutant Discharge Elimination System ("NPDES") Permit No. PA0022594. The CMAAP has an expiration date of August 13, 2021; however, it is considered administratively renewed under Section 86.55 of the Departments regulations, 25 Pa. Code § 86.55, because CMC submitted a

timely permit renewal application to the Department on February 10, 2021, which is currently under review. Surface reclamation of the Dilworth surface facilities has been completed; however, areas and facilities needed for mine pool monitoring and collection and treatment of acid mine drainage (“AMD”) remain.

2. A summary of the bonds currently posted for Dilworth, which will be replaced pursuant to Paragraph 6, below, is as follows:

TOTAL OBLIGATION	FINANCIAL GUARANTOR	BOND INSTRUMENT NUMBER	BOND AMOUNT
\$1,661,007.00	Fidelity & Deposit Company of Maryland	09110249	\$1,661,007.00

3. A topographic map depicting the location of the point where raw water is pumped from the Dilworth Mine (“DME02”) is attached as Exhibit A-1. The latitude and longitude coordinates for DME02 are: latitude 39° 57’ 04.71” and longitude -79° 58’ 47.44”.

4. The raw water quality data for DME02, as available and compiled by CMC on December 6, 2022, from analytical sampling results for the period from January 6, 2016, through November 24, 2021, is set forth in Exhibit A-2.

5. NPDES Permit No. PA0022594 for Dilworth contains Outfall 004 for the Rice’s Landing Treatment Facility. The required effluent limits applicable to Outfall 004 are set forth in the current NPDES Permit which is attached as Exhibit A-3. The NPDES Permit has an expiration date of August 13, 2011; however, it is automatically continued under Section 92a.7(b) of the Department’s regulations, 25 Pa. Code § 92a.7(b), because CMC submitted timely permit renewal applications to the Department on February 17, 2011, February 21, 2017, and on February 10, 2021, which permit renewal application is currently under review. The NPDES Permit is renewed every five years (pursuant to the authority in 25 Pa. Code Chapter 92a), and

the NPDES Permit, and the effluent limits set forth therein, may be revised in subsequent renewals of the NPDES Permit or as required by the Department. The effluent limits set forth in any subsequent renewal or revision of the NPDES Permit govern.

6. CMC pumps water from the Dilworth Mine in order to maintain a mine pool level sufficient to prevent a surface discharge. CMC utilizes the Rice's Landing Treatment Facility to treat water pumped from the Dilworth Mine pool. The Rice's Landing Treatment Facility is an active treatment system that operates as needed and is designed to treat up to 5,300 gallons per minute ("gpm") of water using mechanical aeration, oxidant introduction (35% hydrogen peroxide), anionic polymer (a settling aid), mixing and settling. The treatment facility is comprised of: two (2) 300 hp vertical turbine pumps, two (2) 60 hp floating aerators, one (1) aeration pond, one (1) mixing pond, one (1) hydrogen peroxide building containing three (3) 275-gallon hydrogen peroxide aboveground storage tanks, one (1) hydrogen peroxide metering pump, one (1) polymer building containing one (1) 275-gallon anionic polymer aboveground storage tank, one (1) polymer metering pump, one (1) settling pond, one (1) polishing pond, one (1) 1.5 hp submersible pump, one (1) injection borehole, and one (1) outfall. A 100-ton hydrated lime silo is available and can be used as a back-up for chemical treatment; however, it is not currently used. Sludge that is generated at this facility as part of the treatment process is periodically cleaned from ponds using a mudcat/dredge and is injected into an approved sludge injection borehole. Treated effluent from the Rice's Landing Treatment Facility discharges into the Monongahela River at NPDES Outfall 004. A flow diagram for the Rice's Landing Treatment Facility is attached as Exhibit A-4.

7. The Rice's Landing Treatment Facility is situated on land owned by CMC and third parties. CMC has executed and recorded Consent to Right of Entry forms that grant the

parties hereto and the trustee, and their agents, servants, contractors and subcontractors, access to the Rice's Landing Treatment Facility. Copies of the executed and recorded Consent to Right of Entry forms with evidence of their recordation are attached as Exhibit A-5.

CMC has informed the Department that it has not yet been able to obtain the signatures needed for the Consent to Right of Entry forms from certain current property owners where the Rice's Landing Treatment Facility is located. CMC has agreed to continue to make reasonable efforts to obtain the required Consents to Right of Entry which grant the Department, the Operators, and the Trustee, and their agents, servants, contractors and subcontractors, access to the Rice's Landing Treatment Facility, and if they are able to obtain same, will provide them to the Department upon receipt.

8. The estimated capital cost to construct the Rice's Landing Treatment Facility, as calculated using the current AMDTreat computer software application of the United States Department of Interior's Office of Surface Mining Reclamation and Enforcement (Version 5.0.2) ("AMDTreat"), is \$1,288,383.

9. In order to calculate the amount necessary to fully fund the trust, the Department and CMC have agreed to use actual operation and maintenance costs from the past three (3) years of operation of the Rice's Landing Treatment Facility for all operating parameters other than annual labor/contractor costs and water sampling/analysis costs. For annual labor/contractor costs and water sampling/analysis costs, the Department and CMC have agreed to use AMDTreat cost estimates. A summary of current annual operation and maintenance costs for the Rice's Landing Treatment Facility is as follows:

Category	Total Amount
Water Sampling/Analysis	\$4,573
Labor/Contractor Costs	\$22,750
Maintenance	\$1,009
Pumping	\$47,243
Chemical Cost	\$8,105
Oxidant Chemical Cost	\$15,177
Sludge Removal	\$19,622
Miscellaneous Other Costs	\$25,768
Total Annual O&M Cost	\$144,247

Based on actual operation and maintenance costs from past operations and AMDTreat cost estimates, the current annual cost of operating and maintaining the Rice's Landing Treatment Facility is \$144,247. The AMDTreat cost worksheets are attached as Exhibit A-6.

10. In order to calculate the amount necessary to fully fund the trust, the Department and CMC have agreed to use recapitalization cost data generated by AMDTreat. According to AMDTreat, the present value of recapitalization costs for the Rice's Landing Treatment Facility is \$373,168. Attached as Exhibit A-7 is the AMDTreat Recapitalization Cost worksheet and schedule for the Rice's Landing Treatment Facility.

11. The parties have agreed to use the cost data, assumptions and calculations set forth herein to calculate the present value of the required financial assurance for the Rice's Landing Treatment Facility. The parties agree that the present value of the fully funded trust for the discharges treated at the Rice's Landing Treatment Facility is \$3,764,176. This sum constitutes the current present value of the estimated future operation and maintenance costs; the current present value of the estimated future recapitalization costs; and the current present value of the estimated future liability insurance costs for the Rice's Landing Treatment Facility, as

shown on the Treatment Bond/Trust Calculator attached as Exhibit A-8. The parties have also agreed to use the information and figures which will be provided by the Accounting required by Paragraph 4, below, to annually recalculate and adjust the amount of the fully funded trust for the Rice's Landing Treatment Facility as described below.

P. Harmar Mine (14 North Treatment Plant and Strohm Pump)

1. The Harmar Mine ("Harmar") is an underground mine located in Harmar and Indiana Townships and Fox Chapel Borough, Allegheny County. The Harmar Mine is the subject of the 2005 Harmar CO&A, which is discussed in Paragraph J, above. Coal mining began at Harmar in 1915 and the site was actively operated until coal removal ceased in 1982. Harmar was originally permitted by CCC, and the permit was transferred to CMC on September 17, 2014. CCC began treating the discharge from the Harmar Mine in 1989. CMC operates and maintains the Strohm Vertical Turbine Pump ("Strohm Pump") and the 14 North Treatment Plant which are authorized under Harmar's CMAP No. 02141301 (originally CMAP No. 02891701) and NPDES Permit No. PA0215571. The CMAP has an expiration date of May 25, 2020; however, it is considered administratively renewed under Section 86.55 of the Department's regulations, 25 Pa. Code § 86.55, because CMC submitted a timely permit renewal application to the Department on January 24, 2020, which is currently under review. Surface reclamation of the Harmar surface facilities was completed in 1991; however, areas and facilities needed for mine pool monitoring, and collection and treatment of AMD remain.

2. A summary of the bonds currently posted for Harmar, which will be adjusted pursuant to Paragraph 6, below, is as follows:

TOTAL OBLIGATION	FINANCIAL GUARANTOR	BOND INSTRUMENT NUMBER	BOND AMOUNT
\$21,347,499.91	Zurich American Insurance Company	09154708	\$21,347,499.91

3. A topographic map depicting the location of the point where raw water is pumped from the Harmar Mine pool (“HAB03”) is attached as Exhibit B-1. The latitude and longitude coordinates for HAB03 are: latitude 40° 32’ 47.78” and longitude -79° 52’ 09.76”.

4. The raw water quality data for HAB03, as available and compiled by CMC on December 6, 2022, from available analytical sampling results for the period from May 30, 2019, through October 17, 2022, is set forth in Exhibit B-2.

5. NPDES Permit No. PA0215571 for Harmar contains Outfalls 002 and 001 for the Strohm Pump and the 14 North Treatment Plant, respectively. The required effluent limits applicable to Outfalls 001 and 002 are set forth in the current NPDES Permit which is attached as Exhibit B-3. The NPDES Permit has an expiration date of May 25, 2020; however, it is automatically continued under Section 92a.7(b) of the Department's regulations, 25 Pa. Code § 92a.7(b), because CMC submitted a timely permit renewal application to the Department on January 24, 2020, which is currently under review. This Permit is renewed every five years (pursuant to the authority in 25 Pa. Code Chapter 92a) and the NPDES Permit, and the effluent limits set forth therein, may be revised in subsequent renewals of the NPDES Permit or as required by the Department. The effluent limits set forth in any subsequent renewal or revision of the NPDES Permit govern.

6. **14 North Treatment Plant.** The 14 North Treatment Plant is an active treatment system that is operated as needed and is designed to treat up to 1,700 gpm of water from the closed and abandoned Harmar Mine using mechanical aeration, oxidizer introduction (35% hydrogen peroxide), anionic polymer, mixing and settling. The 14 North Treatment Plant is comprised of: one (1) 300 hp deep well vertical turbine pump, one (1) pump building, one (1)

aeration basin, one (1) 30 hp fixed position aerator, one (1) 5,000 gallon 35% hydrogen peroxide aboveground storage tank, three (3) hydrogen peroxide metering pumps, one (1) mixing tank building containing one (1) mixing tank, one (1) 100 hp vertical turbine pump, one (1) 300 gallon polymer aboveground storage tank, and one (1) polymer metering pump, one (1) plant/MCC building, one (1) settling pond (14 North Impoundment), one (1) injection borehole, and one (1) outfall. Water from the Harmar Mine is transferred via a vertical turbine pump to the aeration basin where the water is degassed. After aeration, hydrogen peroxide and anionic polymer are added to facilitate precipitation and settling of dissolved metals. Treated water is then pumped via a short set vertical turbine pump to the 14 North Impoundment settling pond. Sludge that is generated at this facility as part of the treatment process is removed using a dredge and is injected into Harmar Mine voids via an approved sludge injection borehole. Treated effluent from the 14 North Treatment Plant discharges into Campbell Run at NPDES Outfall 001. A flow diagram for the 14 North Treatment Plant is attached as Exhibit B-4.

7. The 14 North Treatment System also contains the Strohm Pump. The Strohm Pump pumps water from a portion of the abandoned Harmar Mine to prevent an uncontrolled surface discharge. The Strohm Pump has a design capacity of 1,200 gpm and is operated as needed. The Strohm Pump consists of one (1) 125 hp vertical turbine pump and one (1) outfall. Water from the Harmar Mine pool is pumped and discharged directly into Deer Creek at NPDES Outfall 002. Treatment of the water pumped from this portion of the Harmar Mine is not required.

8. The Strohm Pump and Harmar 14 North Treatment Plant are situated on land owned by CMC. CMC has executed and recorded Consent to Right of Entry forms that grant the parties hereto and the trustee, and their agents, servants, contractors and subcontractors,

access to the Strohm Pump and Harmar 14 North Treatment Plant. Copies of the executed and recorded Consent to Right of Entry forms with evidence of their recordation are attached as Exhibit B-5.

9. The estimated capital cost to construct the Strohm Pump and 14 North Treatment Plant, as calculated using AMDTreat, is \$1,556,891.

10. In order to calculate the amount necessary to fully fund the trust, the Department and CMC have agreed to use actual operation and maintenance costs from the past three (3) years of operation of the Strohm Pump and 14 North Treatment Plant for all operating parameters other than annual labor/contractor costs and water sampling/analysis costs. For annual labor/contractor costs and water sampling/analysis costs, the Department and CMC have agreed to use AMDTreat cost estimates. A summary of current annual operation and maintenance costs for the Strohm Pump and 14 North Treatment Plant is as follows:

Category	Total Amount
Water Sampling/Analysis	\$9,771
Labor/Contractor Costs	\$28,210
Maintenance	\$5,673
Pumping	\$84,362
Chemical Cost	\$0
Oxidant Chemical Cost	\$34,433
Sludge Removal	\$0
Miscellaneous Other Costs	\$31,138
Total Annual O&M Cost	\$193,587

Based on actual operation and maintenance costs from past operations and AMDTreat cost estimates, the current annual cost of operating and maintaining the Strohm Pump and 14 North Treatment Plant is \$193,587. The AMDTreat cost worksheets are attached as Exhibit B-6.

11. In order to calculate the amount necessary to fully fund the trust, the Department and CMC have agreed to use recapitalization cost data generated by AMDTreat. According to AMDTreat, the present value of recapitalization costs for the Strohm Pump and 14 North Treatment Plant is \$284,737. Attached as Exhibit B-7 is the AMDTreat Recapitalization Cost worksheet and schedule for the Strohm Pump and Harmar 14 North Treatment Plant.

12. The parties have agreed to use the cost data, assumptions and calculations set forth herein to calculate the present value of the required financial assurance for the Strohm Pump and 14 North Treatment Plant. The parties agree that the present value of the fully funded trust for the discharges treated at the Strohm Pump and 14 North Treatment Plant is \$4,830,700. This sum constitutes the current present value of the estimated future operation and maintenance costs; the current present value of the estimated future recapitalization costs; and the current present value of the estimated future liability insurance costs for the Strohm Pump and 14 North Treatment Plant, as shown on the Treatment Bond/Trust Calculator attached as Exhibit B-8. The parties have also agreed to use the information and figures which will be provided by the Accounting required by Paragraph 4, below to annually recalculate and adjust the amount of the fully funded trust for the 14 North Treatment Plant as described below.

Q. **Jane Mine (Jane Treatment Facility)**

1. The Jane Mine (“Jane”) is an underground mine located in Plumcreek Township, Armstrong County. Jane was originally permitted by KCMC in 1986 and the permit was transferred to CMC on August 19, 2014. Active removal of coal at Jane ceased in 1995. CMC operates and maintains the Jane Treatment Facility which is authorized under CMAP No. 03831305 and NPDES Permit No. PA0002283. The CMAP has an expiration date of January 2, 2021; however, it is considered administratively renewed under Section 86.55 of the

Department's regulations, 25 Pa. Code § 86.55, because CMC submitted a timely permit renewal application to the Department on July 15, 2020, which is currently under review. Surface reclamation of the Jane surface facilities was completed in 2002; however, areas and facilities needed for mine pool monitoring, and collection and treatment of AMD remain.

2. A summary of the bonds currently posted for Jane, which will be adjusted pursuant to Paragraph 6, below, is as follows:

TOTAL OBLIGATION	FINANCIAL GUARANTOR	BOND INSTRUMENT NUMBER	BOND AMOUNT
\$ 15,124,523.10	United States Fire Insurance Company	612409280	\$12,147,226.10
	Indemnity National Insurance Company	N7005061	\$1,188,990.00
	Zurich American Insurance Company	09154709	\$1,788,307.00

3. A topographic map depicting the location of the point where raw water is pumped from Jane ("JMA02") is attached as Exhibit C-1. The latitude and longitude coordinates for JMA02 are: latitude 40° 40' 56.12" and longitude -79° 21' 13.61".

4. The raw water quality data for JMA02, as available and compiled by CMC on December 6, 2022, from analytical sampling results for the period from January 15, 2016, through October 18, 2022, is set forth in Exhibit C-2.

5. NPDES Permit No. PA0002283 for Jane contains Outfall 008 for the Jane Treatment Facility. The required effluent limits applicable to Outfall 008 are set forth in the current NPDES Permit which is attached as Exhibit C-3. The NPDES Permit has an expiration date of January 2, 2021; however, it is automatically continued under Section 92a.7(b) of the Departments regulations, 25 Pa. Code § 92a.7(b), because CMC submitted a timely permit renewal application to the Department on July 15, 2020, which is currently under review. This Permit is renewed every five years (pursuant to the authority in 25 Pa. Code Chapter 92a) and the

NPDES Permit, and the effluent limits set forth therein, may be revised in subsequent renewals of the NPDES Permit or as required by the Department. The effluent limits set forth in any subsequent renewal or revision of the NPDES Permit govern.

6. The Jane Treatment Facility is an active treatment system that operates continuously and is designed to treat up to 3,400 gpm of water from the Jane Mine pool using passive cascading aerators, oxidizer introduction (35% hydrogen peroxide), anionic polymer and settling. The Jane Treatment Facility consists of: three (3) 200 hp vertical turbine pumps, one (1) pump control building containing two (2) 2,500 gallon plastic 35% hydrogen peroxide aboveground storage tanks, three (3) hydrogen peroxide metering pumps, and one (1) monitoring borehole, one (1) plant building containing one (1) process water vault, one (1) 0.5 hp submersible pump (located in the process water vault), two (2) 300 gallon plastic anionic polymer aboveground storage tanks, and three (3) polymer metering pumps, one (1) cascading aerator, one (1) settling pond (Pond #1), one (1) polishing pond (Pond #2), one (1) transfer borehole, one (1) sludge boat, one (1) 5 hp submersible pump (located on the sludge boat), one (1) sludge injection borehole, and one (1) outfall. The vertical turbine pumps convey water to the Jane Treatment Facility where hydrogen peroxide and anionic polymer are introduced. Treated water is conveyed over the cascading aerators prior to entering into the settling pond (Pond #1). Sludge generated from the treatment process is pumped out of the settling pond (Pond #1) into the Jane voids for disposal using a sludge boat and an approved sludge injection borehole. Water exits the settling pond (Pond #1) and flows into the polishing pond (Pond #2) after which the treated effluent from the Jane Treatment Facility discharges into an Unnamed Tributary to Crooked Creek at NPDES Outfall 008. A flow diagram for the Jane Treatment Facility is attached as Exhibit C-4.

7. The Jane Treatment Facility is situated on land owned by CMC and a third party. CMC has obtained an executed and recorded Consent to Right of Entry form from the third-party property owner that grants the parties hereto and the trustee, and their agents, servants, contractors and subcontractors, access to the Jane Treatment Facility. A copy of the executed and recorded Consent to Right of Entry form with evidence of its recordation is attached as Exhibit C-5.

8. The estimated capital cost to construct the Jane Treatment Facility, as calculated using AMDTreat, is \$1,420,116.

9. In order to calculate the amount necessary to fully fund the trust, the Department and CMC have agreed to use actual operation and maintenance costs from the past three (3) years of operation of the Jane Treatment Facility for all operating parameters other than annual labor/contractor costs and water sampling/analysis costs. For annual labor/contractor costs and water sampling/analysis costs, the Department and CMC have agreed to use AMDTreat cost estimates. A summary of current annual operation and maintenance costs for the Jane Treatment Facility is as follows:

Category	Total Amount
Water Sampling/Analysis	\$14,606
Labor/Contractor Costs	\$38,220
Maintenance	\$4,988
Pumping	\$85,667
Chemical Cost	\$63,865
Oxidant Chemical Cost	\$47,821
Sludge Removal	\$4,089
Miscellaneous Other Costs	\$28,402
Total Annual O&M Cost	\$287,658

Based on actual operation and maintenance costs from past operations and AMDTreat cost estimates, the current annual cost of operating and maintaining the Jane Treatment Facility is \$287,658. The AMDTreat cost worksheets are attached as Exhibit C-6.

10. In order to calculate the amount necessary to fully fund the trust, the Department and CMC have agreed to use recapitalization cost data generated by AMDTreat. According to AMDTreat, the present value of recapitalization costs for the Jane Treatment Facility is \$653,111. Attached as Exhibit C-7 is the AMDTreat Recapitalization Cost worksheet and schedule for the Jane Treatment Facility.

11. The parties have agreed to use the cost data, assumptions and calculations set forth herein to calculate the present value of the required financial assurance for the Jane Treatment Facility. The parties agree that the present value of the fully funded trust for the discharges treated at the Jane Treatment Facility is \$7,413,410. This sum constitutes the current present value of the estimated future operation and maintenance costs; the current present value of the estimated future recapitalization costs; and the current present value of the estimated future liability insurance costs for the Jane Treatment Facility, as shown on the Treatment Bond/Trust Calculator attached as Exhibit C-8. The parties have also agreed to use the information and figures which will be provided by the Accounting required by Paragraph 4, below to annually recalculate and adjust the amount of the fully funded trust for the Jane Treatment Facility as described below.

R. **Lewisville Recovery Plant (Lewisville Preparation Plant Water Treatment Facility and Lewisville Coal Refuse Disposal Area Water Treatment Facility)**

1. The Lewisville Recovery Plant is a reclaimed coal processing plant and coal refuse disposal area ("CRDA") located in Young Township, Indiana County. Lewisville was originally permitted by Kent Coal Mining Company in 1986, which merged with KCMC in

2002. The permit was transferred to CMC on December 4, 2014. CMC operates and maintains the Lewisville Preparation Plant Water Treatment Facility (“Lewisville Plant Treatment Facility”) and the Lewisville Coal Refuse Disposal Area Water Treatment Facility (“Lewisville CRDA Treatment Facility”) for treatment of discharges from the reclaimed Lewisville processing plant area and CRDA which are authorized under Coal Refuse Disposal Permit (“CRDP”) No. 32803712 and NPDES Permit No. PA0092142. The CRDP has an expiration date of January 15, 2021; however, it is administratively renewed under Section 86.55 of the Department’s regulations, 25 Pa. Code § 86.55, because CMC submitted a timely permit renewal application to the Department on July 15, 2020, which is currently under review. Surface reclamation of the Lewisville surface facilities has been completed; however, areas and facilities needed for collection and treatment of AMD remain.

2. A summary of the bonds currently posted for the Lewisville Recovery Plant, which will be replaced pursuant to Paragraph 6, below, is as follows:

TOTAL OBLIGATION	FINANCIAL GUARANTOR	BOND INSTRUMENT NUMBER	BOND AMOUNT
\$856,067.96	Fidelity & Deposit Company of Maryland	09154721	\$722,450.65
	Indemnity National Insurance Company	N7005058	\$97,593.19
	Indemnity National Insurance Company	N7005059	\$36,024.12

3. A topographic map depicting the locations of Collection Pond M where raw water is collected from the reclaimed coal processing plant and refuse area seepage (“Lewisville Plant RW”) and Wetland Cell 1 where coal refuse disposal area seepage is collected (“Lewisville CRDA RW”) is attached as Exhibit D-1. The latitude and longitude coordinates for Lewisville Plant RW are: latitude 40° 31’ 23.16” and longitude -79° 17’ 54.56”. The latitude and

longitude coordinates for Lewisville CRDA RW are: latitude 40° 41' 42.73" and longitude -79° 17' 15.31".

4. The raw water quality for Lewisville Plant RW and Lewisville CRDA RW, as available and compiled by CMC on December 6, 2022, from analytical sampling results for the period from July 27, 2017, through September 20, 2022, is set forth in Exhibit D-2.

5. NPDES Permit No. PA0092142 for Lewisville contains Outfall 002 for the Lewisville Plant Treatment Facility, and Outfalls 004 and 005 for the Lewisville CRDA Treatment Facility. The required effluent limits applicable to Outfalls 002, 004, and 005 are set forth in the current NPDES Permit which is attached as Exhibit D-3. The NPDES Permit has an expiration date of January 15, 2021; however, it is automatically continued under Section 92a.7(b) of the Department's regulations, 25 Pa. Code § 92a.7(b), because CMC submitted a timely permit renewal application to the Department on July 15, 2020, which is currently under review. This Permit is renewed every five years (pursuant to the authority in 25 Pa. Code Chapter 92a) and the NPDES Permit, and the effluent limits set forth therein, may be revised in subsequent renewals of the NPDES Permit or as required by the Department. The effluent limits set forth in any subsequent renewal or revision of the NPDES Permit govern.

6. The Lewisville Plant Treatment Facility is a semi-passive treatment system that operates continuously and is designed to treat up to 350 gpm of water from the reclaimed Lewisville coal processing plant and coal refuse disposal area seepage using passive cattail bogs, 20% sodium hydroxide and settling. Seepage flow rates varies from 5 to 30 gpm. The Lewisville Plant Treatment Facility consists of: one (1) collection pond (Pond M), a pump station containing one (1) 25 hp centrifugal pump, one (1) settling pond (Pond F) with a pump basin containing one (1) 13 hp submersible pump, one (1) 5,000-gallon steel 20% sodium

hydroxide aboveground storage tank, one (1) discharge pond (Pond J), and one (1) outfall.

Reclaimed plant and refuse pile seepage/runoff gravity flows to the collection pond (Pond M) and is then pumped from Pond M to the settling pond (Pond F) where sodium hydroxide solution is introduced. A submersible pump is used to pump water from Pond F to the discharge pond (Pond J) where treated effluent from the Lewisville Plant Treatment Facility discharges into Coal Run at NPDES Outfall 002. A flow diagram for the Lewisville Plant Treatment Facility is attached as Exhibit D-4.

7. The Lewisville CRDA Treatment Facility is a semi-passive treatment system that operates on a continuous gravity flow basis and is designed to treat up to 50 gpm of coal refuse seepage from the reclaimed coal refuse disposal area using a series of wetland cells, 20% sodium hydroxide and settling. Seepage flow rates from the reclaimed refuse disposal area vary with an approximate flow rate of 0 to 15 gpm. The Lewisville CRDA Treatment Facility consists of: four (4) collection sumps (P-1 – P-4), two (2) wetland cells, one (1) 5,000-gallon steel sodium hydroxide above ground storage tank, one (1) settling pond (Pond K), one (1) polishing pond (Pond L), and two (2) outfalls. Seepage/runoff from the coal refuse disposal area flows through the collection sumps into a series of wetland cells prior to reporting to the first settling pond (Pond K) where it is treated with sodium hydroxide. Treated water exits Pond K through a gravity flow pipe to Pond L. Treated effluent from the Lewisville CRDA Treatment Facility discharges from Pond L into Aultmans Run through NPDES Outfall 005. An NPDES point also exists at the Pond K discharge point (Outfall 004 to Aultmans Run); however, there is no discharge from this point as water from Pond K is conveyed into Pond L and discharged at Outfall 005. NPDES Outfall 004 remains in the NPDES Permit in the event discharge from Pond

K would be required during an emergency or major repair. A flow diagram for the Lewisville CRDA Treatment Facility is attached as Exhibit D-4.

8. The Lewisville Plant Treatment Facility and the Lewisville CRDA Treatment Facility are situated on land owned by a third party. CMC has obtained an executed and recorded Consent to Right of Entry form from the third-party property owner that grants the parties hereto and the trustee, and their agents, servants, contractors and subcontractors, access to the Lewisville Plant Treatment Facility and the Lewisville CRDA Treatment Facility. A copy of the executed and recorded Consent to Right of Entry form with evidence of its recordation is attached as Exhibit D-5.

9. The estimated capital cost to construct the Lewisville Plant Treatment Facility and the Lewisville CRDA Treatment Facility, as calculated using AMDTreat, is \$579,883.

10. In order to calculate the amount necessary to fully fund the trust, the Department and CMC have agreed to use actual operation and maintenance costs from the past three (3) years of operation of the Lewisville Plant Treatment Facility and the Lewisville CRDA Treatment Facility for all operating parameters other than annual labor/contractor costs and water sampling/analysis costs. For annual labor/contractor costs and water sampling/analysis costs, the Department and CMC have agreed to use AMDTreat cost estimates. A summary of current combined annual operation and maintenance costs for the Lewisville Plant Treatment Facility and the Lewisville CRDA Treatment Facility is as follows:

Category	Total Amount
Water Sampling/Analysis	\$9,716
Labor/Contractor Costs	\$10,920
Maintenance	\$10,018
Pumping	\$2,921
Chemical Cost	\$1,951
Oxidant Chemical Cost	\$0
Sludge Removal	\$0
Miscellaneous Other Costs	\$11,598
Total Annual O&M Cost	\$47,124

Based on actual operation and maintenance costs from past operations and AMDTreat cost estimates, the current combined annual cost of operating and maintaining the Lewisville Plant Treatment Facility and the Lewisville CRDA Treatment Facility is \$47,124. The AMDTreat cost worksheets are attached as Exhibit D-6.

11. In order to calculate the amount necessary to fully fund the trust, the Department and CMC have agreed to use recapitalization cost data generated by AMDTreat. According to AMDTreat, the present value of recapitalization costs for the Lewisville Plant Treatment Facility and the Lewisville CRDA Treatment Facility is \$183,554. Attached as Exhibit D-7 is the AMDTreat Recapitalization Cost worksheet and schedule for the Lewisville Plant Treatment Facility and the Lewisville CRDA Treatment Facility.

12. The parties have agreed to use the cost data, assumptions and calculations set forth herein to calculate the present value of the required financial assurance for the Lewisville Plant Treatment Facility and the Lewisville CRDA Treatment Facility. The parties agree that the present value of the fully funded trust for the discharges treated at the Lewisville Plant Treatment Facility and the Lewisville CRDA Treatment Facility is \$1,292,769. This sum

constitutes the current present value of the estimated future operation and maintenance costs; the current present value of the estimated future recapitalization costs; and the current present value of the estimated liability insurance costs for the Lewisville Plant Treatment Facility and the Lewisville CRDA Treatment Facility, as shown on the Treatment Bond/Trust Calculator attached as Exhibit D-8. The parties have also agreed to use the information and figures which will be provided by the Accounting required by Paragraph 4, below to annually recalculate and adjust the amount of the fully funded trust for the Lewisville Plant Treatment Facility and the Lewisville CRDA Treatment Facility as described below.

S. **Montour #4 Mine–Hahn Treatment Facility (and Cardox Pump)**

1. The Montour #4 Mine-Hahn Treatment Facility (“Montour #4”) is an underground mine located in Cecil Township, Washington County. Montour #4 is one of the sites addressed in the 2009 Multisite Treatment Bonding CO&A, which is discussed in Paragraph K, above. Montour #4 was originally permitted by CCC in 1984, and the permit was transferred to CMC on September 11, 2014. Active removal of coal ceased in 1980. CMC operates and maintains the Hahn Treatment Facility which is authorized under CMAP No. 63131302 and NPDES Permit No. PA0001147. The CMAP has an expiration date of April 26, 2019; however, it is administratively renewed under Section 86.55 of the Department’s regulations, 25 Pa. Code § 86.55, because CMC submitted a timely permit renewal application to the Department on October 26, 2018, which is currently under review. Surface reclamation of the Montour #4 surface facilities has been completed; however, areas and facilities needed for mine pool monitoring, and collection and treatment of AMD remain.

2. A summary of the bonds currently posted for Montour #4, which will be adjusted pursuant to Paragraph 6, below, is as follows:

TOTAL OBLIGATION	FINANCIAL GUARANTOR	BOND INSTRUMENT NUMBER	BOND AMOUNT
\$18,730,089.00	United States Fire Insurance Company	612409279	\$8,422,954.00
	Indemnity National Insurance Company	N7003623	\$2,576,785.00
	Argonaut Insurance Company	SUR0028777	\$2,576,785.00
	Indemnity National Insurance Company	N7003622	\$2,576,785.00
	Indemnity National Insurance Company	N-7002352	\$2,576,780.00

3. Two (2) topographic maps depicting the location of the point where water is pumped from Montour #4 ("M4B02") are attached as Exhibit E-1. The latitude and longitude coordinates for M4B02 are: latitude 40° 16' 40.97" and longitude -80° 08' 34.74".

4. The raw water quality data for M4B02, as available and compiled by CMC on December 6, 2022, from analytical sampling results for the period from January 11, 2016, through October 13, 2020, is set forth in Exhibit E-2.

5. NPDES Permit No. PA0001147 for Montour #4 contains Outfall 001 for the Hahn Treatment Facility. The required effluent limits applicable to Outfall 001 are set forth in the current NPDES Permit in which is attached as Exhibit E-3. The NPDES Permit has an expiration date of April 26, 2019; however, it is automatically continued under Section 92a.7(b) of the Department's regulations, 25 Pa. Code § 92a.7(b), because CMC submitted a timely permit renewal application to the Department on October 26, 2018, which is currently under review. This Permit is renewed every five years (pursuant to the authority in 25 Pa. Code Chapter 92a) and the NPDES Permit, and the effluent limits set forth therein, may be revised in subsequent renewals of the NPDES Permit or as required by the Department. The effluent limits set forth in any subsequent renewal or revision of the NPDES Permit govern.

6. **Hahn Treatment Facility**. The Hahn Treatment Facility is an active treatment system that operates continuously and is designed to treat up to 7,000 gpm of water from the Montour #4 Mine pool using mechanical aeration, 35% hydrogen peroxide, anionic polymer, mixing and settling. The Hahn Treatment Facility consists of: two (2) 200 hp vertical turbine pumps, one (1) MCC/office building, one (1) surge pond/pre-aeration pond, two (2) 25 hp floating aerators, one (1) 5000 gallon 35% Hydrogen Peroxide aboveground storage tank, one (1) hydrogen peroxide feed metering pump, one (1) aeration basin, one (1) Floc building containing one (1) 1500 gallon polymer aboveground storage tank, one (1) polymer metering pump, one (1) settling basin containing one (1) 1.5 hp submersible pump, two (2) injection boreholes, and one (1) outfall. The Hahn Treatment Facility also includes the Cardox Pump. The Cardox Pump consists of one (1) control building, two (2) 3 hp submersible pumps and one (1) injection borehole. Surface seepage from the Montour #10 underground mine is transferred via a submersible pump to a borehole into the mine voids of the Montour #10 Mine. The Montour #4 Mine and Montour #10 Mine are hydrologically connected underground and all water treated at the Hahn Treatment Facility is withdrawn from the Montour #4 Mine. Mine water from the Montour #4 Mine pool is pumped from the mine via two vertical turbine pumps and conveyed to the surge pond /pre-aeration pond. Pre-aeration adds oxygen to the water and removes carbon dioxide mechanically using floating aerators. Hydrogen peroxide is added to the water prior to entering the aeration basin. After mixing, anionic polymer is introduced as the treated water is conveyed to the settling basin. The polymer promotes settling of solids produced during the treatment process. Sludge that is generated from the treatment process is periodically cleaned from the settling basin using a dredge and is disposed of into an approved sludge injection borehole into the Montour #4 Mine. Treated effluent from the Hahn Treatment Facility

discharges into Chartiers Creek at NPDES Outfall 001. A flow diagram for the Hahn Treatment Facility is attached as Exhibit E-4.

7. The Hahn Treatment Facility is situated on land owned by a third party. CMC has obtained an executed and recorded Consent to Right of Entry form from the third-party property owner that grants the parties hereto and the trustee, and their agents, servants, contractors and subcontractors, access to the Hahn Treatment Facility. A copy of the executed and recorded Consent to Right of Entry form with evidence of its recordation is attached as Exhibit E-5.

8. The estimated capital cost to construct the Hahn Treatment Facility, as calculated using AMDTreat, is \$1,498,814.

9. In order to calculate the amount necessary to fully fund the trust, the Department and CMC have agreed to use actual operation and maintenance costs from the past three (3) years of operation of the Hahn Treatment Facility for all operating parameters other than annual labor/contractor costs and water sampling/analysis costs. For annual labor/contractor costs and water sampling/analysis costs, the Department and CMC have agreed to use AMDTreat cost estimates. A summary of current annual operation and maintenance costs for the Hahn Treatment Facility is as follows:

Category	Total Amount
Water Sampling/Analysis	\$1,830
Labor/Contractor Costs	\$25,480
Maintenance	\$13,274
Pumping	\$168,096
Chemical Cost	\$176,324
Oxidant Chemical Cost	\$0
Sludge Removal	\$21,204

Category	Total Amount
Miscellaneous Other Costs	\$29,976
Total Annual O&M Cost	\$436,184

Based on actual operation and maintenance costs from past operations and AMDTreat cost estimates, the current annual cost of operating and maintaining the Hahn Treatment Facility is \$436,184. The AMDTreat cost worksheets are attached as Exhibit E-6.

10. In order to calculate the amount necessary to fully fund the trust, the Department and CMC have agreed to use recapitalization cost data generated by AMDTreat. According to AMDTreat, the present value of recapitalization costs for the Hahn Treatment Facility is \$423,936. Attached as Exhibit E-7 is the AMDTreat Recapitalization Cost worksheet and schedule for the Hahn Treatment Facility.

11. The parties have agreed to use the cost data, assumptions and calculations set forth herein to calculate the present value of the required financial assurance for the Hahn Treatment Facility. The parties agree that the present value of the fully funded trust for the discharges treated at the Hahn Treatment Facility is \$10,661,780. This sum constitutes the current present value of the estimated future operation and maintenance costs; the current present value of the estimated future recapitalization costs; and the current present value of the estimated future liability insurance costs for the Hahn Treatment Facility, as shown on the Treatment Bond/Trust Calculator attached as Exhibit E-8. The parties have also agreed to use the information and figures which will be provided by the Accounting required by Paragraph 4, below to annually recalculate and adjust the amount of the fully funded trust for the Hahn Treatment Facility as described below.

T. **Renton Refuse Area (Renton Mine Drainage Treatment Plant)**

1. The Renton Refuse Area (“Renton”) is a reclaimed CRDA located in Plum Borough, Allegheny County. Renton was originally permitted by CCC in 1984, idled in the mid to late 1980s, and thereafter was reclaimed. Renton was transferred to CMC on April 8, 2014. A portion of the associated CRDA was remined by another operator and was thereafter reclaimed. CMC operates the Renton Mine Drainage Treatment Plant (“Renton Treatment Plant”) which is authorized under CRDP No. 02733702 and NPDES Permit No. PA0023370. The CRDP has an expiration date of November 20, 2024. Surface reclamation of Renton has been completed; however, areas and facilities needed for mine pool monitoring, and collection and treatment of AMD remain.

2. A summary of the bonds currently posted for Renton, which will be adjusted pursuant to Paragraph 6, below, is as follows:

TOTAL OBLIGATION	FINANCIAL GUARANTOR	BOND INSTRUMENT NUMBER	BOND AMOUNT
\$16,693,554.22	Indemnity National Insurance Company	N7005060	\$16,693,554.22

3. A topographic map depicting the location of the point where raw water is pumped from the Renton Mine (“REA04”) is attached as Exhibit F-1. The latitude and longitude coordinates for REA04 are: latitude 40° 30’ 18.08” and longitude -79° 43’ 33.79”.

4. The raw water quality data for REA04, as available and compiled by CMC on December 6, 2022, from analytical sampling results for the period from July 30, 2019, through June 13, 2022, is set forth in Exhibit F-2.

5. NPDES Permit No. PA0023370 for Renton contains Outfall 001 for the Renton Treatment Plant. The required effluent limits applicable to Outfall 001 are set forth in the current NPDES Permit which is attached as Exhibit F-3. The NPDES Permit has an expiration date of November 20, 2024. The NPDES Permit is renewed every five years (pursuant to the authority in 25 Pa. Code Chapter 92a) and the NPDES Permit, and the effluent limits set forth therein, may be revised in subsequent renewals of the NPDES Permit or as required by the Department. The effluent limits set forth in any subsequent renewal or revision of the NPDES Permit govern.

6. The Renton Treatment Plant is an active treatment system that operates as needed and is designed to treat up to 2,000 gpm of water from the Renton underground mine and seepage from the reclaimed CRDA area using mechanical aeration, hydrated lime, anionic polymer, mixing and settling. Approximately 400 gpm of water from the reclaimed Renton CRDA is collected through a series of drains and ponds and conveyed into the Renton Mine via boreholes in preparation for eventual treatment at the Renton Treatment Plant. The Renton Treatment Plant consists of: four (4) CRDA seep collection systems, one (1) CRDA seep collection pond (Acid Pond), one (1) 10 hp submersible pump, one (1) Acid Pond building, six (6) boreholes, one (1) 400 hp vertical turbine pump, one (1) control building, one (1) 50 ton lime silo, one (1) variable speed screw feeder and process pump, one (1) aeration basin, one (1) mixing basin, three (3) 60 hp floating aerators, one (1) floc building containing one (1) 275 gallon polymer aboveground storage tank, one (1) polymer metering pump, one (1) settling pond, one (1) sludge boat, one (1) 50 hp submersible pump (located on sludge boat), two (2) sludge injection boreholes, and one (1) outfall. Mine water is pumped to the aeration basin using a vertical turbine pump. Prior to entering the mixing/post-aeration basin, and after adequate

aeration, hydrated lime slurry is added. After proper mixing and addition of anionic polymer, treated water enters the settling pond to allow for the sludge that is generated during the treatment process to settle. Sludge generated from the treatment process is periodically removed from the settling pond using a sludge boat and is disposed of in the Renton Mine via an approved sludge injection borehole. Treated effluent from Renton Treatment Plant discharges to Little Plum Creek at NPDES Outfall 001. A flow diagram for the Renton Treatment Plant is attached as Exhibit F-4.

7. The Renton Treatment Plant is situated on land owned by CMC and third parties. CMC has executed and recorded Consent to Right of Entry forms that grant the parties hereto and the trustee, and their agents, servants, contractors and subcontractors, access to the Renton Treatment Plant. CMC has also obtained executed and recorded Consent to Right of Entry forms from certain third-party property owners that grant the parties hereto and the trustee, and their agents, servants, contractors and subcontractors, access to the Renton Treatment Plant. Copies of the executed and recorded Consent to Right of Entry forms with evidence of their recordation are attached as Exhibit F-5.

CMC has informed the Department that it has not yet obtained the signatures needed for the Consent to Right of Entry forms from certain current third-party property owners where the Renton Treatment Plant is located. CMC has agreed to continue to make reasonable efforts to obtain the required Consent to Right of Entry forms which grant the Department, the Operators, and the Trustee, and their agents, servants, contractors and subcontractors, access to the Renton Treatment Plant, and if they are able to obtain same, will provide them to the Department upon receipt. In the meantime, CMC has provided copies of executed and recorded Contractual Consent of Landowner forms which grant CMC and the Department access to the

Renton Treatment Plant. Copies of the executed and recorded Contractual Consent of Landowner forms with evidence of recordation are attached as Exhibit F-5.

8. The estimated capital cost to construct the Renton Treatment Plant, as calculated using AMDTreat, is \$2,150,528.

9. In order to calculate the amount necessary to fully fund the trust, the Department and CMC have agreed to use actual operation and maintenance costs from the past three (3) years of operation of the Renton Treatment Plant for all operating parameters other than annual labor/contractor costs and water sampling/analysis costs. For annual labor/contractor costs and water sampling/analysis costs, the Department and CMC have agreed to use AMDTreat cost estimates. A summary of current annual operation and maintenance costs for the Renton Treatment Plant is as follows:

Category	Total Amount
Water Sampling/Analysis	\$17,011
Labor/Contractor Costs	\$31,850
Maintenance	\$68,419
Pumping	\$57,902
Chemical Cost	\$40,661
Oxidant Chemical Cost	\$0
Sludge Removal	\$21,209
Miscellaneous Other Costs	\$43,011
Total Annual O&M Cost	\$280,063

Based on actual operation and maintenance costs from past operations and AMDTreat cost estimates, the current annual cost of operating and maintaining the Renton Treatment Plant is \$280,063. The AMDTreat cost worksheets are attached as Exhibit F-6.

10. In order to calculate the amount necessary to fully fund the trust, the Department and CMC have agreed to use recapitalization cost data generated by AMDTreat. According to AMDTreat, the present value of recapitalization costs for the Renton Treatment Plant is \$567,468. Attached as Exhibit F-7 is the AMDTreat Recapitalization Cost worksheet and schedule for the Renton Treatment Plant.

11. The parties have agreed to use the cost data, assumptions and calculations set forth herein to calculate the present value of the required financial assurance for the Renton Treatment Plant. The parties agree that the present value of the fully funded trust for the discharges treated at the Renton Treatment Plant is \$7,147,690. This sum constitutes the current present value of the estimated future operation and maintenance costs; the current present value of the estimated future recapitalization costs; and the current present value of the estimated future liability insurance costs for the Renton Treatment Plant, as shown on the Treatment Bond/Trust Calculator attached as Exhibit F-8. The parties have also agreed to use the information and figures which will be provided by the Accounting required by Paragraph 4, below to annually recalculate and adjust the amount of the fully funded trust for the Renton Treatment Plant as described below.

U. **Westland Mine (Arden Treatment Plant and Midland Pumping Station)**

1. The Westland Mine ("Westland") is an underground mine located in Chartiers Township, Washington County. Westland is one of the sites addressed in the 2009 Multisite Treatment Bonding CO&A, which is discussed in Paragraph K, above. Westland was originally permitted by Pittsburgh Coal Company in 1984, and the permit was transferred to CMC on May 27, 2014. Active removal of coal ceased in the late 1980s to early 1990s. CMC operates and maintains the Arden Treatment Plant which is authorized under CMAP No.

63141301 and NPDES Permit No. PA0215431. The CMAP has an expiration date of April 15, 2021; however, it is considered administratively renewed under Section 86.55 of the Department's regulations, 25 Pa. Code § 86.55, because CMC submitted a timely permit renewal application to the Department on October 16, 2020, which is currently under review. Surface reclamation of the Westland surface facilities was completed in 1997; however, areas and facilities needed for mine pool monitoring, and collection and treatment of AMD remain.

2. A summary of the bonds currently posted for Westland, which will be adjusted pursuant to Paragraph 6, below, is as follows:

TOTAL OBLIGATION	FINANCIAL GUARANTOR	BOND INSTRUMENT NUMBER	BOND AMOUNT
\$9,798,321.00	Liberty Mutual Insurance Company	285044788	\$9,798,321.00

3. A topographic map depicting the location of the point where raw water is pumped from Westland ("WEA02") is attached as Exhibit G-1. The latitude and longitude coordinates for WEA02 are: latitude 40° 13' 10.61" and longitude -80° 15' 58.91".

4. The raw water quality data for WEA02, as available and compiled by CMC on December 6, 2022, from analytical sampling results for the period from January 11, 2016, through April 1, 2020, is set forth in Exhibit G-2.

5. NPDES Permit No. PA0215431 for Westland contains Outfall 001 for the Arden Treatment Plant. The required effluent limits applicable to Outfall 001 are set forth in the current NPDES Permit, which is attached as Exhibit G-3. The NPDES Permit has an expiration date of April 15, 2021; however, it is automatically continued under Section 92a.7(b) of the Department's regulations, 25 Pa. Code § 92a.7(b), because CMC submitted a timely permit renewal application to the Department on October 16, 2020, which is currently under review.

The NPDES Permit is renewed every five years (pursuant to the authority in 25 Pa. Code Chapter 92a) and the NPDES Permit, and the effluent limits set forth therein, may be revised in subsequent renewals of the NPDES Permit or as required by the Department. The effluent limits set forth in any subsequent renewal or revision of the NPDES Permit govern.

6. The Arden Treatment Plant is an active treatment system that operates as needed and is designed to treat up to 3,200 gpm of water from Westland and seepage from the upstream Midland Mine using oxidant introduction (35% or 50% hydrogen peroxide, as needed), mechanical aeration, hydrated lime as needed, anionic polymer, mixing and settling. The Arden Treatment Plant consists of: one (1) 300 hp vertical turbine pump, one (1) control building, one (1) polymer building containing one (1) 550 gallon aboveground storage tank and one (1) polymer metering pump, one (1) 1/2 hp polymer circulation pump, one (1) 5,250 gallon aboveground peroxide storage tank, one (1) peroxide metering pump, one (1) safety shower, one (1) 1 hp push-water pump, one (1) aeration tank, one (1) 60 hp floating aerator, one (1) 50 ton lime silo, one (1) variable speed screw feeder and process pump, one (1) aeration basin, one (1) 30 hp fixed position aerator, two (2) settling ponds, two (2) polishing ponds, one (1) injection borehole, and one outfall. The Arden Treatment Plant also contains the Midland Pumping Station. The related Midland Pumping Station consists of: one (1) 7.5 hp submersible pump (Pump #2), one (1) 25 hp short set vertical pump (Pump#1), one (1) 75 hp short set vertical pump and three (3) injection boreholes into the Arden Mine. Seepage from the Midland Mine is transferred into Westland via the Midland Pumping Station. Mine water is withdrawn from Westland via a 300 hp vertical turbine pump and hydrogen peroxide is introduced before the water is subsequently conveyed to the treatment facility's aeration tank. After aeration, hydrated lime slurry can be introduced as needed, and the water gravity flows to the aeration

basin. Anionic polymer is added to the treated water, which then gravity flows to two settling ponds. After settling, treated water enters two (2) polishing ponds. Sludge that is generated at this facility as part of the treatment process is cleaned periodically from the bottom of the ponds using a dredge and is pumped into Westland via an approved sludge injection borehole. Treated effluent from the Arden Treatment Plant discharges into an Unnamed Tributary to Chartiers Creek at NPDES Outfall 001. A flow diagram for the Arden Treatment Plant is attached as Exhibit G-4.

7. The Arden Treatment Plant is situated on land owned by CMC and third parties. CMC has executed and recorded Consent to Right of Entry forms that grant the parties hereto and the trustee, and their agents, servants, contractors and subcontractors, access to the Arden Treatment Plant. CMC has also obtained an executed and recorded Consent to Right of Entry form from a third-party property owner that grants the parties hereto and the trustee, and their agents, servants, contractors and subcontractors, access to the Arden Treatment Plant. Copies of the executed and recorded Consent to Right of Entry forms with evidence of their recordation are attached as Exhibit G-5.

CMC has informed the Department that it has not yet been able to obtain the signatures needed for the Consent to Right of Entry form from certain current property owners where the Arden Treatment Plant is located. CMC has agreed to continue to make reasonable efforts to obtain the required Consent to Right of Entry which grants the Department, the Operators, and the Trustee, and their agents, servants, contractors and subcontractors, access to the Arden Treatment Plant, and if they are able to obtain same, will provide it to the Department upon receipt.

8. The estimated capital cost to construct the Arden Treatment Plant, as calculated using AMDTreat, is \$1,493,091.

9. In order to calculate the amount necessary to fully fund the trust, the Department and CMC have agreed to use actual operation and maintenance costs from the past three (3) years of operation of the Arden Treatment Plant for all operating parameters other than annual labor/contractor costs and water sampling/analysis costs. For annual labor/contractor costs and water sampling/analysis costs, the Department and CMC have agreed to use AMDTreat cost estimates. A summary of current annual operation and maintenance costs for the Arden Treatment Plant is as follows:

Category	Total Amount
Sampling/Analysis	\$6,779
Labor/Contractor Costs	\$25,480
Maintenance	\$1,878
Pumping	\$103,600
Chemical Cost	\$76,394
Oxidant Chemical Cost	\$0
Sludge Removal	\$20,215
Miscellaneous Other Costs	\$29,862
Total Annual O&M Cost	\$264,208

Based on actual operation and maintenance costs from past operations and AMDTreat cost estimates, the current annual cost of operating and maintaining the Arden Treatment Plant is \$264,208. The AMDTreat cost worksheets are attached as Exhibit G-6.

10. In order to calculate the amount necessary to fully fund the trust, the Department and CMC have agreed to use recapitalization cost data generated by AMDTreat. According to AMDTreat, the present value of recapitalization costs for the Arden Treatment

Plant is \$539,505. Attached as Exhibit G-7 is the AMDTreat Recapitalization Cost worksheet and schedule for the Arden Treatment Plant.

11. The parties have agreed to use the cost data, assumptions and calculations set forth herein to calculate the present value of the required financial assurance for Trust. The parties agree that the present value of the fully funded trust for the discharges treated at the Arden Treatment Plant is \$6,747,311. This sum constitutes the current present value of the estimated future operation and maintenance costs; the current present value of the estimated future recapitalization costs; and the current present value of the estimated future liability insurance costs for the Arden Treatment Plant as shown on the Treatment Bond/Trust Calculator attached as Exhibit G-8. The parties have also agreed to use the information and figures which will be provided by the Accounting required by Paragraph 4, below to annually recalculate and adjust the amount of the fully funded trust for the Arden Treatment Plant as described below.

V. **Kent No. 56 (Kent No. 56 Treatment Facility)**

1. Kent No. 56 is a reclaimed surface mine located in Blacklick Township, Indiana County. Kent No. 56 was originally permitted in 1984 by Donald K. Ankeny. The permit was transferred to CMC on August 25, 2014. Active removal of coal ceased in the early 1990s, and a passive treatment system was constructed and permitted in 1995. CMC operates and maintains the Kent No. 56 Treatment Facility which is authorized under Coal Surface Mining Permit (“SMP”) No. 32803010 and NPDES Permit No. PA0124834. The SMP has an expiration date of August 6, 2029. Surface reclamation of Kent No. 56 is complete; however, areas and facilities needed for collection and treatment of AMD remain.

2. A summary of the bonds currently posted for the Kent No. 56 Mine, which will be replaced pursuant to Paragraph 6, below, is as follows:

TOTAL OBLIGATION	FINANCIAL GUARANTOR	BOND INSTRUMENT NUMBER	BOND AMOUNT
\$255,713.00	Fidelity and Deposit Company of Maryland	09154712	\$184,578.00
	Argonaut Insurance Company	SUR0028758	\$71,135.00

3. A topographic map depicting the location where seepage from the reclaimed Kent No. 56 surface mine is collected ("Kent 56 RW") is attached as Exhibit H-1. The latitude and longitude coordinates for Kent 56 RW are: latitude 40° 31' 59.01" and longitude - 79° 16' 46.77".

4. The raw water quality data for Kent 56 RW, as available and compiled by CMC on December 6, 2022, from analytical sampling results for the period from July 24, 2017, through October 19, 2022, is set forth in Exhibit H-2.

5. NPDES Permit No. PA0124834 for Kent No. 56 contains Outfall 007 (K56-GW-28D) for the Kent No. 56 Treatment Facility. The required effluent limits applicable to Outfall 007 (K56-GW-28D) are set forth in the current NPDES Permit, which is attached as Exhibit H-3. The NPDES Permit has an expiration date of August 6, 2029. The NPDES Permit is renewed every five years (pursuant to the authority in 25 Pa. Code Chapter 92a) and the NPDES Permit, and the effluent limits set forth therein, may be revised in subsequent renewals of the NPDES Permit or as required by the Department. The effluent limits set forth in any subsequent renewal or revision of the NPDES Permit govern.

6. The Kent No. 56 Treatment Facility is a semi-passive treatment system that operates on a continuous gravity flow basis and is designed to treat up to 100 gpm of seepage originating from the reclaimed Kent No. 56 surface mine using a series of wetland cells. 20% sodium hydroxide, and potassium permanganate, are used as needed. The Kent 56

Treatment Facility consists of: a series of four (4) wetland cells, one (1) 250-gallon potassium permanganate aboveground storage tank, one (1) 250-gallon 20% sodium hydroxide aboveground storage tank, and one (1) outfall. Potassium permanganate and sodium hydroxide are stored on site and used infrequently on an as needed basis to achieve compliance with NPDES Permit effluent limits. Treated effluent from the Kent 56 Treatment Facility discharges through NPDES Outfall 007 to an Unnamed Tributary to Aultmans Run. A flow diagram for the Kent 56 Treatment Facility is attached as Exhibit H-4.

7. The Kent 56 Treatment Facility is situated on land owned by third parties. CMC has obtained an executed and recorded Consent to Right of Entry form from one of the third-party property owners that grants the parties hereto and the trustee, and their agents, servants, contractors and subcontractors, access to the Kent 56 Treatment Facility. A copy of the executed and recorded Consent to Right of Entry form with evidence of its recordation is attached as Exhibit H-5.

CMC has informed the Department that it has not yet obtained the signatures needed for the Consent to Right of Entry form from certain current third-party property owners where the Kent 56 Treatment Facility is located. CMC has agreed to continue to make reasonable efforts to obtain the required Consents to Right of Entry which grant the Department, the Operators, and the Trustee, and their agents, servants, contractors and subcontractors, access to the Kent 56 Treatment Facility, and if they are able to obtain same, will provide them to the Department upon receipt. In the meantime, CMC has provided a copy of an executed and recorded Contractual Consent of Landowner form which grants CMC and the Department access to the Kent 56 Treatment Facility. A copy of the executed and recorded Contractual Consent of Landowner form with evidence of recordation is attached as Exhibit H-5.

8. The estimated capital cost to construct the Kent No. 56 Treatment Facility, as calculated using AMDTreat, is \$22,784.

9. In order to calculate the amount necessary to fully fund the trust, the Department and CMC have agreed to use actual operation and maintenance costs from the past three (3) years of operation of the Kent No. 56 Treatment Facility for all operating parameters other than annual labor/contractor costs and water sampling/analysis costs. For annual labor/contractor costs and water sampling/analysis costs, the Department and CMC have agreed to use AMDTreat cost estimates. A summary of current annual operation and maintenance costs for the Kent No. 56 Treatment Facility is as follows:

Category	Total Amount
Water Sampling/Analysis	\$8,034
Labor/Contractor Costs	\$8,190
Maintenance	\$1,335
Pumping	\$0
Chemical Cost	\$815
Oxidant Chemical Cost	\$0
Sludge Removal	\$0
Miscellaneous Other Costs	\$456
Total Annual O&M Cost	\$18,830

Based on actual operation and maintenance costs from past operations and AMDTreat cost estimates, the current annual cost of operating and maintaining the Kent No. 56 Treatment Facility is \$18,830. The AMDTreat cost worksheets are attached as Exhibit H-6.

10. In order to calculate the amount necessary to fully fund the trust, the Department and CMC have agreed to use recapitalization cost data generated by AMDTreat. According to AMDTreat, the present value of recapitalization costs for the Kent No. 56

Treatment Facility is \$23,281. Attached as Exhibit H-7 is the AMD Treat Recapitalization Cost worksheet and schedule for the Kent No. 56 Treatment Facility.

11. The parties have agreed to use the cost data, assumptions and calculations set forth herein to calculate the present value of the required financial assurance for the Kent No. 56 Treatment Facility. The parties agree that the present value of the fully funded trust for the discharges treated at the Kent No. 56 Treatment Facility is \$465,354. This sum constitutes the current present value of the estimated future operation and maintenance costs; the current present value of the estimated future recapitalization costs; and the current present value of the estimated future liability insurance costs for the Kent No. 56 Treatment Facility, as shown on the Treatment Bond/Trust Calculator attached as Exhibit H-8. The parties have also agreed to use the information and figures which will be provided by the Accounting required by Paragraph 4, below to annually recalculate and adjust the amount of the fully funded trust for the Kent No. 56 Treatment Facility as described below.

W. **Kent No. 57 (Kent No. 57 Treatment Facility)**

1. Kent No. 57 is a reclaimed surface mine located in Blacklick Township, Indiana County. Kent No. 57 was originally permitted in 1990 by Rochester and Pittsburgh Coal Company. Active removal of coal ceased in the early 1990s. The permit was transferred to CMC on August 25, 2014. CMC operates and maintains the Kent No. 57 Treatment Facility which is authorized under SMP No. 32890109 and NPDES Permit No. PA0598640. The SMP has an expiration date of October 15, 2025. Surface reclamation of Kent No. 57 is complete; however, areas and facilities needed for collection and treatment of AMD remain.

2. A summary of the bonds currently posted for Kent No. 57, which will be replaced pursuant to Paragraph 6, below, is as follows:

TOTAL OBLIGATION	FINANCIAL GUARANTOR	BOND INSTRUMENT NUMBER	BOND AMOUNT
\$300,245.00	Fidelity and Deposit Company of Maryland	09154713	\$257,740.00
	Fidelity and Deposit Company of Maryland	09169270	\$42,505.00

3. A topographic map depicting the location of the point where seepage from the reclaimed Kent No. 57 surface mine is collected (“Kent 57 RW”) is attached as Exhibit I-1. The latitude and longitude coordinates for Kent 57 RW are: latitude 40° 31’ 45.59” and longitude -79° 16’ 56.84”.

4. The raw water quality data for Kent 57 RW, as available and compiled by CMC on December 6, 2022, from analytical sampling results for the period from January 7, 2019, through April 7, 2020, is set forth in Exhibit I-2.

5. NPDES Permit No. PA0598640 for Kent No. 57 contains Outfall 001 (K57-TP-2) for the Kent No. 57 Treatment Facility. The required effluent limits applicable to Outfall 001 are set forth in the current NPDES Permit which is attached as Exhibit I-3. The NPDES Permit has an expiration date of October 15, 2025. The NPDES Permit is renewed every five years (pursuant to the authority in 25 Pa. Code Chapter 92a) and the NPDES Permit, and the effluent limits set forth therein, may be revised in subsequent renewals of the NPDES Permit or as required by the Department. The effluent limits set forth in any subsequent renewal or revision of the NPDES Permit govern.

6. The Kent No. 57 Treatment Facility is a semi-passive treatment system that operates on a continuous gravity flow basis and is designed to treat up to 20 gpm of seepage originating from the reclaimed Kent No. 57 surface mine using a series of treatment and settling ponds and 20% sodium hydroxide. The Kent No. 57 Treatment Facility consists of: one (1)

treatment pond, two (2) settling ponds (Pond #2 & Pond #3), one (1) 275-gallon 20% sodium hydroxide aboveground storage tank, which is stored onsite and used on an as needed basis to achieve compliance with NPDES Permit effluent limits, and one (1) outfall. The seepage is collected in a cut-off channel and directed through a pipe into the treatment pond and then gravity flows through grass lined ditches to Ponds #2 and #3. Treated effluent discharges from the Kent No. 57 Treatment Facility to Aultmans Run at NPDES Outfall 001. A flow diagram for the Kent No. 57 Treatment Facility is attached as Exhibit I-4.

7. The Kent No. 57 Treatment Facility is situated on land owned by a third party. CMC has obtained an, executed and recorded Consent to Right of Entry form from the third-party property owner that grants the parties hereto and the trustee, and their agents, servants, contractors and subcontractors, access to the Kent No. 57 Treatment Facility. A copy of the executed and recorded Consent to Right of Entry form with evidence of its recordation is attached as Exhibit I-5.

8. The estimated capital cost to construct the Kent No. 57 Treatment Facility, as calculated using AMDTreat, is \$27,666.

9. In order to calculate the amount necessary to fully fund the trust, the Department and CMC have agreed to use actual operation and maintenance costs from the past three (3) years of operation of the Kent No. 57 Treatment Facility for all operating parameters other than annual labor/contractor costs and water sampling/analysis costs. For annual labor/contractor costs and water sampling/analysis costs, the Department and CMC have agreed to use AMDTreat cost estimates. A summary of current annual operation and maintenance costs for the Kent No. 57 Treatment Facility is as follows:

Category	Total Amount
Water Sampling/Analysis	\$4,061
Labor/Contractor Costs	\$9,555
Maintenance	\$3,705
Pumping	\$0
Chemical Cost	\$865
Oxidant Chemical Cost	\$0
Sludge Removal	\$0
Miscellaneous Other Costs	\$553
Total Annual O&M Cost	\$18,739

Based on actual operation and maintenance costs from past operations and AMDTreat cost estimates, the current annual cost of operating and maintaining the Kent No. 57 Treatment Facility is \$18,739. The AMDTreat cost worksheets are attached as Exhibit I-6.

10. In order to calculate the amount necessary to fully fund the trust, the Department and CMC have agreed to use recapitalization cost data generated by AMDTreat. According to AMDTreat, the present value of recapitalization costs for the Kent No. 57 Treatment Facility is \$25,254. Attached as Exhibit I-7 is the AMDTreat Recapitalization Cost worksheet and schedule for the Kent No. 57 Treatment Facility.

11. The parties have agreed to use the cost data, assumptions and calculations set forth herein to calculate the present value of the required financial assurance for Kent No. 57. The parties agree that the present value of the fully funded trust for the discharges treated at the Kent No. 57 Treatment Facility is \$465,253. This sum constitutes the current present value of the estimated future operation and maintenance costs; the current present value of the estimated future recapitalization costs; and the current present value of the estimated future liability insurance costs for the Kent No. 57 Treatment Facility, as shown on the Treatment Bond/Trust

Calculator attached as Exhibit I-8. The parties have also agreed to use the information and figures which will be provided by the Accounting required by Paragraph 4, below to annually recalculate and adjust the amount of the fully funded trust for the Kent No. 57 Treatment Facility as described below.

X. Iselin #10 Mine (Iselin 10 Treatment Facility)

1. The Iselin #10 Mine (“Iselin 10”) is a reclaimed surface mine located in Kiskiminetas Township, Armstrong County and Young Township, Indiana County. Iselin 10 was originally permitted by Kent Coal Mining Company in 1980, and the permit was transferred to CMC in 2014. CMC operates and maintains the Iselin 10 Treatment Facility which is authorized under SMP No. 03793072 and NPDES Permit No. PA061237. The CMAP has an expiration date of October 22, 2024. Surface reclamation is complete; however, areas and facilities needed for collection and treatment of AMD remain.

2. A summary of the bonds currently posted for Iselin 10, which will be adjusted and replaced pursuant to Paragraph 6, below, is as follows:

TOTAL OBLIGATION	FINANCIAL GUARANTOR	BOND INSTRUMENT NUMBER	BOND AMOUNT
\$2,906,543.84	Fidelity and Deposit Company of Maryland	09154724	\$2,906,543.84

3. A topographic map depicting the location of the point where seepage from the reclaimed Iselin 10 surface mine is collected (“Iselin 10 RW”) is attached as Exhibit J-1. The latitude and longitude coordinates for Iselin 10 RW are: latitude 40° 33’ 48.03” and longitude - 79° 25’ 07.59”.

4. The raw water quality data for Iselin 10 RW, as available and compiled by CMC on December 6, 2022, from analytical sampling results for the period from August 3, 2017, through September 20, 2022, is set forth in Exhibit J-2.

5. NPDES Permit No. PA061237 for Iselin 10 contains Outfalls 012 (SP-15) and 013 (MS-57) for the Iselin 10 Treatment Facility. The required effluent limits applicable to Outfalls 012 and 013 are set forth in the current NPDES Permit which is attached as Exhibit J-3. The NPDES Permit has an expiration date of October 22, 2024. The NPDES Permit is renewed every five years (pursuant to the authority in 25 Pa. Code Chapter 92a) and the NPDES Permit, and the effluent limits set forth therein, may be revised in subsequent renewals of the NPDES Permit or as required by the Department. The effluent limits set forth in any subsequent renewal or revision of the NPDES Permit govern.

6. The Iselin 10 Treatment Facility is a semi-passive treatment system that operates on a continuous gravity flow basis and is designed to treat up to 300 gpm of seepage originating from the reclaimed Iselin 10 surface mine using wetland cells, anoxic drains, mechanical aeration, 20% sodium hydroxide, mixing and settling. The Iselin 10 Treatment Facility consists of: two (2) rock water collection systems, two (2) collection ponds (RS-1 and LS-1), seven (7) wetland cells (RS-2 through RS-5 and LS-2 through LS-4), one (1) Active Pond (Pond L), one (1) 5 hp floating aerator, two (2) 25 hp centrifugal pumps, one (1) pump building, one (1) 5,000 gallon 20% sodium hydroxide aboveground storage tank, two (2) sodium hydroxide metering pumps, one (1) caustic tank building, four (4) settling/polishing ponds (US-1 through US-4), one (1) 3.7 hp pump, one (1) sludge injection borehole, one (1) emergency polishing pond, and two (2) outfalls. The water is directed through the collection ponds into a series of wetland cells and into Active Pond L, where it is subsequently transferred to Pond US-1

using two (2) 25 hp pumps. Sodium hydroxide is applied before the water enters the settling ponds. Treated effluent from the Iselin 10 Treatment Facility discharges to Big Run at NPDES Outfall 013. Although discharge from Pond L through an emergency polishing pond to an Unnamed Tributary to Big Run is permitted at NPDES Outfall 012, no discharge typically occurs at this outfall due to the pump transfer system. However, the outfall remains in the NPDES Permit in the event discharge is required in case of emergency or major repairs to the treatment system. A flow diagram for the Iselin 10 Treatment Facility is attached as Exhibit J-4.

7. The Iselin 10 Treatment Facility is situated on land owned by CNX and other third parties. CMC has obtained an executed and recorded Consent to Right of Entry form from a third-party property owner that grants the parties hereto and the trustee, and their agents, servants, contractors and subcontractors, access to the Iselin 10 Treatment Facility. A copy of the executed and recorded Consent to Right of Entry form with evidence of its recordation is attached as Exhibit J-5.

CMC has informed the Department that it has not yet been able to obtain the signatures needed for the Consent to Right of Entry forms from certain current property owners where the Iselin 10 Treatment Facility is located. CMC has agreed to continue to make reasonable efforts to obtain the required Consents to Right of Entry which grant the Department, the Operators, and the Trustee, and their agents, servants, contractors and subcontractors, access to the Iselin 10 Treatment Facility, and if they are able to obtain same, will provide them to the Department upon receipt.

8. The estimated capital cost to construct the Iselin 10 Treatment Facility, as calculated using AMDTreat, is \$398,381.

9. In order to calculate the amount necessary to fully fund the trust, the Department and CMC have agreed to use actual operation and maintenance costs from the past three (3) years of operation of the Iselin 10 Treatment Facility for all operating parameters other than annual labor/contractor costs and water sampling/analysis costs. For annual labor/contractor costs and water sampling/analysis costs, the Department and CMC have agreed to use AMDTreat cost estimates. A summary of current annual operation and maintenance costs for the Iselin 10 Treatment Facility is as follows:

Category	Total Amount
Water Sampling/Analysis	\$7,196
Labor/Contractor Costs	\$33,761
Maintenance	\$3,018
Pumping	\$6,141
Chemical Cost	\$7,054
Oxidant Chemical Cost	\$0
Sludge Removal	\$59
Miscellaneous Other Costs	\$7,968
Total Annual O&M Cost	\$65,197

Based on actual operation and maintenance costs from past operations and AMDTreat cost estimates, the current annual cost of operating and maintaining the Iselin 10 Treatment Facility is \$65,197. The AMDTreat cost worksheets are attached as Exhibit J-6.

10. In order to calculate the amount necessary to fully fund the trust, the Department and CMC have agreed to use recapitalization cost data generated by AMD. According to AMDTreat, the present value of recapitalization costs for the Iselin 10 Treatment Facility is \$209,734. Attached as Exhibit J-7 is the AMDTreat Recapitalization Cost worksheet and schedule for the Iselin 10 Treatment Facility.

11. The parties have agreed to use the cost data, assumptions and calculations set forth herein to calculate the present value of the required financial assurance for the Iselin 10 Treatment Facility. The parties agree that the present value of the fully funded trust for the discharges treated at the Iselin 10 Treatment Facility is \$1,743,344. This sum constitutes the current present value of the estimated future operation and maintenance costs; the current present value of the estimated future recapitalization costs; and the current present value of the estimated future liability insurance costs for the Iselin 10 Treatment Facility, as shown on the Treatment Bond/Trust Calculator attached as Exhibit J-8. The parties have also agreed to use the information and figures which will be provided by the Accounting required by Paragraph 4, below to annually recalculate and adjust the amount of the fully funded trust for the Iselin 10 Treatment Facility as described below.

Y. **Keystone No. 1 CRDA (Keystone No. 1 CRDA Treatment Facility)**

1. The Keystone No. 1 CRDA is a reclaimed CRDA located in Plumcreek Township, Armstrong County. The Keystone No. 1 CRDA was originally permitted by KCMC in 1995, and the permit was transferred from KCMC to CMC on May 27, 2014. CMC operates and maintains the Keystone No. 1 CRDA Treatment Facility which is authorized under CRDP No. 03813704 and NPDES Permit No. PA0002283. The CRDP has an expiration date of June 28, 2015; however, it is considered administratively renewed under Section 86.55 of the Department's regulations, 25 Pa. Code § 86.55, because CMC submitted timely permit renewal applications to the Department on December 12, 2014, and August 21, 2020, which are currently under review. The surface of Keystone No. 1 CRDA has been reclaimed; however, areas and facilities needed for collection and treatment of AMD remain.

2. A summary of the bonds currently posted for the Keystone No. 1 CRDA, which will be replaced which will be replaced pursuant to Paragraph 6, below, is as follows:

TOTAL OBLIGATION	FINANCIAL GUARANTOR	BOND INSTRUMENT NUMBER	BOND AMOUNT
\$290,244.93	Argonaut Insurance Company	SUR0022675	\$290,244.93

3. A topographic map depicting the location of the point where seepage from the reclaimed Keystone No. 1 CRDA is collected (“Keystone No. 1 RW”) is attached as Exhibit K-1. The latitude and longitude coordinates for Keystone No. 1 RW are: latitude 40° 42’ 08.66” and longitude -79° 22’ 48.22”

4. The raw water quality data for Keystone No. 1 RW, as available and compiled by CMC on December 6, 2022, from analytical sampling results for the period from July 26, 2017, through August 9, 2022, is attached as Exhibit K-2.

5. NPDES Permit No. PA0002283 for Keystone No. 1 CRDA contains Outfall 001 for the Keystone No. 1 CRDA Treatment Facility. The required effluent limits applicable to Outfall 001 are set forth in the current NPDES Permit which is attached as Exhibit K-3. The NPDES Permit has an expiration date of June 28, 2010; however, it is automatically continued under Section 92a.7(b) of the Department’s regulations, 25 Pa. Code § 92a.7(b), because CMC submitted a timely permit renewal applications to the Department on December 8, 2009, December 12, 2014 and August 21, 2020, which are currently under review. This Permit is renewed every five years (pursuant to the authority in 25 Pa. Code Chapter 92a) and the NPDES Permit, and the effluent limits set forth therein, may be revised in subsequent renewals of the NPDES Permit or as required by the Department. The effluent limits set forth in any subsequent renewal or revision of the NPDES Permit govern.

6. The Keystone No. 1 CRDA Treatment Facility is a semi-passive treatment system that operates on a continuous gravity flow basis and is designed to treat up to 50 gpm of seepage originating from the reclaimed Keystone No. 1 CRDA using an anoxic drain, 20% sodium hydroxide, and settling. The Keystone No. 1 CRDA Treatment Facility consists of: one (1) anoxic drain, one (1) settling pond, and two (2) 330-gallon 20% sodium hydroxide aboveground storage tanks, and one (1) outfall. Seepage is collected in an anoxic drain and then directed to a settling pond where 20% sodium hydroxide is introduced. Treated effluent from the Keystone No. 1 CRDA Treatment Facility discharges to an Unnamed Tributary to Cherry Run at NPDES Outfall 001. A flow diagram for the Keystone No. 1 CRDA Treatment Facility is attached as Exhibit K-4.

7. The Keystone No. 1 CRDA Facility is situated on land owned by CMC. CMC has executed and recorded a Consent to Right of Entry form that grants the parties hereto and the trustee, and their agents, servants, contractors and subcontractors, access to the Keystone No. 1 CRDA Treatment Facility. A copy of the executed and recorded Consent to Right of Entry form with evidence of its recordation is attached as Exhibit K-5.

8. The estimated capital cost to construct the Keystone No. 1 CRDA Treatment Facility, as calculated using AMDTreat, is \$33,059.

9. In order to calculate the amount necessary to fully fund the trust, the Department and CMC have agreed to use actual operation and maintenance costs from the past three (3) years of operation of the Keystone No. 1 CRDA Treatment Facility for all operating parameters other than annual labor/contractor costs and water sampling/analysis costs. For annual labor/contractor costs and water sampling/analysis costs, the Department and CMC have

agreed to use AMDTreat cost estimates. A summary of current annual operation and maintenance costs for the Keystone No. 1 CRDA Treatment Facility is as follows:

Category	Total Amount
Water Sampling/Analysis	\$4,459
Labor/Contractor Costs	\$13,650
Maintenance	\$2,303
Pumping	\$0
Chemical Cost	\$1,383
Oxidant Chemical Cost	\$0
Sludge Removal	\$0
Miscellaneous Other Costs	\$661
Total Annual O&M Cost	\$22,456

Based on actual operation and maintenance costs from past operations and AMDTreat cost estimates, the current annual cost of operating and maintaining the Keystone No. 1 CRDA Treatment Facility is \$22,456. The AMDTreat cost worksheets are attached as Exhibit K-6.

10. In order to calculate the amount necessary to fully fund the trust, the Department and CMC have agreed to use recapitalization cost data generated by AMDTreat. According to AMDTreat, the present value of recapitalization costs for the Keystone No. 1 CRDA Treatment Facility is \$16,976. Attached as Exhibit K-7 is the AMDTreat Recapitalization Cost worksheet and schedule for the Keystone No. 1 CRDA Treatment Facility.

11. The parties have agreed to use the cost data, assumptions and calculations set forth herein to calculate the present value of the required financial assurance for the Keystone No. 1 CRDA Treatment Facility. The parties agree that the present value of the fully funded trust for the discharges treated at the Keystone No. 1 CRDA Treatment Facility is \$543,942. This sum constitutes the current present value of the estimated future operation and maintenance

costs; the current present value of the estimated future recapitalization costs; and the current present value of the estimated future liability insurance costs for the Keystone No. 1 CRDA Treatment Facility, as shown on the Treatment Bond/Trust Calculator attached as Exhibit K-8. The parties have also agreed to use the information and figures which will be provided by the Accounting required by Paragraph 4, below to annually recalculate and adjust the amount of the fully funded trust for the Keystone No. 1 CRDA Treatment Facility as described below.

Z. Lucerne 2 Mine (Lucerne 2 Treatment Facility)

1. The Lucerne 2 Mine (“Lucerne 2”) is a reclaimed surface mine located in Center Township, Indiana County. Lucerne 2 was originally permitted KCMC in 1995, and the permit was transferred to CMC on August 25, 2014. CMC operates and maintains the Lucerne 2 Treatment Facility which is authorized under SMP No. 32940105 and NPDES Permit No. PA0212806. The SMP has an expiration date of May 9, 2025. Surface reclamation of Lucerne 2 has been completed; however, areas and facilities needed for collection and treatment of AMD remain.

2. A summary of the bonds currently posted for the Lucerne 2 Mine, which will be replaced pursuant to Paragraph 6, below, is as follows:

TOTAL OBLIGATION	FINANCIAL GUARANTOR	BOND INSTRUMENT NUMBER	BOND AMOUNT
\$278,997.00	Fidelity and Deposit Company of Maryland	09154714	\$278,996.68

3. A topographic map depicting the location of the point where seepage from the reclaimed Lucerne 2 Mine is collected (“Lucerne 2 RW”) is attached as Exhibit L-1. The latitude and longitude coordinates for Monitoring Point Lucerne 2 RW are: latitude 40° 33’ 03.85” and longitude -79° 07’ 39.02”.

4. The raw water quality data for Lucerne 2 RW, as available and compiled by CMC on December 6, 2022, from analytical sampling results for the period from August 3, 2017, through February 18, 2019, is set forth in Exhibit L-2.

5. NPDES Permit No. PA0212806 for Lucerne 2 contains Outfall 009 (HU#1(F)) for the Lucerne 2 Treatment Facility. The required effluent limits applicable to Outfall 009 are set forth in the current NPDES Permit in which is attached as Exhibit L-3. The NPDES Permit has an expiration date of May 9, 2025. The NPDES Permit is renewed every five years (pursuant to the authority in 25 Pa. Code Chapter 92a) and the NPDES Permit, and the effluent limits set forth therein, may be revised in subsequent renewals of the NPDES Permit or as required by the Department. The effluent limits set forth in any subsequent renewal or revision of the NPDES Permit govern.

6. The Lucerne 2 Treatment Facility is a passive treatment system that operates on a continuous gravity flow basis, requires no chemical treatment, and is designed to treat up to 5 gpm of flow originating from the reclaimed Lucerne No. 2 surface mine using a vertical flow pond, aerobic wetlands, a rock filter and settling. The Lucerne 2 Treatment Facility consists of: one (1) collection cell, one (1) vertical reactor, one (1) settling pond (L-2), one (1) rock filter and one (1) outfall. Flows ranging from 0 to 4 gpm are collected within the collection cell and conveyed through a collection cell ditch to a vertical reactor flow pond and then to a settling pond and a rock filter for treatment purposes. Treated effluent from the Lucerne No. 2 Treatment Facility discharges to an Unnamed Tributary to Yellow Creek at NPDES Outfall 009 (HU#1(F)). A flow diagram for the Lucerne 2 Treatment Facility is attached as Exhibit L-4.

7. The Lucerne 2 Treatment Facility is situated on land owned by third parties. CMC has obtained an executed and recorded a Consent to Right of Entry form from a third-party property owner that grants the parties hereto and the trustee, and their agents, servants, contractors and subcontractors, access to the Lucerne 2 Treatment Facility. A copy of the executed and recorded Consent to Right of Entry form with evidence of its recordation is attached as Exhibit L-5.

CMC has informed the Department that it has not yet been able to obtain the signatures needed for the Consent to Right of Entry form from certain current property owners where the Lucerne 2 Treatment Facility is located. CMC has agreed to continue to make reasonable efforts to obtain the required Consent to Right of Entry which grants the Department, the Operators, and the Trustee, and their agents, servants, contractors and subcontractors, access to the Lucerne 2 Treatment Facility, and if they are able to obtain same, will provide it to the Department upon receipt.

8. The estimated capital cost to construct the Lucerne 2 Treatment Facility, as calculated using AMDTreat , is \$47,785.

9. In order to calculate the amount necessary to fully fund the trust, the Department and CMC have agreed to use actual operation and maintenance costs from the past three (3) years of operation of the Lucerne 2 Treatment Facility for all operating parameters other than annual labor/contractor costs and water sampling/analysis costs. For annual labor/contractor costs and water sampling/analysis costs, the Department and CMC have agreed to use AMDTreat cost estimates. A summary of current annual operation and maintenance costs for the Lucerne 2 Treatment Facility is as follows:

Category	Total Amount
Water Sampling	\$4,673
Labor/Contractor Costs	\$4,550
Maintenance	\$1,931
Pumping	\$0
Chemical Cost	\$0
Oxidant Chemical Cost	\$0
Sludge Removal	\$0
Miscellaneous Other Costs	\$956
Total Annual O&M Cost	\$12,110

Based on actual operation and maintenance costs from past operations and AMDTreat cost estimates, the current annual cost of operating and maintaining the Lucerne 2 Treatment Facility is \$12,110. The AMDTreat cost worksheets are attached as Exhibit L-6.

10. In order to calculate the amount necessary to fully fund the trust, the Department and CMC have agreed to use recapitalization cost data generated by AMDTreat. According to AMDTreat, the present value of recapitalization costs for the Lucerne 2 Treatment Facility is \$37,724. Attached as Exhibit L-7 is the AMDTreat Recapitalization Cost worksheet schedule for the Lucerne 2 Treatment Facility.

11. The parties have agreed to use the cost data, assumptions and calculations set forth herein to calculate the present value of the required financial assurance for the Lucerne 2 Treatment Facility. The parties agree that the present value of the fully funded trust for the discharges treated at the Lucerne 2 Treatment Facility is \$322,550. This sum constitutes the current present value of the estimated future operation and maintenance costs; the current present value of the estimated future recapitalization costs; and the current present value of the estimated future liability insurance costs for the Lucerne 2 Treatment Facility, as shown on the Treatment

Bond/Trust Calculator attached as Exhibit L-8. The parties have also agreed to use the information and figures which will be provided by the Accounting required by Paragraph 4, below to annually recalculate and adjust the amount of the fully funded trust for the Lucerne 2 Treatment Facility as described below.

AA. **Wilson 7 Mine (Wilson 7 Treatment Facility)**

1. The Wilson 7 Mine ("Wilson 7") is a reclaimed surface mine located in Winslow Township, Jefferson County. Wilson 7 was originally permitted by Sugar Hill Limestone Company in 1985, and the permit was transferred to CMC on April 9, 2014. CMC operates and maintains the Wilson 7 Treatment Facility which is authorized under SMP No. 33723006 and NPDES Permit No. PA0603406. The SMP has an expiration date of June 30, 2025. Surface reclamation of Wilson 7 is complete; however, areas and facilities needed for collection and treatment of AMD remain.

2. A summary of the bonds currently posted for the Wilson 7 Mine, which will be replaced pursuant to Paragraph 6, below, is as follows:

TOTAL OBLIGATION	FINANCIAL GUARANTOR	BOND INSTRUMENT NUMBER	BOND AMOUNT
\$241,590.46	Argonaut Insurance Company	SUR0022671	\$241,590.46

3. A topographic map depicting the location of the point where seepage is collected from the reclaimed Wilson 7 surface mine ("Wilson 7 RW") is attached as Exhibit M-1. The latitude and longitude coordinates for Wilson 7 RW are: latitude 41° 04' 34.96" and longitude -78° 50' 41.47".

4. The raw water quality data for Wilson 7 RW, as available and compiled by CMC on December 6, 2022, from analytical sampling results for the period from July 27, 2017, through October 4, 2022, is attached as Exhibit M-2.

5. NPDES Permit No. PA0603406 for Wilson 7 contains Outfall SP-6 for the Wilson 7 Treatment Facility. The required effluent limits applicable to Outfall SP-6 are set forth in the current NPDES Permit in which is attached as Exhibit M-3. The NPDES Permit has an expiration date of June 30, 2025. The NPDES Permit is renewed every five years (pursuant to the authority in 25 Pa. Code Chapter 92a), and the NPDES Permit, and the effluent limits set forth therein, may be revised in subsequent renewals of the NPDES Permit or as required by the Department. The effluent limits set forth in any subsequent renewal or revision of the NPDES Permit govern.

6. The Wilson 7 Treatment Facility is a passive treatment system that operates on a continuous gravity flow basis and is designed to treat up to 50 gpm of seepage originating from the reclaimed Wilson 7 surface mine using a limestone drain, treatment basins and settling. The Wilson 7 Treatment Facility consists of: one (1) anoxic limestone drain, two (2) treatment basins (TP1 and TP2), and two (2) settling treatment ponds (L-1 and L-2), and one (1) outfall. Seepage is directed into the anoxic limestone drain for passive treatment. After passing through the anoxic drain, the water gravity flows into either two treatment basins for additional treatment and then into a series of ponds for settling or directly into the settling ponds. Treated effluent from the Wilson 7 Treatment Facility discharges to an Unnamed Tributary to Soldier Run at NPDES Outfall SP-6. A flow diagram for the Wilson 7 Treatment Facility is attached as Exhibit M-4.

7. The Wilson 7 Treatment Facility is situated on land owned by third parties. CMC has obtained an executed and recorded Consent to Right of Entry form from a third-party property owner that grants the parties hereto and the trustee, and their agents, servants, contractors and subcontractors, access to the Wilson 7 Treatment Facility. A copy of the executed and recorded Consent to Right of Entry form with evidence of its recordation is attached as Exhibit M-5.

CMC has informed the Department that it has not yet obtained the signatures needed for the Consent to Right of Entry form from certain current third-party property owners where the Wilson 7 Treatment Facility is located. CMC has agreed to continue to make reasonable efforts to obtain the required Consent to Right of Entry which grants the Department, the Operators, and the Trustee, and their agents, servants, contractors and subcontractors, access to the Wilson 7 Treatment Facility, and if they are able to obtain same, will provide them to the Department upon receipt. In the meantime, CMC has provided copies of executed and recorded Contractual Consent of Landowner forms which grant CMC and the Department access to the Wilson 7 Treatment Facility. Copies of the executed and recorded Contractual Consent of Landowner forms with evidence of recordation are attached as Exhibit M-5.

8. The estimated capital cost to construct the Wilson 7 Treatment Facility, as calculated using AMDTreat, is \$124,376.

9. In order to calculate the amount necessary to fully fund the trust, the Department and CMC have agreed to use actual operation and maintenance costs from the past three (3) years of operation of the Wilson 7 Treatment Facility for all operating parameters other than annual labor/contractor costs and water sampling/analysis costs. For annual labor/contractor costs and water sampling/analysis costs, the Department and CMC have agreed to use

AMDTreat cost estimates. A summary of current annual operation and maintenance costs for the Wilson 7 Treatment Facility is as follows:

Category	Total Amount
Water Sampling/Analysis	\$14,618
Labor/Contractor Costs	\$3,003
Maintenance	\$2,220
Pumping	\$0
Chemical Cost	\$0
Oxidant Chemical Cost	\$0
Sludge Removal	\$0
Miscellaneous Other Costs	\$2,506
Total Annual O&M Cost	\$22,347

Based on actual operation and maintenance costs from past operations and AMDTreat cost estimates, the current annual cost of operating and maintaining the Wilson 7 Treatment Facility is \$22,347. The AMDTreat cost worksheets are attached as Exhibit M-6.

10. In order to calculate the amount necessary to fully fund the trust, the Department and CMC have agreed to use recapitalization cost data generated by AMDTreat. According to AMDTreat, the present value of recapitalization costs for the Wilson 7 Treatment Facility is \$63,224. Attached as Exhibit M-7 is the AMDTreat Recapitalization Cost worksheet and schedule for the Wilson 7 Treatment Facility.

11. The parties have agreed to use the cost data, assumptions and calculations set forth herein to calculate the present value of the required financial assurance for the Wilson 7 Treatment Facility. The parties agree that the present value of the fully funded trust for the discharges treated at the Wilson 7 Treatment Facility is \$588,679. This sum constitutes the current present value of the estimated future operation and maintenance costs; the current present

value of the estimated future recapitalization costs and the current present value of the estimated future liability insurance costs for the Wilson 7 Treatment Facility, as shown on the Treatment Bond/Trust Calculator attached as Exhibit M-8. The parties have also agreed to use the information and figures which will be provided by the Accounting required by Paragraph 4, below to annually recalculate and adjust the amount of the fully funded trust for the Wilson 7 Treatment Facility as described below.

BB. Hutchinson AMD Plant

1. The Hutchinson AMD Plant (“Hutchinson”) is associated with the reclaimed Hutchinson CRDA located in Sewickley Township, Westmoreland County. Hutchinson is one of the sites addressed in the 2009 Multisite Treatment Bonding CO&A, which is discussed in Paragraph K, above. Hutchinson was originally permitted by CCC in 1988. The permit was transferred to CMC on May 28, 2014 and is approved for post-mining water treatment and stream encroachment. CMC operates Hutchinson, which is authorized under CMAP No. 65130702 and NPDES Permit No. PA0214116. The CMAP has an expiration date of December 28, 2018; however, it is considered administratively renewed under Section 86.55 of the Department’s regulations, 25 Pa. Code § 86.55, because CMC submitted a timely permit renewal application to the Department on June 27, 2018, which is currently under review. Surface reclamation of Hutchinson CRDA has been completed; however, areas and facilities needed for collection and treatment of AMD remain.

2. A summary of the bonds currently posted for Hutchinson, which will be adjusted pursuant to Paragraph 6, below, is as follows:

TOTAL OBLIGATION	FINANCIAL GUARANTOR	BOND INSTRUMENT NUMBER	BOND AMOUNT
\$2,693,896.00	Fidelity and Deposit Company of Maryland	09154702	\$2,693,896.00

3. A topographic map depicting the location of the point where seeps from the reclaimed Hutchinson CRDA are collected (“HUA02”) is attached as Exhibit N-1. The latitude and longitude coordinates for HUA02 are: latitude 40° 13’ 07.96” and longitude -79° 44’ 04.10”.

4. The raw water quality data for HUA02, as available and compiled by CMC on December 6, 2022, from analytical sampling results for the period from December 10, 2018, through March 16, 2020, are set forth in Exhibit N-2.

5. NPDES Permit No. PA0214116 for Hutchinson contains Outfall 001 for the Hutchison AMD Plant. The required effluent limits applicable to Outfall 001 are set forth in the current NPDES Permit which is attached as Exhibit N-3. The NPDES Permit has an expiration date of December 28, 2013; however, it is automatically continued under Section 92a.7(b) of the Departments regulations, 25 Pa. Code § 92a.7(b), because CMC submitted timely permit renewal applications to the Department on June 27, 2013, June 27, 2018, and June 8, 2023. The most recent permit renewal application is currently under review. The NPDES Permit is renewed every five years (pursuant to the authority in 25 Pa. Code Chapter 92a) and the NPDES Permit, and the effluent limits set forth therein, may be revised in subsequent renewals of the NPDES Permit or as required by the Department. The effluent limits set forth in any subsequent renewal or revision of the NPDES Permit govern.

6. The Hutchinson AMD Plant is an active treatment system that operates continuously and is designed to treat up to 600 gpm of surface seepage from the reclaimed

Hutchinson CRDA using mechanical aeration, hydrated lime, a limestone rock filter and settling. The Hutchinson AMD Plant consists of: one (1) collection sump/pump station, two (2) 25 hp vertical turbine pumps, one (1) control building, one (1) surge pond, one (1) 50 ton lime silo, one (1) 3" variable speed screw feeder and 2 hp process pump, one (1) aeration basin, one (1) 25 hp floating aerator, one (1) settling pond, one (1) limestone rock filter, one (1) sludge pond utilized as a sludge disposal area, and one (1) outfall. Seepage originating from the reclaimed Hutchinson CRDA is collected and conveyed to a collection sump, where it is pumped via two (2) vertical turbine pumps to a surge pond. Hydrated lime is applied while the water gravity flows from the surge pond to the aeration basin. After aeration, the treated water gravity flows to a settling pond. The settling pond effluent gravity flows down a conveyance ditch to a rock channel containing a limestone filter used for additional passive treatment. At the terminal end of the limestone rock filter channel, treated effluent from the Hutchinson AMD Plant discharges to Sewickley Creek at NPDES Outfall 001. A flow diagram for the Hutchinson AMD Plant is attached as Exhibit N-4.

7. The Hutchinson AMD Plant is situated on land owned by CMC. CMC has executed and recorded a Consent to Right of Entry form that grants the parties hereto and the trustee, and their agents, servants, contractors and subcontractors, access to the Hutchinson AMD Plant. A copy of the executed and recorded Consent to Right of Entry form with evidence of its recordation is attached as Exhibit N-5.

8. The estimated capital cost to construct the Hutchinson AMD Plant, as calculated using AMDTreat, is \$973,301.

9. In order to calculate the amount necessary to fully fund the trust, the Department and CMC have agreed to use actual operation and maintenance costs from the past

three (3) years of operation of the Hutchinson AMD Plant for all operating parameters other than annual labor/contractor costs and water sampling/analysis costs. For annual labor/contractor costs and water sampling/analysis costs, the Department and CMC have agreed to use AMDTreat cost estimates. A summary of current annual operation and maintenance costs for the Hutchinson AMD Plant is as follows:

Category	Total Amount
Water Sampling/Analysis	\$6,823
Labor/Contractor Costs	\$4,550
Maintenance	\$11,795
Pumping	\$11,130
Chemical Cost	\$4,431
Oxidant Chemical Cost	\$0
Sludge Removal	\$0
Miscellaneous Other Costs	\$19,466
Total Annual O&M Cost	\$58,195

Based on actual operation and maintenance costs from past operations and AMDTreat cost estimates, the current annual cost of operating and maintaining the Hutchinson AMD Plant is \$58,195. The AMDTreat cost worksheets are attached as Exhibit N-6.

10. In order to calculate the amount necessary to fully fund the trust, the Department and CMC have agreed to use recapitalization cost data generated by AMDTreat. According to AMDTreat, the present value of recapitalization costs for the Hutchinson AMD Plant is \$393,022. Attached as Exhibit N-7 is the AMDTreat Recapitalization Cost worksheet and schedule for the Hutchinson AMD Plant.

11. The parties have agreed to use the cost data, assumptions and calculations set forth herein to calculate the present value of the required financial assurance for the

Hutchinson AMD Plant. The parties agree that the present value of the fully funded trust for the discharges treated at the Hutchinson AMD Plant is \$1,766,652. This sum constitutes the current present value of the estimated future operation and maintenance costs; the current present value of the estimated future recapitalization costs; and the current present value of the estimated future liability insurance costs for the Hutchinson AMD Plant, as shown on the Treatment Bond/Trust Calculator attached as Exhibit N-8. The parties have also agreed to use the information and figures which will be provided by the Accounting required by Paragraph 4, below to annually recalculate and adjust the amount of the fully funded trust for the Hutchinson AMD Plant as described below.

CC. **Iselin No. 11 Mine (Iselin No. 11 Treatment Facility)**

1. Iselin No. 11 ("Iselin No. 11") is a reclaimed surface mine located in Young Township, Indiana County. The permit was originally issued in 1979 to Rochester and Pittsburgh Coal Company. The permit was transferred to CMC on August 25, 2014 and is approved for reclamation only. CMC operates and maintains the Iselin No. 11 Treatment Facility which is authorized under SMP No. 3279103 and NPDES Permit No. PA0079791. The SMP has an expiration date of January 16, 2026. Surface reclamation of Iselin No. 11 is complete; however, areas and facilities needed for collection and treatment of AMD remain.

2. A summary of the bonds currently posted for Iselin No. 11, which will be replaced pursuant to Paragraph 6, below, is as follows:

TOTAL OBLIGATION	FINANCIAL GUARANTOR	BOND INSTRUMENT NUMBER	BOND AMOUNT
\$532,045.00	Fidelity and Deposit Company of Maryland	09154715	\$455,814.00
	Indemnity National Insurance Company	N7003620	\$76,231.00

3. A topographic map depicting the location of the point where the reclaimed Iselin No. 11 toe of slope seeps are collected (“Iselin 11 RW”) is attached as Exhibit O-1. The latitude and longitude coordinates for Iselin 11 RW are: latitude 40° 33’ 54.71” and longitude - 79° 24’ 45.59”

4. The raw water quality data for Iselin 11 RW, as available and compiled by CMC on December 6, 2022, from analytical sampling results for the period from August 3, 2017, through August 10, 2022, is set forth in Exhibit O-2.

5. NPDES Permit No. PA0079791 for Iselin No. 11 contains Outfall 001 for the Iselin No. 11 Treatment Facility. The required effluent limits applicable to Outfall 001 are set forth in the current NPDES Permit which is attached as Exhibit O-3. The NPDES Permit has an expiration date of January 16, 2026. The NPDES Permit is renewed every five years (pursuant to the authority in 25 Pa. Code Chapter 92a) and the NPDES Permit, and the effluent limits set forth therein, may be revised in subsequent renewals of the NPDES Permit or as required by the Department. The effluent limits set forth in any subsequent renewal or revision of the NPDES Permit govern.

6. The Iselin No. 11 Treatment Facility is a semi-passive treatment system that operates continuously and is designed to treat up to 25 gpm of seepage originating along the toe of the reclaimed Iselin No. 11 surface mine using an oxidizer (potassium permanganate and

20% sodium hydroxide) and settling. The Iselin No. 11 Treatment Facility consists of: one (1) seepage collection cell, one (1) 275 gallon 20% sodium hydroxide aboveground storage tank, one (1) treatment cell, one (1) 275 gallon potassium permanganate aboveground storage tank, (1) sediment pond (Pond C), and one (1) outfall. Seepage from the toe of slope is collected in a trench and sodium hydroxide is added before the water is directed to a treatment cell. Potassium permanganate is then added before the water gravity flows to Sediment Pond C. Treated effluent from Sediment Pond C discharges to Big Run through NPDES Outfall 001. A flow diagram for the Iselin No. 11 Treatment Facility is attached as Exhibit O-4.

7. The Iselin No. 11 Treatment Facility is situated on land owned by a third party. CMC has obtained an executed and recorded Consent to Right of Entry form from the third-party property owner that grants the parties hereto and the trustee, and their agents, servants, contractors and subcontractors, access to the Iselin No. 11 Treatment Facility. A copy of the executed and recorded Consent to Right of Entry form with evidence of its recordation is attached as Exhibit O-5.

8. The estimated capital cost to construct the Iselin No. 11 Treatment Facility, as calculated using the AMDTreat computer software tool of the Department of Interior, Office of Surface Mining and Reclamation and Enforcement, is \$55,837.

9. In order to calculate the amount necessary to fully fund the trust, the Department and CMC have agreed to use actual operation and maintenance costs from the past three (3) years of operation of the Iselin No. 11 Treatment Facility for all operating parameters other than annual labor/contractor costs and water sampling/analysis costs. For annual labor/contractor costs and water sampling/analysis costs, the Department and CMC have agreed

to use AMDTreat cost estimates. A summary of current annual operation and maintenance costs for the Iselin No. 11 Treatment Facility is as follows:

Category	Total Amount
Water Sampling/Analysis	\$3,643
Labor/Contractor Costs	\$9,009
Maintenance	\$6,213
Pumping	\$0
Chemical Cost	\$3,294
Oxidant Chemical Cost	\$0
Sludge Removal	\$0
Miscellaneous Other Costs	\$1,117
Total Annual O&M Cost	\$23,276

Based on actual operation and maintenance costs from past operations and AMDTreat cost estimates, the current annual cost of operating and maintaining the Iselin No. 11 Treatment Facility is \$23,276. The AMDTreat cost worksheets are attached as Exhibit O-6.

10. In order to calculate the amount necessary to fully fund the trust, the Department and CMC have agreed to use recapitalization cost data generated by AMDTreat. According to AMDTreat, the present value of recapitalization costs for the Iselin No. 11 Treatment Facility is \$37,779. Attached as Exhibit O-7 is the AMDTreat Recapitalization Cost worksheet and schedule for the Iselin No. 11 Treatment Facility.

11. The parties have agreed to use the cost data, assumptions and calculations set forth herein to calculate the present value of the required financial assurance for the Iselin No. 11 Treatment Facility. The parties agree that the present value of the fully funded trust for the discharges treated at the Iselin No. 11 Treatment Facility is \$584,440. This sum constitutes the current present value of the estimated future operation and maintenance costs; the current

present value of the estimated future recapitalization costs; and the current present value of the estimated future liability insurance costs for the Iselin No. 11 Treatment Facility, as shown on the Treatment Bond/Trust Calculator attached as Exhibit O-8. The parties have also agreed to use the information and figures which will be provided by the Accounting required by Paragraph 4, below to annually recalculate and adjust the amount of the fully funded trust for the Iselin No. 11 Treatment Facility as described below.

DD. **Margaret No. 7 Mine Water Treatment Plant**

1. The Margaret No. 7 Mine Water Treatment Plant (“Margaret No. 7”) is a reclamation only permit that is associated with the Margaret #7 Mine located in Plumcreek and Cowanshannock Townships, Armstrong County. Margaret 7 is one of the sites addressed in the 2009 Multisite Treatment Bonding CO&A, which is discussed in Paragraph K, above. Margaret No. 7 consists of two (2) mine drainage treatment facilities: the Margaret No. 7 Upper Pool Treatment Plant in Cowanshannock Township and the Margaret No. 7 Lower Pool Treatment Plant in Plumcreek Township. Each treatment plant treats separate mine pools of the Margaret No. 7 Mine which was an underground mine sealed in the late 1970s. Margaret No. 7 was originally permitted through the Department of Health in 1956 by Rochester and Pittsburgh Coal Company, and the permit was transferred to CMC from KCMC on November 17, 2014. CMC operates and maintains Margaret No. 7, which is authorized under CMAP No. 03801302 and NPDES Permit No. PA0235385. The CMAP has an expiration date of December 4, 2021; however, it is considered administratively renewed under Section 86.55 of the Department’s regulations, 25 Pa. Code § 86.55, because CMC submitted timely permit renewal applications to the Department on May 27, 2021, which is currently under review. Surface reclamation of

Margaret No. 7 is complete; however, areas and facilities needed for mine pool monitoring, and collection and treatment of AMD remain.

2. A summary of the bonds currently posted for Margaret No. 7, which will be adjusted pursuant to Paragraph 6, below, is as follows:

TOTAL OBLIGATION	FINANCIAL GUARANTOR	BOND INSTRUMENT NUMBER	BOND AMOUNT
\$3,120,515.31	Fidelity and Deposit Company of Maryland	09154716	\$2,969,009.00
	Liberty Mutual Insurance Company	285044755	\$151,506.31

3. A topographic map depicting the locations of the points where water is pumped from the Margaret No. 7 Mine Upper Pool ("M7A04") and Lower Pool ("M7A01") is attached as Exhibit P-1. The latitude and longitude coordinates for M7A04 are: latitude 40° 46' 11.31" and longitude -79° 22' 37.22". The latitude and longitude coordinates for M7A01 are: latitude 40° 44' 24.9" and longitude -79° 22' 59.3".

4. The raw water quality data for M7A04 and M7A01, as available and compiled by CMC on December 6, 2022, from analytical sampling results for the period from January 6, 2016, through October 18, 2022, is set forth in Exhibit P-2.

5. NPDES Permit No. PA0235385 for Margaret No. 7 contains Outfalls 001 (Lower Pool) and 002 (Upper Pool). The required effluent limits applicable to Outfalls 001 and 002 are set forth in the current NPDES Permit which is attached as Exhibit P-3. The NPDES Permit has an expiration date of February 20, 2021; however, it is automatically continued under Section 92a.7(b) of the Department's regulations, 25 Pa. Code § 92a.7(b), because CMC submitted a timely permit renewal application to the Department on May 27, 2021, which is

currently under review. The NPDES Permit is renewed every five years (pursuant to the authority in 25 Pa. Code Chapter 92a), and the NPDES Permit, and the effluent limits set forth therein, may be revised in subsequent renewals of the NPDES Permit or as required by the Department. The effluent limits set forth in any subsequent renewal or revision of the NPDES Permit govern.

6. The Margaret No. 7 Upper Pool Treatment Plant (“Upper Pool Treatment Plant”) is an active treatment system that operates as needed and is designed to treat up to 400 gpm of water from the Margaret No. 7 Upper Pool using hydrated lime, potassium permanganate and settling. The Margaret No. 7 Upper Pool Treatment Plant consists of: one (1) 30 Hp submersible pump, one (1) 25 ton lime silo, (1) 55 gallon potassium permanganate aboveground storage tank, one (1) potassium permanganate metering pump, one (1) settling pond, one (1) polishing pond, one (1) collection pond, and one (1) injection borehole, and one outfall. The Upper Pool Treatment Plant is fed from a 30 Hp submersible pump used to dewater the Margaret No. 7 Mine Upper Pool. After dewatering, hydrated lime and sodium permanganate are added before the water flows into a settling pond and then into a polishing pond via a mining pond ditch. Additionally, leachate from the Margaret No. 7 reclaimed refuse area is collected in a collection pond and gravity drains into the Margaret No. 7 underground mine via a borehole. Treated effluent from the Upper Pool Treatment Plant discharges to an Unnamed Tributary to Unnamed Tributary 47022 to Huskins Run at NPDES Outfall 002. A flow diagram for the Margaret No. 7 Upper Pool Treatment Plant is attached as Exhibit P-4.

7. The Margaret No. 7 Lower Pool Treatment Plant (“Lower Pool Treatment Plant”) is an active treatment system that operates as needed and is designed to treat up to 1200 gpm of water from the Margaret No. 7 Lower Pool using hydrated lime and settling. The Lower

Pool Treatment Plant consists of: two (2) 25 hp vertical turbine pumps, one (1) 25 ton lime silo, one (1) variable speed screw feeder and process pump, one (1) settling pond, one (1) polishing pond, one (1) sludge boat, one (1) 25 hp submersible pump (located on the sludge boat), and one (1) injection borehole. The Lower Pool Treatment Plant is fed by two (2) 25 Hp vertical turbine pumps used to dewater the Margaret No. 7 Mine Lower Pool. The pumps can be operated separately or simultaneously, as needed. Hydrated lime is added to the mine water before it reaches a settling pond, and water is then directed into a polishing pond. Sludge is periodically removed from the settling pond and disposed of in the Margaret No. 7 underground mine via a permitted borehole. Treated effluent discharges from the polishing pond into an Unnamed Tributary 46347 to Cherry Run at NPDES Outfall 001. A flow diagram for the Margaret No. 7 Lower Pool Treatment Plant is attached as Exhibit P-5.

8. The Lower Pool Treatment Plant and Upper Pool Treatment Plant are situated on land owned by CMC and third parties. CMC has executed and recorded a Consent to Right of Entry form that grants the parties hereto and the trustee, and their agents, servants, contractors and subcontractors, access to the Lower Pool Treatment Plant and Upper Pool Treatment Plant. CMC has also obtained executed and recorded Consent to Right of Entry forms from third-party property owners that grant the parties hereto and the trustee, and their agents, servants, contractors and subcontractors, access to the Lower Pool Treatment Plant and Upper Pool Treatment Plant. Copies of the executed and recorded Consent to Right of Entry forms with evidence of their recordation are attached as Exhibit P-5.

9. The estimated capital cost to construct the Margaret No. 7 Mine Water Treatment Plant, as calculated using AMDTreat, is \$1,398,837.

10. In order to calculate the amount necessary to fully fund the trust, the Department and CMC have agreed to use actual operation and maintenance costs from the past three (3) years of operation of the Margaret No. 7 Mine Water Treatment Plant for all operating parameters other than annual labor/contractor costs and water sampling/analysis costs. For annual labor/contractor costs and water sampling/analysis costs, the Department and CMC have agreed to use AMDTreat cost estimates. A summary of current combined annual operation and maintenance costs for the Margaret No. 7 Mine Water Treatment Plant is as follows:

Category	Total Amount
Water Sampling/Analysis	\$8,263
Labor/Contractor Costs	\$10,920
Maintenance	\$0
Pumping	\$15,292
Chemical Cost	\$16,059
Oxidant Chemical Cost	\$7,963
Sludge Removal	\$495
Miscellaneous Other Costs	\$27,977
Total Annual O&M Cost	\$86,969

Based on actual operation and maintenance costs from past operations and AMDTreat cost estimates, the current annual cost of operating and maintaining the Margaret No. 7 Mine Water Treatment Plant is \$86,969. The AMDTreat cost worksheets are attached as Exhibit P-7.

11. In order to calculate the amount necessary to fully fund the trust, the Department and CMC have agreed to use recapitalization cost data generated by AMDTreat. According to AMDTreat, the present value of recapitalization costs for the Margaret No. 7 Mine Water Treatment Plant is \$467,773. Attached as Exhibit P-8 is the AMDTreat Recapitalization Cost worksheet and schedule for the Margaret No. 7 Mine Water Treatment Plant.

12. The parties have agreed to use the cost data, assumptions and calculations set forth herein to calculate the present value of the required financial assurance for the Margaret No. 7 Mine Water Treatment Plant. The parties agree that the present value of the fully funded trust for the discharges treated at the Margaret No. 7 Mine Water Treatment Plant is \$2,517,834. This sum constitutes the current present value of the estimated future operation and maintenance costs; the current present value of the estimated future recapitalization costs; and the current present value of the estimated future liability insurance costs for the Margaret No. 7 Mine Water Treatment Plant, as shown on the Treatment Bond/Trust Calculator attached as Exhibit P-9. The parties have also agreed to use the information and figures which will be provided by the Accounting required by Paragraph 4, below to annually recalculate and adjust the amount of the fully funded trust for the Margaret No. 7 Mine Water Treatment Plant as described below.

EE. **O'Donnell No. 3 Mine (O'Donnell No. 3 Treatment Facility)**

1. The O'Donnell No. 3 Mine ("O'Donnell No. 3") is an underground mine located in Washington Township, Indiana County. O'Donnell No. 3 was originally permitted by O'Donnell Coal Mining Company in 1986. The permit was transferred from O'Donnell Coal Mining Company to KCMC on November 15, 1995, and then it was transferred to CMC on September 18, 2014. CMC operates and maintains the O'Donnell No. 3 Treatment Facility which is located in Washington and Plumcreek Townships, Indiana and Armstrong Counties and is authorized under CMAP No. 32841321 and NPDES Permit No. PA0006874. The CMAP has an expiration date of August 10, 2021; however, it is considered administratively renewed under Section 86.55 of the Department's regulations, 25 Pa. Code § 86.55, because CMC submitted a timely permit renewal application to the Department on February 10, 2021, which is currently

under review. Surface reclamation is complete; however, areas and facilities needed for mine pool monitoring and collection and treatment of AMD remain.

2. A summary of the bonds currently posted for O'Donnell No. 3, which will be replaced pursuant to Paragraph 6, below, is as follows:

TOTAL OBLIGATION	FINANCIAL GUARANTOR	BOND INSTRUMENT NUMBER	BOND AMOUNT
\$172,240.29	Fidelity and Deposit Company of Maryland	09154711	\$109,910.00
	Argonaut Insurance Company	SUR0028747	\$62,330.29

3. A topographic map depicting the location of the point where seepage emanates from a reclaimed underground mine drift opening ("O'Donnell No.3 RW") is attached as Exhibit Q-1. The latitude and longitude coordinates for O'Donnell No.3 RW are: latitude 40° 43' 50.49" and longitude -79° 15' 33.15".

4. The raw water quality data for O'Donnell No.3 RW, as available and compiled by CMC on December 6, 2022, from analytical sampling results for the period from August 4, 2017, through April 6, 2020, is set forth in Exhibit Q-2.

5. NPDES Permit No. PA0006874 for O'Donnell No. 3 contains Outfall 001 for the O'Donnell No. 3 Treatment Facility. The required effluent limits applicable to Outfall 001 are set forth in the current NPDES Permit which is attached as Exhibit Q-3. The NPDES Permit has an expiration date of August 10, 2021; however, it is automatically continued under Section 92a.7(b) of the Department's regulations, 25 Pa. Code § 92a.7(b), because CMC submitted a timely permit renewal application to the Department on February 10, 2021, which is currently under review. The NPDES Permit is renewed every five years (pursuant to the authority in 25 Pa. Code Chapter 92a) and the NPDES Permit, and the effluent limits set forth

therein, may be revised in subsequent renewals of the NPDES Permit or as required by the Department. The effluent limits set forth in any subsequent renewal or revision of the NPDES Permit govern.

6. The O'Donnell No. 3 Treatment Facility is a passive treatment system that operates on a continuous gravity flow basis and is designed to treat up to 30 gpm of seepage that originates from a reclaimed underground mine drift entry. The O'Donnell No. 3 Treatment Facility consists of two (2) sediment ponds (Passive Treatment Pond No. 3 & Polishing Pond No.5) and one (1) outfall. Seepage from the mine drift is collected in a cutoff channel and directed through a pipe into two sediment ponds. The first sedimentation pond (Passive Treatment Pond No. 3) passively treats the flow with hydrophilic plant growth. The water is then transferred to the second sedimentation pond (Polishing Pond No. 5) via an 8-inch diameter pipe for polishing. Treated effluent from the O'Donnell No. 3 Treatment Facility discharges into an Unnamed Tributary to the South Branch of Plum Creek at NPDES Outfall 001. A flow diagram for the O'Donnell No. 3 Treatment Facility is attached as Exhibit Q-4.

7. The O'Donnell No. 3 Treatment Facility is situated on land owned by third parties. CMC has obtained an executed and recorded Consent to Right of Entry form from a third-party property owner that grants the parties hereto and the trustee, and their agents, servants, contractors and subcontractors, access to the O'Donnell No. 3 Treatment Facility. A copy of the executed and recorded Consent to Right of Entry form with evidence of its recordation is attached as Exhibit Q-5.

CMC has informed the Department that it has not yet obtained the signatures needed for the Consent to Right of Entry form from certain current third-party property owners where the O'Donnell No. 3 Treatment Facility is located. CMC has agreed to continue to make

reasonable efforts to obtain the required Consent to Right of Entry which grants the Department, the Operators, and the Trustee, and their agents, servants, contractors and subcontractors, access to the O'Donnell No. 3 Treatment Facility, and if they are able to obtain same, will provide them to the Department upon receipt. In the meantime, CMC has provided a copy of an executed and recorded Contractual Consent of Landowner form which grants CMC and the Department access to the O'Donnell No. 3 Treatment Facility. A copy of the executed and recorded Contractual Consent of Landowner form with evidence of recordation is attached as Exhibit Q-5.

8. The estimated capital cost to construct the O'Donnell No. 3 Treatment Facility, as calculated using AMDTreat, is \$54,244.

9. In order to calculate the amount necessary to fully fund the trust, the Department and CMC have agreed to use actual operation and maintenance costs from the past three (3) years of operation of the O'Donnell No. 3 Treatment Facility for all operating parameters other than annual labor/contractor costs and water sampling/analysis costs. For annual labor/contractor costs and water sampling/analysis costs, the Department and CMC have agreed to use AMDTreat cost estimates. A summary of current annual operation and maintenance costs for the O'Donnell No. 3 Treatment Facility is as follows:

Category	Total Amount
Water Sampling/Analysis	\$5,092
Labor/Contractor Costs	\$3,185
Maintenance	\$2,055
Pumping	\$0
Chemical Cost	\$0
Oxidant Chemical Cost	\$0
Sludge Removal	\$0
Miscellaneous Other Costs	\$1,085
Total Annual O&M Cost	\$11,417

Based on actual operation and maintenance costs from past operations and AMDTreat cost estimates, the current annual cost of operating and maintaining the O'Donnell No. 3 Treatment Facility is \$11,417. The AMDTreat cost worksheets are attached as Exhibit Q-6.

10. In order to calculate the amount necessary to fully fund the trust, the Department and CMC have agreed to use recapitalization cost data generated by AMDTreat. According to AMDTreat, the present value of recapitalization costs for the O'Donnell No. 3 Treatment Facility is \$36,522. Attached as Exhibit Q-7 is the AMDTreat Recapitalization Cost worksheet and schedule for the O'Donnell No. 3 Treatment Facility.

11. The parties have agreed to use the cost data, assumptions and calculations set forth herein to calculate the present value of the required financial assurance for the O'Donnell No. 3 Treatment Facility. The parties agree that the present value of the fully funded trust for the discharges treated at the O'Donnell No. 3 Treatment Facility is \$305,075. This sum constitutes the current present value of the estimated future operation and maintenance costs; the current present value of the estimated future recapitalization costs; and the current present value of the estimated future liability insurance costs for the O'Donnell No. 3 Treatment Facility, as shown on the Treatment Bond/Trust Calculator attached as Exhibit Q-8. The parties have also agreed to use the information and figures which will be provided by the Accounting required by Paragraph 4, below to annually recalculate and adjust the amount of the fully funded trust for the O'Donnell No. 3 Treatment Facility as described below.

FF. O'Donnell No. 4/Manor No. 8 Treatment System

1. The O'Donnell No. 4/Manor No. 8 Treatment System ("O'Donnell No. 4") is located in Washington Township, Indiana County. O'Donnell No. 4 is one of the sites

addressed in the 2009 Multisite Treatment Bonding CO&A, which is discussed in Paragraph K, above. O'Donnell No. 4 was originally permitted by the Manor Coal Company, and the permit was subsequently transferred to O'Donnell Coal Company and then to KCMC. Active removal of coal ceased at O'Donnell No. 4 in 1987, and the mine's surface was reclaimed in 1988.

O'Donnell No. 4 was transferred to CMC on September 18, 2014. CMC operates and maintains the O'Donnell No. 4/Manor No. 8 Treatment System ("O'Donnell 4 Treatment System") which is authorized under CMAP No. 32141301 and NPDES Permit No. PA0235890. The CMAP has an expiration date of July 6, 2025. Surface reclamation is complete; however, areas and facilities needed for mine pool monitoring, and collection and treatment of AMD remain.

2. A summary of the bonds currently posted for O'Donnell No. 4, which will be replaced pursuant to Paragraph 6, below, is as follows:

TOTAL OBLIGATION	FINANCIAL GUARANTOR	BOND INSTRUMENT NUMBER	BOND AMOUNT
\$165,811.00	Fidelity and Deposit Company of Maryland	09154710	\$165,811.00

3. A topographic map depicting the location of point where seepage from the sealed O'Donnell underground mine draft entry is collected ("O'Donnell No.4 RW") is attached as Exhibit R-1. The latitude and longitude coordinates for O'Donnell No.4 RW are: latitude 40° 44' 11.67" and longitude -79° 13' 15.97".

4. The raw water quality data for O'Donnell No.4 RW, as available and compiled by CMC on December 6, 2022, from analytical sampling results for the period from July 26, 2017, through August 9, 2022, is set forth in Exhibit R-2.

5. NPDES Permit No. PA0235890 for O'Donnell No. 4 contains Outfall 001 for the O'Donnell 4 Treatment System. The required effluent limits applicable to Outfall 001

are set forth in the current NPDES Permit which is attached as Exhibit R-3. The NPDES Permit has an expiration date of July 6, 2025. The NPDES Permit is renewed every five years (pursuant to the authority in 25 Pa. Code Chapter 92a) and the NPDES Permit, and the effluent limits set forth therein, may be revised in subsequent renewals of the NPDES Permit or as required by the Department. The effluent limits set forth in any subsequent renewal or revision of the NPDES Permit govern.

6. The O'Donnell No. 4 Treatment System is a passive treatment system that operates on a continuous gravity flow basis and is designed to treat up to 50 gpm of seepage from a reclaimed underground mine drift entry using a series of wetland bogs. The O'Donnell 4 Treatment System consists of: four (4) cattail wetland cells in a series and one (1) outfall. Seepage is piped from the sealed underground mine drift entry and is directed to and flows through a series of cattail wetland cells for passive treatment. Treated effluent from the O'Donnell 4 Treatment System discharges to an Unnamed Tributary to Sugarcamp Run at NPDES Outfall 001. A flow diagram for the O'Donnell No. 4 Treatment System is attached as Exhibit R-4.

7. CMC has existing contractual rights that grant the Operator and the Department access to the O'Donnell 4 Treatment System; however, CMC has informed the Department that it has not been able to obtain the signature(s) needed from certain current property owner(s) for the required Consent to Right of Entry form granting access to the O'Donnell 4 Treatment System. CMC has agreed to continue to make reasonable efforts to obtain the required Consent to Right of Entry which grants the Department, the Operators, and the Trustee, and their employees, agents, servants, contractors and subcontractors, access to the O'Donnell 4 Treatment System, and if they are able to obtain same, will provide them to the

Department upon receipt. A copy of the executed and recorded Contractual Consent of Landowner form with evidence of its recordation is attached as Exhibit R-5.

8. The estimated capital cost to construct the O'Donnell No. 4 Treatment System, as calculated using AMDTreat, is \$16,154.

9. In order to calculate the amount necessary to fully fund the trust, the Department and CMC have agreed to use actual operation and maintenance costs from the past three (3) years of operation of the O'Donnell 4 Treatment System for all operating parameters other than annual labor/contractor costs and water sampling/analysis costs. For annual labor/contractor costs and water sampling/analysis costs, the Department and CMC have agreed to use AMDTreat cost estimates. A summary of current annual operation and maintenance costs for O'Donnell No. 4 is as follows:

Category	Total Amount
Water Sampling/Analysis	\$5,889
Labor/Contractor Costs	\$2,275
Maintenance	\$2,055
Pumping	\$0
Chemical Cost	\$0
Oxidant Chemical Cost	\$0
Sludge Removal	\$0
Miscellaneous Other Costs	\$323
Total Annual O&M Cost	\$10,542

Based on actual operation and maintenance costs from past operations and AMDTreat cost estimates, the current annual cost of operating and maintaining O'Donnell No. 4 is \$10,542. The AMDTreat cost worksheets are attached as Exhibit R-6.

10. In order to calculate the amount necessary to fully fund the trust, the Department and CMC have agreed to use recapitalization cost data generated by AMDTreat. According to AMDTreat, the present value of recapitalization costs for O'Donnell No. 4 is \$14,218. Attached as Exhibit R-7 is the AMDTreat Recapitalization Cost worksheet and schedule for the O'Donnell No. 4.

11. The parties have agreed to use the cost data, assumptions and calculations set forth herein to calculate the present value of the required financial assurance for the O'Donnell No. 4 Treatment System. The parties agree that the present value of the fully funded trust for the discharges treated at the O'Donnell No. 4 Treatment System is \$261,746. This sum constitutes the current present value of the estimated future operation and maintenance costs; the current present value of the estimated future recapitalization costs; and the current present value of the estimated future liability insurance costs for the O'Donnell No. 4 Treatment System, as shown on the Treatment Trust/Bond Calculator attached as Exhibit R-8. The parties have also agreed to use the information and figures which will be provided by the Accounting required by Paragraph 4, below to annually recalculate and adjust the amount of the fully funded trust for the O'Donnell No. 4 Treatment System as described below.

GG. Robena Refuse Disposal Area (Colvin AMD Treatment System and Robena CRDA Treatment Facility)

1. The Robena CRDA is a coal refuse disposal area located in Monongahela Township, Greene County. The Robena CRDA is one of the sites addressed in the 2018 Robena Treatment Trust CO&A, which is discussed in Paragraph I, above. CCC operated the Robena CRDA between 1983 and 2003. Active coal refuse disposal ceased in 2003, and all operations other than water treatment on the site ceased in 2013. The permit was transferred from CCC to CMC on April 8, 2014. The Robena CRDA was associated with the Robena Mine and the

Robena Preparation Plant. The Robena Mine and the Robena Preparation Plant were operated pursuant to CMAP No. 30841601, which expired on September 3, 2021; however, it is considered administratively renewed under Section 86.55 of the Department's regulations, 25 Pa. Code § 86.55, because CMC submitted timely permit renewal application to the Department on February 26, 2021, which is currently under review. The Robena Mine was closed prior to CMC purchasing the property and the transfer of the CMAP to CMC. The Robena Preparation Plant was removed, and the site's surface was reclaimed in 2007. CMC operates and maintains two (2) treatment systems for treatment of discharges from the Robena Mine and from the Robena CRDA: the Robena Colvin AMD Treatment System ("Colvin Treatment System") and the Robena CRDA Treatment Facility ("CRDA Treatment Facility"), respectively, which are authorized under Robena's CRDP No. 30733707 and NPDES Permit No. PA0215830. The CRDP has an expiration date of February 27, 2011; however, it is considered administratively renewed under Section 86.55 of the Department's regulations, 25 Pa. Code § 86.55, because CMC submitted a timely permit renewal application to the Department on August 30, 2010, and June 12, 2018, which is currently under review. Surface reclamation, sealing of boreholes, and structure demolition have not been completed at the Robena CRDA. In addition, areas and facilities needed for mine pool monitoring, and collection and treatment of AMD remain. Surface reclamation activities will likely alter the quality and quantity of the AMD required to be treated at the CRDA Treatment Facility.

2. A summary of the post-mining water treatment bonds currently posted for the Robena CRDA, which will remain in place upon execution of this Treatment Trust CO&A and ultimately replaced pursuant to Paragraph 6, below, is as follows:

TOTAL OBLIGATION	FINANCIAL GUARANTOR	BOND INSTRUMENT NUMBER	BOND AMOUNT
\$12,405,480.00	Indemnity National Insurance Company	N-7003612	\$3,101,370.00
	Indemnity National Insurance Company	N-7003448	\$3,101,370.00
	Indemnity National Insurance Company	N-7003613	\$3,101,370.00
	Argonaut Insurance Company	SUR0044287	\$3,101,370.00

3. A topographic map depicting the location of the point where water is pumped from the Robena Mine at the Colvin Treatment System (“ROA05”) and the location where coarse refuse runoff is collected from the Robena CRDA (“Pond #1 (RPI-CB) – Robena Raw 5”) is attached as Exhibit S-1. The latitude and longitude coordinates for Monitoring Point ROA05 are: latitude 39° 49’ 48.80” and longitude 79° 58’ 48.80”. The latitude and longitude coordinates for Monitoring Point Pond #1 (RPI-CB) – Robena Raw 5 are: latitude 39° 50’ 15.52” and longitude 79° 56’ 37.02”.

4. The raw water quality data for Monitoring Point ROA05, as available and compiled by CMC on December 6, 2022, from analytical sampling results for the period from January 6, 2016, through September 20, 2022, and for Monitoring Point Pond #1 (RPI-CB) – Robena Raw 5 compiled by CMC on December 6, 2022, from analytical sampling results for the period from August 20, 2019, through October 25, 2022, is set forth in Exhibit S-2.

5. NPDES Permit No. PA0215830 for the Robena CRDA contains four (4) outfalls associated with the two treatment facilities: Outfall 002 for the Colvin Treatment System, and Outfalls 001, 003, and 004 for the CRDA Treatment Facility. The required effluent limits applicable to the outfalls are set forth in the current NPDES Permit which is attached as Exhibit S-3. The NPDES Permit has an expiration date of February 26, 2021; however it is automatically continued under Section 92a.7(b) of the Departments regulations, 25 Pa. Code §

92a.7(b), because CMC submitted a timely permit renewal application to the Department on June 12, 2018, which is currently under review. The NPDES Permit is renewed every five years (pursuant to the authority in 25 Pa. Code Chapter 92a) and the NPDES Permit, and the effluent limits set forth therein, may be revised in subsequent renewals of the NPDES Permit or as required by the Department. The effluent limits set forth in any subsequent renewal or revision of the NPDES Permit govern.

6. The Colvin Treatment System is an active treatment system that operates as needed and is designed to treat up to 3,000 gpm of water from the abandoned Robena Mine in order to maintain a mine pool level sufficient to prevent a surface discharge. Treatment is achieved by mechanical aeration, hydrated lime, anionic polymer, mixing, and settling. The treatment system consists of: one (1) 1,000 hp vertical turbine pump, two (2) aeration ponds (Pond #1 and Pond #2), one (1) 25 hp floating aerator, two (2) fifty ton lime silos, two (2) variable speed screw feeder process pumps, one (1) polymer metering pump, one (1) pump control building, one (1) 275 gallon polymer above ground storage tank (owned by the chemical company), two (2) 30 hp fixed position aerators, one (1) thickener, two (2) 75 hp centrifugal pumps (located under the thickener), one (1) 10 hp centrifugal pump (located under the thickener), one (1) settling pond, one (1) finishing pond, and two (2) sludge injection boreholes, and one outfall. Treated effluent from the Colvin Treatment System discharges to Unnamed Tributary 41183 to Whitely Creek at NPDES Outfall 002. A flow diagram for the Colvin Treatment System is attached as Exhibit S-4.

7. The CRDA Treatment Facility is an active treatment system that operates continuously and is designed to treat surface runoff from the Robena CRDA, Robena Preparation Plant area, and impoundment seepage using hydrated lime, mixing, and settling. The CRDA

Treatment Facility consists of: four (4) seep collection ponds, three (3) 1 hp submersible pumps, one (1) 5 hp submersible pump, one (1) 30 hp submersible pump, one (1) plant control building, one (1) splitter box, one (1) 4" variable speed screw feeder process pump, two (2) 150 hp short set vertical turbine pumps, seven (7) sedimentation ponds, one (1) 40 ton lime silo, three (3) 10 hp submersible pumps, one (1) injection borehole, and three (3) outfalls (001, 003 and 004).

Water that enters the CRDA Treatment Facility is treated with hydrated lime on an as needed basis. In Sedimentation Pond No. 4B, treated effluent from the CRDA Treatment Facility is combined with surface water runoff collected in Sedimentation Ponds Nos. 5 and 6 and is discharged to Whiteley Creek at NPDES Outfall 001. Runoff from the northern out slopes of Sedimentation Pond No. 4A is collected in Sedimentation Ponds No. 3 and No. 1, where it settles and discharges to Whiteley Creek at NPDES Outfall 003. An NPDES point also exists at the discharge of Sedimentation Pond No. 2 (NPDES Outfall 004 which discharges to Whitely Creek), but there is no discharge from Outfall 004, as runoff and seepage directed to Sedimentation Pond No. 2 is conveyed to the CRDA Treatment Facility, into Sedimentation Ponds Nos. 4A and 4B and discharged into Whitely Creek at NPDES Outfall 001. Outfall 004 remains in the NPDES Permit in the event discharge would be required during emergency or major repairs. A flow diagram for the CRDA Treatment Facility is attached as Exhibit S-5.

8. The Colvin Treatment System and the CRDA Treatment Facility are situated on land owned by CMC and third parties. CMC has executed and recorded Consent to Right of Entry forms that grant the parties hereto and the trustee, and their agents, servants, contractors and subcontractors, access to the Colvin Treatment System and the CRDA Treatment Facility. CMC has also obtained an executed and recorded Consent to Right of Entry form from a third-party property owner that grants the parties hereto and the trustee, and their agents,

servants, contractors and subcontractors, access to the Robena CRDA. Copies of the executed and recorded Consent to Right of Entry forms with evidence of their recordation are attached as Exhibit S-5.

CMC has informed the Department that it has not yet obtained the signatures needed for the Consent to Right of Entry forms from certain current third-party property owners where the Colvin Treatment System and the CRDA Treatment Facility are located. CMC has agreed to continue to make reasonable efforts to obtain the required Consent to Right of Entry forms which grant the Department, the Operators, and the Trustee, and their agents, servants, contractors and subcontractors, access to the Colvin Treatment System and the CRDA Treatment Facility, and if they are able to obtain same, will provide them to the Department upon receipt. In the meantime, CMC has provided copies of executed and recorded Contractual Consent of Landowner forms which grant CMC and the Department access to the Colvin Treatment System and the CRDA Treatment Facility. Copies of the executed and recorded Contractual Consent of Landowner forms with evidence of recordation are attached as Exhibit S-5.

9. The estimated capital cost to construct the Colvin Treatment System and CRDA Treatment Facility, as calculated using AMDTreat, is \$7,414,601.

10. In order to calculate the amount necessary to fully fund the trust, the Department and CMC have agreed to use actual operation and maintenance costs from the past three (3) years of operation of the Colvin Treatment System and CRDA Treatment Facility for all operating parameters other than annual labor/contractor costs and water sampling/analysis costs. For annual labor/contractor costs and water sampling/analysis costs, the Department and CMC have agreed to use AMDTreat cost estimates. A summary of current annual operation and maintenance costs for the Colvin Treatment System and CRDA Treatment Facility is as follows:

Category	Total Amount
Water Sampling/Analysis	\$22,137
Labor/Contractor Costs	\$103,740
Maintenance	\$24,672
Pumping	\$84,035
Chemical Cost	\$33,151
Oxidant Chemical Cost	\$0
Sludge Removal	\$0
Miscellaneous Other Costs	\$148,292
Total Annual O&M Cost	\$416,027

Based on actual operation and maintenance costs from past operations and AMDTreat cost estimates, the current annual cost of operating and maintaining the Colvin Treatment System and CRDA Treatment Facility is \$416,027. The AMDTreat cost worksheets are attached as Exhibit S-7.

11. In order to calculate the amount necessary to fully fund the trust, the Department and CMC have agreed to use recapitalization cost data generated by AMDTreat. According to AMDTreat, the present value of recapitalization costs for the Colvin Treatment System and CRDA Treatment Facility is \$2,896,645. Attached as Exhibit S-8 is the AMDTreat Recapitalization Cost worksheet and schedule for the Colvin Treatment System and CRDA Treatment Facility.

12. The parties have agreed to use the cost data, assumptions and calculations set forth herein to calculate the present value of the required financial assurance for the Colvin Treatment System and CRDA Treatment Facility. The parties agree that the present value of the fully funded trust for the discharges treated at the Colvin Treatment System and CRDA Treatment Facility is \$12,718,503. This sum constitutes the current present value of the

estimated future operation and maintenance costs; the current present value of the estimated future recapitalization costs; and the current present value of the estimated future liability insurance costs for the Colvin Treatment System and CRDA Treatment Facility as shown on the Treatment Bond/Trust Calculator attached as Exhibit S-9. The parties have also agreed to use the information and figures which will be provided by the Accounting required by Paragraph 4, below to annually recalculate and adjust the amount of the fully funded trust for the Colvin Treatment System and CRDA Treatment Facility as described below.

HH. **Vesta Mine (Vesta 3 Butt Drift Treatment System)**

1. The Vesta Mine (“Vesta”) is an underground mine located in North Bethlehem Township, Washington County. Vesta was originally permitted by Vesta Mining Company in 1986, and the permit was transferred to Laurel Run on May 14, 1999. Active removal of coal ceased sometime in the mid to late 1990s. Laurel Run operates and maintains the Vesta 3 Butt Drift Treatment System (“Vesta Treatment System”) which is authorized under CMAP No. 63841304 and NPDES Permit No. PA0111643. The CMAP has an expiration date of September 17, 2026. Surface reclamation at Vesta has been completed; however, areas and facilities needed for mine pool monitoring, and collection and treatment of AMD remain.

2. A summary of the bonds currently posted for the Vesta Mine, which will be replaced pursuant to Paragraph 6, below, is as follows:

TOTAL OBLIGATION PER SITE	FINANCIAL GUARANTOR	BOND INSTRUMENT NUMBER	BOND AMOUNT
\$2,435,683.00	Indemnity National Insurance Company	N7003615	\$2,435,683.00

3. A topographic map depicting the location of the point where seepage is collected (“0073 Butt B Inlet-RW”) is attached as Exhibit T-1. The latitude and longitude coordinates for 0073 Butt B Inlet-RW are: latitude 40° 01’ 02.78” and longitude -79° 59’ 35.75”.

4. The raw water quality data for 0073 Butt B Inlet-RW, as available and compiled by Laurel Run on December 6, 2022, from analytical sampling results for the period from November 30, 2018, through October 25, 2022, is set forth in Exhibit T-2.

5. NPDES Permit No. PA0111643 for Vesta contains Outfall 007 for the Vesta Treatment System. The required effluent limits applicable to Outfall 007 are set forth in the current NPDES Permit which is attached as Exhibit T-3. The NPDES Permit has an expiration date of September 17, 2026. The NPDES Permit is renewed every five years (pursuant to the authority in 25 Pa. Code Chapter 92a) and the NPDES Permit, and the effluent limits set forth therein, may be revised in subsequent renewals of the NPDES Permit or as required by the Department. The effluent limits set forth in any subsequent renewal or revision of the NPDES Permit govern.

6. The Vesta Treatment System is a semi-passive (low intensity active) gravity fed treatment system that operates continuously and is designed to treat up to 50 gpm of seepage originating from the Vesta Mine using 20% sodium hydroxide and settling. The Vesta Treatment System consists of: one (1) sump, one (1) caustic soda building containing one (1) 1,000-gallon sodium hydroxide aboveground storage tank, one (1) sodium hydroxide metering pump, two (2) settling basins (TP-1 & TP-2), and one (1) outfall. The seepage from the mine is collected and conveyed by pipeline to either one of the settling basins. Sodium hydroxide is introduced prior to entering the settling basins. Treated effluent from the Vesta Treatment

System discharges to Fishpot Run at NPDES Outfall 007. A flow diagram for the Vesta Treatment System is attached as Exhibit T-4.

7. The Vesta Treatment System is situated on land owned by Laurel Run and a third party. Laurel Run has executed and recorded a Consent to Right of Entry form that grants the parties hereto and the trustee, and their agents, servants, contractors and subcontractors, access to the Vesta Treatment System. Laurel Run has obtained executed and recorded Consent to Right of Entry forms from the third-party property owner that grant the parties hereto and the trustee, and their agents, servants, contractors and subcontractors, access to the Vesta Treatment System. Copies of the executed and recorded Consent to Right of Entry forms with evidence of their recordation are attached as Exhibit T-5.

8. The estimated capital cost to construct the Vesta Treatment System, as calculated using AMDTreat, is \$103,848.

9. In order to calculate the amount necessary to fully fund the trust, the Department and CMC have agreed to use actual operation and maintenance costs from the past three (3) years of operation of the Vesta Treatment System for all operating parameters other than annual labor/contractor costs and water sampling/analysis costs. For annual labor/contractor costs and water sampling/analysis costs, the Department and CMC have agreed to use AMDTreat cost estimates. A summary of current annual operation and maintenance costs for the Vesta Treatment System is as follows:

Category	Total Amount
Water Sampling/Analysis	\$11,001
Labor/Contractor Costs	\$3,640
Maintenance	\$3,181
Pumping	\$695
Chemical Cost	\$2,130
Oxidant Chemical Cost	\$0
Sludge Removal	\$0
Miscellaneous Other Costs	\$2,077
Total Annual O&M Cost	\$22,724

Based on actual operation and maintenance costs from past operations and AMDTreat cost estimates, the current annual cost of operating and maintaining the Vesta Treatment System is \$22,724. The AMDTreat cost worksheets are attached as Exhibit T-6.

10. In order to calculate the amount necessary to fully fund the trust, the Department and CMC have agreed to use recapitalization cost data generated by AMDTreat. According to AMDTreat, the present value of recapitalization costs for the Vesta Treatment System is \$43,411. Attached as Exhibit T-7 is the AMDTreat Recapitalization Cost worksheet and schedule for the Vesta Treatment System.

11. The parties have agreed to use the cost data, assumptions and calculations set forth herein to calculate the present value of the required financial assurance for the Vesta Treatment System. The parties agree that the present value of the fully funded trust for the discharges treated at the Vesta Treatment System is \$577,262. This sum constitutes the current present value of the estimated future operation and maintenance costs; the current present value of the estimated future recapitalization costs; and the current present value of the estimated future liability insurance costs for the Vesta Treatment System, as shown on the Treatment

Bond/Trust Calculator attached as Exhibit T-8. The parties have also agreed to use the information and figures which will be provided by the Accounting required by Paragraph 4, below to recalculate and adjust the amount of the fully funded trust for the Vesta Treatment System as described below.

II. **Lucerne Mine #6 (Lucerne #6 Treatment Facility and Lucerne #6E Pump Transfer Location)**

1. The Lucerne Mine #6 (“Lucerne #6”) is an underground mine located in Center Township, Indiana County. The Lucerne #6 CMAP was originally issued in 1986 to Rochester and Pittsburgh Coal Company, and the permit was transferred to Helvetia in 2014. Active removal of coal ceased in the early 1990s. Helvetia operates and maintains the Lucerne #6 Treatment Facility which is authorized under CMAP No. 32841303 and NPDES Permit No. PA0236390. The CMAP has an expiration date of October 7, 2020; however, it is considered administratively renewed under Section 86.55 of the Department’s regulations, 25 Pa. Code § 86.55, because Helvetia submitted a timely permit renewal application to the Department on April 7, 2020, which is currently under review. Surface reclamation of the Lucerne #6 surface facilities is complete; however, areas and facilities needed for mine pool monitoring, and collection and treatment of AMD remain.

2. A summary of the bonds currently posted for Lucerne #6, which will be adjusted pursuant to Paragraph 6, below, is as follows:

TOTAL OBLIGATION	FINANCIAL GUARANTOR	BOND TYPE	BOND INSTRUMENT NUMBER	BOND AMOUNT
\$9,271,162.84	Safeco Insurance Company of America	PMDOM	6586371	\$4,635,581.42
	Fidelity & Deposit Company of Maryland	PMDOM	9405466	\$4,635,581.42

3. A topographic map depicting the location of the point where water is pumped from Lucerne #6 (“L6A04”) and collected in Pond #1 (“Raw Water Pond”) is attached as Exhibit U-1. The latitude and longitude coordinates for L6A04 are: latitude 40° 31’ 35.36” and longitude -79° 12’ 20.78”.

4. The raw water quality data for L6A04, as available and compiled by Helvetia on December 6, 2022, from analytical sampling results for the period from January 6, 2016, through October 19, 2022, are attached as Exhibit U-2.

5. NPDES Permit No. PA0236390 for Lucerne #6 contains Outfall 001 for the Lucerne #6 Treatment Facility. The required effluent limits applicable to Outfall 001 are set forth in the current NPDES Permit which is attached as Exhibit U-3. The NPDES Permit has an expiration date of October 7, 2020; however it is automatically continued under Section 92a.7(b) of the Department’s regulations, 25 Pa. Code § 92a.7(b), because Helvetia submitted a timely permit renewal application to the Department on April 7, 2020, which is currently under review. The NPDES Permit is renewed every five years (pursuant to the authority in 25 Pa. Code Chapter 92a), and the NPDES Permit, and the effluent limits set forth therein, may be revised in subsequent renewals of the NPDES Permit or as required by the Department. The effluent limits set forth in any subsequent renewal or revision of the NPDES Permit govern.

6. The Lucerne #6 Treatment Facility is an active water treatment facility that operates continuously and is designed to treat up to 1,500 gpm of water originating from the Lucerne #6 underground mine using mechanical aeration, hydrated lime, mixing and settling. The Lucerne #6 Treatment Facility consists of: two (2) 125 hp vertical turbine pumps, two (2) pump buildings (#6 & #6E), one (1) raw water pond (Pond #1), one (1) 30 ton lime silo, one (1) 3” variable speed screw feeder and 2 hp process pump, one (1) mixing basin, one (1) 15 hp

lightning mixer, one (1) control building containing one (1) 30 hp Lamson blower and one (1) 25 hp Roots blower, one (1) polymer storage building containing one (1) 2,500 gallon aboveground storage polymer tank, two (2) 375 gallon above ground storage tanks containing polymer and permanganate, three (3) metering pumps, one (1) post mixing basin, one (1) treatment pond (Pond #2), one (1) sludge boat, one (1) 20 hp submersible pump (located on sludge boat), one (1) polishing pond (Pond #3), and one (1) outfall. The Lucerne #6 Treatment Facility also includes the Lucerne #6E Pump Transfer Location which consists of one (1) 125 hp vertical turbine pump and one (1) transfer borehole. Mine water is pumped from the Lucerne #6E underground mine into Lucerne #6 by the use of a vertical turbine pump and transfer borehole. Mine water from Lucerne #6 is pumped via two vertical turbine pumps to the raw water pond at a rate of 750 gpm. Water gravity flows from the raw water storage pond to the mixing basin where hydrated lime slurry is introduced. After mixing, the water gravity flows to the post mixing basin. After mixing, the treated water enters the treatment pond and after settling, gravity flows to a polishing pond. Sludge generated as part of the treatment process is periodically cleaned from Pond #2 using a sludge boat, and the sludge is pumped into Sediment Pond #3 on the Helvetia No. 1 CRDA, described below. Treated effluent from the Lucerne #6 Treatment Facility discharges to an Unnamed Tributary 44081 to Cherry Run at NPDES Outfall 001. A flow diagram for the Lucerne #6 Treatment Facility is attached as Exhibit U-4.

7. The Lucerne #6 Treatment Facility is situated on land owned by Helvetia and a third party. Helvetia has executed and recorded a Consent to Right of Entry form that grants the parties hereto and the trustee, and their agents, servants, contractors and subcontractors, access to the Lucerne #6 Treatment Facility. Helvetia has also obtained an executed and recorded Consent to Right of Entry form from the third-party property owner that

grants the parties hereto and the trustee, and their agents, servants, contractors and subcontractors, access to the Lucerne #6 Treatment Facility. Copies of the executed and recorded Consent to Right of Entry forms with evidence of their recordation are attached as Exhibit U-5.

8. The estimated capital cost to construct the Lucerne #6 Treatment Facility, as calculated using AMDTreat, is \$1,589,958.

9. In order to calculate the amount necessary to fully fund the trust, the Department and CMC have agreed to use actual operation and maintenance costs from the past three (3) years of operation of the Lucerne #6 Treatment Facility for all operating parameters other than annual labor/contractor costs and water sampling/analysis costs. For annual labor/contractor costs and water sampling/analysis costs, the Department and CMC have agreed to use AMDTreat cost estimates. A summary of current annual operation and maintenance costs for the Lucerne #6 Treatment Facility is as follows:

Category	Total Amount
Water Sampling/Analysis	\$9,413
Labor/Contractor Costs	\$49,595
Maintenance	\$11,982
Pumping	\$107,025
Chemical Cost	\$51,844
Oxidant Chemical Cost	\$0
Sludge Removal	\$26,220
Miscellaneous Other Costs	\$31,799
Total Annual O&M Cost	\$287,878

Based on actual operation and maintenance costs from past operations and AMDTreat cost estimates, the current annual cost of operating and maintaining the Lucerne #6 Treatment Facility is \$287,878. The AMDTreat cost worksheets are attached as Exhibit U-6.

10. In order to calculate the amount necessary to fully fund the trust, the Department and CMC have agreed to use recapitalization cost data generated by AMDTreat. According to AMDTreat, the present value of recapitalization costs for the Lucerne #6 Treatment Facility is \$681,286. Attached as Exhibit U-7 is the AMDTreat Recapitalization Cost worksheet and schedule for the Lucerne #6 Treatment Facility.

11. The parties have agreed to use the cost data, assumptions and calculations set forth herein to calculate the present value of the required financial assurance for the Lucerne #6 Treatment Facility. The parties agree that the present value of the fully funded trust for the discharges treated at the Lucerne #6 Treatment Facility is \$7,447,386. This sum constitutes the current present value of the estimated future operation and maintenance costs; the current present value of the estimated future recapitalization costs; and the current present value of the estimated future liability insurance costs for the Lucerne #6 Treatment Facility, as shown on the Treatment Bond/Trust Calculator attached as Exhibit U-8. The parties have also agreed to use the information and figures which will be provided by the Accounting required by Paragraph 4, below to annually recalculate and adjust the amount of the fully funded trust for the Lucerne #6 Treatment Facility as described below.

JJ. **(Helvetia) Refuse Disposal Area No. 1 (Helvetia No. 1 Collection System)**

1. (Helvetia) Refuse Disposal Area No. 1 is a reclaimed CRDA located in Center Township, Indiana County ("Helvetia CRDA"). Helvetia CRDA was originally permitted by a subsidiary of Rochester and Pittsburgh Coal Company in 1985, and the permit was

transferred to Helvetia in 2014. Helvetia operates and maintains the Helvetia No. 1 Collection System which is authorized under CRDP No. 32743710 and NPDES Permit Nos. PA0214884. The CRDP has an expiration date of April 11, 2025. Surface reclamation of Helvetia CRDA is complete; however, areas and facilities needed for collection and treatment of AMD remain.

2. A summary of the bonds currently posted for the Helvetia CRDA, which will be replaced pursuant to Paragraph 6, below, is as follows:

TOTAL OBLIGATION	FINANCIAL GUARANTOR	BOND INSTRUMENT NUMBER	BOND AMOUNT
\$478,393.57	Indemnity National Insurance Company	N7003609	\$75,000.00
	PNC Bank National Association (Letter of Credit)	1810292900000	\$398, 275.57
	Indemnity National Insurance Company	N7005195	\$5,118.00

3. A topographic map depicting the location of the point where refuse seepage is collected (“HEA01RW”) is attached as Exhibit V-1. The latitude and longitude coordinates for HEA01RW are: latitude 40° 31’ 27.29” and longitude -79° 12’ 22.58”.

4. The raw water quality data for HEA01RW, as available and compiled by Helvetia on December 6, 2022, from analytical sampling results for the period from January 9, 2019, through August 10, 2022, is set forth in Exhibit V-2.

5. NPDES Permit No. PA0214884 for Helvetia CRDA contains Outfall 001 for the Helvetia No. 1 Collection System; however, the Collection System does not currently discharge through Outfall 001. The untreated refuse seepage is conveyed into the Lucerne #6

mine void for treatment, and NPDES Permit No. PA0236390 for Lucerne #6 is the applicable NPDES Permit for water collected from the Helvetia CRDA and conveyed to Lucerne #6 for treatment. The required effluent limits applicable to Outfall 001 are set forth in the current NPDES Permit which is attached as Exhibit V-3. The NPDES Permit has an expiration date of April 11, 2025. This Permit is renewed every five years (pursuant to the authority in 25 Pa. Code Chapter 92a) and the NPDES Permit, and the effluent limits set forth therein, may be revised in subsequent renewals of the NPDES Permit or as required by the Department. The effluent limits set forth in any subsequent renewal or revision of the NPDES Permit govern.

6. The Helvetia No. 1 Collection System collects and transfers an estimated 120 gpm of seepage originating from the reclaimed Helvetia CRDA to the Lucerne #6 Treatment Facility on a continuous basis using 3 ponds, injection boreholes, and a submersible pump. There is no chemical treatment on the Helvetia CRDA permit. The Helvetia No. 1 Collection System consists of: three (3) ponds (Sediment Ponds Nos. 1, 3 and 5), one (1) 10 hp submersible pump, two (2) injection boreholes, one (1) seepage borehole, one (1) vent borehole, and one (1) outfall. Seepage from the west side of the refuse area is collected in Sediment Pond 1 and pumped to the raw water collection Pond #1 at the Lucerne #6 Treatment Facility for treatment. Seepage from the south side of the refuse area is collected in Sediment Pond 5 where the seepage is gravity drained by a 4" pipeline to a 4" injection borehole into Lucerne #6 and is treated at the Lucerne #6 Treatment Facility. Seepage from the east side of the refuse pile is collected in Sediment Pond No. 3 and gravity flows into an 18" injection borehole into Lucerne #6 and is treated at the Lucerne #6 Treatment Facility. Sediment Pond 5 (South Side Pond) is permitted to discharge to an Unnamed Tributary to Blacklick Creek at NPDES Outfall 001; however, no discharge occurs

at Outfall 001 as all flow is directed to Lucerne #6 via an approved injection borehole. A flow diagram for the Helvetia No. 1 Collection System is attached as Exhibit V-4.

7. Helvetia has existing contractual rights that grant the Operator and the Department access to the Helvetia No. 1 Collection System; however, Helvetia has informed the Department that it has not been able to obtain the signature(s) needed from certain current property owner(s) for the required Consent to Right of Entry forms granting access to the Helvetia No. 1 Collection System. Helvetia has agreed to continue to make reasonable efforts to obtain the required Consent to Right of Entry which grants the Department, the Operators, and the Trustee, and their employees, agents, servants, contractors and subcontractors, access to the Helvetia No. 1 Collection System, and if they are able to obtain same, will provide them to the Department upon receipt. Copies of the executed and recorded Contractual Consent of Landowner forms with evidence of their recordation is attached as Exhibit V-5.

8. The estimated capital cost to construct the Helvetia No. 1 Collection System, as calculated using AMDTreat, is \$1,008,244.

9. In order to calculate the amount necessary to fully fund the trust, the Department and CMC have agreed to use actual operation and maintenance costs from the past three (3) years of operation of the Helvetia No. 1 Collection System for all operating parameters other than annual labor/contractor costs and water sampling/analysis costs. For annual labor/contractor costs and water sampling/analysis costs, the Department and CMC have agreed to use AMDTreat cost estimates. A summary of current annual operation and maintenance costs for the Helvetia No. 1 Collection System is as follows:

Category	Total Amount
Water Sampling/Analysis	\$8,813
Labor/Contractor Costs	\$22,295
Maintenance	\$0
Pumping	\$0
Chemical Cost	\$0
Oxidant Chemical Cost	\$0
Sludge Removal	\$0
Miscellaneous Other Costs	\$20,165
Total Annual O&M Cost	\$51,273

Based on actual operation and maintenance costs from past operations and AMDTreat cost estimates, the current annual cost of operating and maintaining the Helvetia No. 1 Collection System 1 is \$51,273. The AMDTreat cost worksheets are attached as Exhibit V-6.

10. In order to calculate the amount necessary to fully fund the trust, the Department and CMC have agreed to use recapitalization cost data generated by AMDTreat. According to AMDTreat, the present value of recapitalization costs for the Helvetia No. 1 Collection System is \$823,657. Attached as Exhibit V-7 is the AMDTreat Recapitalization Cost worksheet and schedule for the Helvetia No. 1 Collection System.

11. The parties have agreed to use the cost data, assumptions and calculations set forth herein to calculate the present value of the required financial assurance for the Helvetia No. 1 Collection System. The parties agree that the present value of the fully funded trust for the discharges collected by the Helvetia No. 1 Collection System is \$2,044,841. This sum constitutes the current present value of the estimated future operation and maintenance costs; the current present value of the estimated future recapitalization costs; and the current present value of the estimated liability insurance costs for the Helvetia No. 1 Collection System, as shown on

the treatment Bond/Trust Calculator attached as Exhibit V-8. The parties have also agreed to use the information and figures which will be provided by the Accounting required by Paragraph 4, below to annually recalculate and adjust the amount of the fully funded trust for Helvetia No. 1 Collection System as described below.

Post-Mining Treatment Trust

KK. CMC, Laurel Run and Helvetia agree they have the legal responsibility pursuant to, *inter alia* the Surface Mining Act, the Coal Refuse Disposal Act, the Mine Subsidence Act, and the Clean Streams Law, and the regulations promulgated thereunder, to properly treat or abate their respective discharges identified in Paragraphs O through JJ, above, including meeting the effluent limits set forth in the applicable and then current NPDES Permit, and maintaining the treatment systems identified in Paragraphs O through JJ above (referred to collectively as the “Treatment Systems”) in good operating condition and working order.

LL. CMC, Laurel Run and Helvetia are willing to establish a long-term irrevocable post-mining treatment trust with Somerset Trust Company as an alternative financial assurance mechanism, (and a financially-backed enforceable contract), in order to provide for the long-term treatment of post-mining discharges and secure the adjustment and replacement over a period of time of certain reclamation bonds and post mining discharge operation and maintenance bonds with cash, as described in Paragraph 6, below. The Department is authorized to adjust the bond amounts pursuant to, *inter alia*, 25 Pa. Code § 86.152. CMC, Laurel Run, and Helvetia agree to establish the CMC/Laurel Run/Helvetia Treatment Trust and have executed a Post-Mining Discharge Treatment Trust Agreement with Somerset Trust Company which conforms with the Department’s model trust agreement.

MM. The parties have discussed the need to obtain accurate and timely information on the costs of operating and maintaining the Treatment Systems in order to maintain the proper amount of financial assurance.

NN. The parties have agreed to use the cost data, assumptions and calculations set forth herein to calculate the present value of the CMC/Laurel Run/Helvetia Treatment Trust. The parties agree that the present value of the fully funded CMC/Laurel Run/Helvetia Treatment Trust for the post-mining discharges covered by this Treatment Trust CO&A is \$74,210,697. This sum constitutes the current present value of the estimated future operation and maintenance costs for the Treatment Systems; the current present value of the estimated future recapitalization costs for the Treatment Systems; and the current present value of the estimated future liability insurance costs for the Treatment Systems, as shown on the Treatment Bond/Trust Calculator attached as Exhibit W. The fully funded trust amount is subject to change based on changes to the annual operation and maintenance costs. The parties have also agreed to use the information and figures which will be provided by the Annual Accounting required by Paragraph 4, below to annually recalculate and adjust the amount of the CMC/Laurel Run/Helvetia Treatment Trust as described in the Paragraphs below.

OO. The parties have agreed that the Harmar Mine is currently over bonded by \$16,516,799.91, and the following nine (9) facilities are currently over bonded by \$34,751,619: Jane Mine, Montour #4 – Hahn Treatment Facility, Renton Refuse Area, Westland Mine, Iselin #10 Mine, Hutchinson AMD Plant, Margaret No. 7 Mine Water Treatment Plant, Vesta Mine, and Lucerne Mine #6. The parties have agreed to the bond adjustment and replacement schedule set forth in Paragraph 6, below.

ORDER

After full and complete negotiation of all matters set forth in this Treatment Trust CO&A 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 CMC, Laurel Run and Helvetia as follows:

1. **Authority.** This Treatment Trust CO&A 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 CMC, Laurel Run and Helvetia to comply with any term or condition of this Treatment Trust CO&A shall subject CMC, Laurel Run and Helvetia to all penalties and remedies provided by those statutes, and the regulations promulgated thereunder, for failing to comply with an order of the Department.

2. **Findings.**

a. In any matter or proceeding between CMC, Laurel Run and Helvetia and the Department, CMC, Laurel Run and Helvetia shall not challenge or deny the Department's assertion of the truth, accuracy, or validity of Paragraphs A through OO, above.

b. This Treatment Trust CO&A between the Department and CMC, Laurel Run, and Helvetia supersedes and replaces the 2005 Harmar CO&A; the 2009 Multisite Treatment Bonding CO&A; and the 2018 Robena Treatment Trust CO&A.

c. The parties do not authorize any other persons to use the findings in this Treatment Trust CO&A in any matter or proceeding.

3. **Definitions.**

- a. Accounting. The accounting set forth in the Annual Report required by Paragraph 4 of this Treatment Trust CO&A.
- b. Actual Treatment Cost. The average of the three (3) most recent consecutive years of the Operators' annual Operation and Maintenance Costs, as defined below, for those categories listed in Paragraph 4.a. of this Treatment Trust CO&A, calculated by using the Accountings for those three (3) years.
- c. Adjusted Treatment Cost. The sum of: (i) the Actual Treatment Costs incurred by the Operators for those categories listed in Paragraph 4.a. of this Treatment Trust CO&A, and costs for the following two categories that have been adjusted to reflect the costs that will be incurred by the Trust if the Operators default on their water treatment obligation: (ii) water sampling and analysis costs as determined by AMDTreat, and (iii) other maintenance costs based on estimates of recapitalization maintenance as determined by AMDTreat.
- d. AMDTreat. The computer software application of the United States Department of Interior's Office of Surface Mining Reclamation and Enforcement used to calculate and/or estimate the long-term cost of treating pollutional mine drainage discharges.
- e. Calculated Treatment Cost. The projected future annual cost of treatment, based on the Adjusted Treatment Cost, compounded at three and one tenth percent (3.1%) annually to account for inflation.
- f. Capital Improvement Sub-Account. The sub-account within each Trust Account which reflects the monetary value, as initially determined using AMDTreat, that is primarily used to track and finance anticipated and periodic Recapitalization Costs, as defined below, for the Treatment Systems.

g. Distribution Payment. The Trustee's disbursement of money from a Trust Account made at the written direction of the Department to a person pursuant to this Treatment Trust CO&A and in an amount specified by the Department.

h. Formula. The equation used to calculate the Present Value of the future Operation and Maintenance Costs, as defined below, of the Treatment Systems. The equation is:

	PV	=	$(A/[E-I]) + A$
Where:	PV	=	Present Value of the O&M Costs
	A	=	Current Actual Treatment Cost
	E	=	Expected annual earnings/Interest Rate (8.43%)
	I	=	Inflation Rate (3.1%)

i. Liability Insurance Factor. 116% of the present value of the estimated future cost of liability insurance coverage associated with the Treatment Systems, calculated as the present value of \$1.00 per year, per \$1,000 of the Primary Target Valuation and Recapitalization Costs for each Trust Account.

j. Operation and Maintenance Costs ("O&M Costs"). The **necessary annual costs and expenses paid or incurred by the Operators to operate and maintain the Treatment Systems**, including all expenses necessary to maintain the Treatment Systems in good condition and achieve compliance with all federal, state, and local laws and regulations, including applicable NPDES Permit requirements.

k. Primary Basis Valuation ("PBV"). 100% of the present value of the future cost of treatment as determined using the Formula set forth above.

l. Primary Target Valuation ("PTV"). 116% percent of the present value of the future cost of treatment (PBV) as determined using the Formula set forth above.

m. Primary Sub-Account. The sub-account within each Trust Account which reflects the monetary value, as initially determined using the Adjusted Treatment Cost, that is

primarily used to track and finance: (i) the annual O&M Costs of the Treatment Systems based on the Formula set forth above, and (ii) the Liability Insurance Factor.

n. Primary Trust Value. The sum of cash, cash equivalents, investments at market value of investments, and, as applicable, the face amount of surety bonds, currently held by the Trust in the Primary Sub-Account of each Trust Account.

o. Recapitalization Costs. Periodic recurring capital costs for replacement or rebuilding of equipment, including cyclical maintenance and other recurring activities associated with maintenance of the Treatment Systems.

p. Trust Fund Target Value. The total value of the Trust corpus that is required to generate adequate investment income to pay for projected future O&M Costs, Liability Insurance, and Recapitalization Costs.

q. Trust Account. The investment account within the Trust established for each of the Treatment Systems.

4. Operator Annual Accounting, Treatment Costs, and Annual Meeting.

a. The Operators shall keep accurate financial records of all the costs and expenses of treatment for each fiscal year, including O&M Costs and Recapitalization Costs. The various O&M Costs and expenses fall into several general categories, including, but not limited to: Labor/Contractor Costs (inclusive of labor and water sampling labor), Pumping (Electrical Utilities), Water Sampling/Analysis, Sludge Removal, and Miscellaneous Other Costs (including Pond Cleaning and Pipe Cleaning), Chemical Costs, and Maintenance. The individual items shall be tracked and reported to the Department for each general category.

b. The Operators shall keep separate records for each of the Treatment Systems.

c. The Operators shall provide an Accounting each year to the Department of the annual treatment costs and expenses for each Treatment System, separating out actual operation and maintenance expenses for those categories listed in Paragraph 4.a. above, from recapitalization expenses. The Accounting for each Treatment System shall be provided to the Department on the revised Annual Trust Fund Cost Report ("Annual Report") form attached as Exhibit X which has been agreed upon by the Operators and the Department. The Accounting shall be provided to the Department on or before the 60th day following the last day of the fiscal year for which the Accounting is being provided. The Accounting shall cover the period beginning on January 1 and continuing through December 31 of each year, or other fiscal year the Operators may adopt for their corporate finances in the future, and shall be in accordance with Generally Accepted Accounting Principles. The Annual Reports shall be signed by the treasurer or other person responsible for the financial affairs of the Operators attesting to the completeness and accuracy of the records of the annual costs and expenses of treatment.

d. The Operators' obligation to keep records and submit the annual Accounting to the Department shall continue for the period during which the Operators are responsible for operating the Treatment Systems.

e. The Operators and the Department shall meet annually during the first week in June, unless the Operators and the Department agree, in writing, to other dates ("Annual Meeting Date"), following submission of the Accountings to review the Annual Reports and discuss any changes made in treatment system design and operation since the previous annual meeting.

f. In the event of a dispute about the O&M Costs and Recapitalization Costs incurred by the Operators, the Operators shall bear the burden of proving the accuracy and

completeness of the Annual Report and the records upon which the Annual Report is based. A Special Report prepared by an independent licensed public or certified public accountant, pursuant to Generally Accepted Accounting Principles as to the treatment costs incurred by the Operators, shall satisfy the Operators' burden of proof as to any dispute regarding the O&M Costs and Recapitalization Costs incurred by the Operators.

5. Treatment Trust.

a. The Operators shall establish an irrevocable trust to be known as the CMC/Laurel Run/Helvetia Treatment Trust by executing a Post-Mining Treatment Trust Agreement with Somerset Trust Company, as Trustee (the "Trust"). The Trust shall secure the Operators' obligation to treat the discharges covered by this Treatment Trust CO&A, including their legal obligation to operate and maintain the Treatment Systems in perpetuity or until the Department determines that water treatment is no longer necessary. The Trust shall also secure the Operators' obligation to provide financial resources to the Department sufficient to operate and maintain the Treatment Systems and to treat the post-mining discharges in perpetuity in the event the Operators become unable or unwilling to meet these obligations. The Trust shall also provide for demolition of the treatment facilities and reclamation of the treatment site should treatment no longer be needed and the Operators become unable or unwilling to perform demolition. The executed Post-Mining Treatment Trust Agreement establishing the Trust is attached as Exhibit Y.

b. The obligations contained in the 2018 Robena Treatment Trust CO&A, 2005 Harmar CO&A, and the 2009 Multisite Treatment Bonding CO&A are superseded and replaced by the terms and conditions set forth in this Treatment Trust CO&A.

c. The Operators shall establish within the Trust twenty-two (22) separate Trust Accounts, one for each Treatment System. The Operators shall account for two separate sub-accounts in each Trust Account: (i) a sub-account designated as the Primary Sub-Account; and (ii) a sub-account designated as the Capital Improvement Sub-Account.

d. Upon written notice to the Department, the Operators may post an appropriate bond or bonds with the Department, in the amount determined by the Department in accordance with applicable bonding requirements and bond rate guidelines for a post-mining discharge operation and maintenance bond, as approved by the Department in writing, in order to guarantee the Operators' obligation to treat or abate the post-mining discharges covered by this Treatment Trust CO&A. The Operators may subsequently submit a request to the Department to terminate the related Trust Account(s). Upon termination of the Trust Account(s) following the posting of sufficient bond to guarantee the Operators' obligation, the Department shall direct the Trustee to distribute any residuum, less final trust administration expenses of the Trustee, to the Operators in accordance with Articles 4 and 12 of the Post-Mining Discharge Treatment Trust Agreement attached as Exhibit Y.

6. Funding of the Trust Accounts, Bond Adjustment, and Bond Replacement.

a. Initial Year One Payments to the Helvetia CRDA and Robena CRDA

Trust Accounts: Within five (5) days from the Effective Date, CMC shall:

(i.) Deposit the sum of \$2,044,841 in cash into the Helvetia CRDA Trust Account to provide full financial assurance in cash for the Helvetia Refuse Disposal Area No. 1, and

(ii.) Post an additional bond in the amount of \$313,023 and convey it to the Trust, including a fully executed rider to the bond, to be made part of the Robena CRDA

Trust Account corpus along with the existing \$12,405,480 in bonds to provide full financial assurance in the amount of \$12,718,503 for the Robena Coal Refuse Disposal Area.

b. Upon execution of this Treatment Trust CO&A, the Department will submit the necessary paperwork to initiate the pending bond adjustment request for the Harmar Mine, in accordance with the Department's applicable bond reduction requirements, decreasing the bond amount by \$16,516,799.91, leaving \$4,830,700 in bond as full financial assurance for the Harmar Mine.

c. Within 90 calendar days from the Effective Date, the Department will approve a bond adjustment decreasing the total bond amount by \$36,178,881.31 for the following nine (9) facilities: Jane Mine, Montour #4 – Hahn Treatment Facility, Renton Refuse Area, Westland Mine, Iselin #10 Mine, Hutchinson AMD Plant, Margaret No. 7 Mine Water Treatment Plant, Vesta Mine, and Lucerne Mine #6. The current bonds and bond amounts for these nine (9) facilities are referenced in Paragraphs Q, S, T, U, X, BB, DD, HH, and II, above, respectively, and set forth in Exhibit Z attached hereto.

d. Upon completion of the bond adjustment set forth in Paragraph 6.b., above, CMC shall deposit into the appropriate Trust Accounts:

(i.) A cash installment totaling \$1,427,262 to be applied as follows:

(1) A cash installment of \$577,262 to be deposited into the Vesta Mine Trust Account, which shall replace the full financial assurance currently secured by bond for the Vesta Mine and provide full financial assurance, in cash, for the Vesta Mine, and

(2) A cash installment of \$850,000 to be deposited into the Iselin #10 Mine Trust Account, which combined with the post-adjustment bond amount of \$893,344 provides full financial assurance for the Iselin #10 Mine.

(ii.) A cash installment totaling \$8,593,984 to be deposited into the appropriate Trust Account, which shall replace the full financial assurance currently secured by \$4,753,961.64 in bonds with cash for the following ten (10) facilities: the Dilworth Mine, Lewisville Recovery Plant, Kent No. 56, Kent No. 57, Keystone No. 1 Coal Refuse Disposal Area, Lucerne 2 Mine, Wilson 7 Mine, Iselin No. 11 Mine, O'Donnell No. 3 Mine, and O'Donnell No. 4/Manor No. 8 Treatment System. The current bonds and bond amounts for these ten (10) facilities are referenced in Paragraphs O, R, V, W, Y, Z, AA, CC, EE, and FF, above, respectively, and set forth in Exhibit Z attached hereto.

e. Upon completion of Paragraphs 6.a.-d., above, the initial Trust Fund Target Valuation for each of the twenty-two Treatment Systems will be as shown on Exhibit Z . As set forth in Exhibit Z and Paragraph NN, above, the sum of cash and bonds conveyed to the Trust Accounts constitutes the corpus of the Trust and equals the current present value of the amount necessary to fully fund the Trust, including the current present value of the estimated future O&M Costs of the Treatment Systems, the current present value of the estimated future liability insurance costs for the Treatment Systems calculated using the Liability Insurance Factor, and the current amount needed to finance anticipated and periodic future capital expenditures for the Treatment Systems, totaling \$74,210,697.

f. Surety Bonds as part of the corpus of the Primary Account: Upon execution of this Treatment Trust CO&A and the Trust Agreement, the Operators shall deliver to the Trustee fully executed riders to the surety bonds previously posted and to be posted for the following ten (10) facilities: Harmar Mine, Jane Mine, Montour #4 – Hahn Treatment Facility, Renton Refuse Area, Westland Mine, Iselin #10 Mine, Hutchinson AMD Plant, Margaret No. 7 Mine Water Treatment Plant, Robena Refuse Disposal Area, and Lucerne Mine #6. Copies of the

bond riders, which provide for payment of the bond amount to the appropriate Trust Account upon forfeiture, are attached as Exhibit AA.

g. Ongoing Payments to the Trust Accounts. CMC shall make additional yearly cash installment payments into the Trust Accounts as follows:

(i.) Annual Cash Installment Payment/Bond Replacement: Beginning in 2025, CMC shall, within thirty (30) days following the Annual Meeting Date, contribute an annual cash installment payment to the Trust of no less than \$2,000,000 total to be divided among those Trust Accounts that contain bonds as part of the Trust corpus (“Annual Cash Installment Payment”). CMC shall designate in writing which Trust Account(s) are to receive part or all of the Annual Cash Installment Payment. The Annual Cash Installment Payment shall be made yearly until the Trust corpus is fully funded with cash. For purposes of this Treatment Trust CO&A, the Trust corpus will be considered fully funded when it contains cash, cash equivalents and/or investments which at market value are adequate to fully fund the Trust based on the then current Trust Fund Target Valuation.

(ii.) The Annual Cash Installment Payment shall result in bond reduction or replacement of an equal dollar amount of financial assurance for those Treatment Systems that are still secured by bond, in accordance with the Department’s applicable bond reduction and/or replacement requirements.

(iii.) If, beginning in 2025, CMC contributes an Annual Cash Installment Payment in a single year that exceeds \$2,000,000 in total, CMC may elect to receive a credit that it may apply to the Annual Cash Installment Payment(s) due in future Years.¹ The total credit amount may be accrued and applied to Annual Cash Installment Payment(s) due in future

¹ Year is defined as CONSOL’s fiscal year, which matches the calendar year.

Year(s), and that total credit amount shall be equal to the amount that the total Annual Cash Installment Payment in the previous Year(s) exceeds \$2,000,000.

(iv.) The final Cash Installment Payment to each Trust Account may need to be adjusted up or down in order to fully fund the Trust with cash to correspond with the performance of the Trust, changes to the Treatment Systems, annual O&M Costs, the Liability Insurance Factor, Recapitalization Costs, and other factors.

7. Trust Evaluation: Adjustments to the Primary Target Valuation for Deviations Between Actual Treatment Costs and Calculated Treatment Costs.

a. All calculations under this paragraph shall be applied to each Trust Account individually and shall be based on the Actual Treatment Costs calculated from the three (3) most recent Annual Reports for that Trust Account and agreed to by the Department before any Distribution Payment.

b. If the Actual Treatment Cost for any year is greater than or equal to 110% percent or less than or equal to 90% of the Calculated Treatment Cost for any Trust Account, the Department will calculate a new Primary Basis Valuation using the Formula and the newly determined Actual Treatment Cost. A new Primary Target Valuation will then be determined by calculating 116% of the new Primary Basis Valuation. A graphical depiction of the adjustment is attached as Exhibit BB.

8. Distribution Payments for Adjustments to the Primary Target Valuation.

a. If a Trust Account does not include surety bonds that have been conveyed to the Trust as part of the Trust corpus, then Distribution Payments shall be made according to Paragraph 8.c. Otherwise, Distribution Payments shall be made according to Paragraph 8.d.

b. If the newly calculated Primary Target Valuation for any Trust Account, which has been adjusted under Paragraph 7, above, is greater than the Primary Trust Value, no

Distribution Payment shall be made under this paragraph from the corresponding Trust Account for that Treatment System.

c. If the newly calculated Primary Target Valuation, which has been adjusted under Paragraph 7, above, for any Trust Account is based on a reduced Actual Treatment Cost, and the Primary Trust Value is greater than the newly calculated Primary Target Valuation, then a Distribution Payment shall be made from that Trust Account to the appropriate Operator. The amount of such Distribution Payment will be equal to the percent change in Actual Treatment Cost (as a decimal) multiplied by the Primary Trust Value, or in an amount equal to the difference between the Primary Trust Value and the newly calculated Primary Target Valuation, whichever is less. The amount of such Distribution Payment shall be determined by the following formulas:

$$DP = TR (1 - (\text{new ATC} / \text{prior ATC}))$$

Or

$$DP = TR - \text{new TV}$$

Where: DP = Distribution Payment
TR = Primary Trust Value
TV = Sum of: (i) Primary Target Valuation and (ii) new Liability Insurance Factor
ATC = Actual Treatment Cost

d. If the newly calculated Primary Target Valuation which has been adjusted under Paragraph 7, above, for any Trust Account containing bonds as part of the Trust corpus is based on a reduced Actual Treatment Cost, and the Primary Trust Value is greater than the newly calculated Primary Target Valuation, then a Distribution Payment shall be made from that Trust Account to the appropriate Operator in the form of a reduction of the surety bond amount, in accordance with applicable bond reduction requirements ("Surety Bond Reduction"). Such Surety Bond Reduction shall be in an amount determined by the following formula:

Where: $BR = ((1 + RoR) (TR - B) + B) - (1.03(TV))$
BR = Surety Bond Reduction
RoR = effective rate of return, assumed to be 8.43%
TV = Primary Target Valuation
TR = Primary Trust Value
B = surety bond amount

e. In the year the final surety bond(s) are replaced, if after the final surety bond is replaced, the Primary Trust Valuation remains greater than the newly calculated Primary Target Valuation, then an additional Distribution Payment shall be made under Paragraph 8.c.

9. Annual Distribution (Expense Reimbursement) or Contribution Payments to Each Primary Sub-Account in the Trust Accounts.

a. All calculations under this paragraph shall be applied to each Trust Account individually and shall be based on the Actual Treatment Costs calculated from the three (3) most recent Annual Reports for that Trust Account and agreed to by the Department before any Distribution Payment.

b. If the Primary Trust Value does not include the value of surety bonds that have been conveyed to the Trust, then Distribution Payments shall be made in cash ("Cash Distribution Payment") according to Paragraph 9.c.(i.) Otherwise, Distribution Payments shall be made according to Paragraphs 9.c.(ii.).

c. If at the end of any Year, the Primary Trust Value is greater than the Primary Target Valuation, then the Operators may elect to receive a Distribution Payment as follows:

(i.) Once a Trust Account is fully funded with cash, the appropriate Operator may elect to receive a Cash Distribution Payment from that Trust Account. In the alternative, the Operator may elect to transfer the Cash Distribution Payment from any Trust Account fully funded with cash to a Trust Account that contains bonds as part of the Trust

corpus and elect to receive a Surety Bond Reduction of the surety bond(s) held in the corpus of that Trust Account, in accordance with applicable bond reduction requirements. The amount of such Cash Distribution Payment or transfer of the Cash Distribution Payment to another Trust Account will be equal to the difference between the Primary Trust Value and the Primary Target Valuation, or equal to the Calculated Treatment Cost, whichever is less. When transferred to another Trust Account, the Cash Distribution Payment shall result in bond replacement of an equal dollar amount of financial assurance for Treatment Systems currently secured by bond. This amount is depicted graphically at Points 1, 2 and 3 on Exhibit CC.

(ii.) For those Trust Accounts that contain bonds as part of the Trust corpus, a Distribution Payment shall be made to the appropriate Operator in the form of a Surety Bond Reduction of the surety bond(s) identified in Paragraph 6.f., above, in accordance with applicable bond reduction and/or replacement requirements. This amount is depicted graphically at Point 1 on Exhibit CC. Such Surety Bond Reduction shall be in an amount determined by the following formula:

$$BR = ((1+RoR) (TR - B) + B) - (1.03(TV))$$

Where: BR = Surety Bond Reduction
B = surety bond amount
RoR = effective rate of return, assumed to be 8.43%
TV = Primary Target Valuation
TR = Primary Trust Value

d. Within 30 days following the date of the Annual Meeting, the Department shall notify and advise the Trustee in writing to make the elected Cash Distribution Payments to the appropriate Operator or transfer the Cash Distribution Payment amount to those Trust Account(s) identified by the Operators that contain bonds as part of the Trust corpus. Prior to the Cash Distribution Payment, the Operators shall inform the Department, in writing, of their

preference with respect to the Cash Distribution Payments that they are entitled to receive from each Trust Account. For each Trust Account, the Operators shall inform the Department that they wish to receive a Cash Distribution Payment or have the Cash Distribution Payment transferred to another Trust Account and elect to receive a Surety Bond Reduction from that Trust Account, in accordance with applicable bond reduction requirements. The Operators shall identify the Trust Account(s) to which they wish to transfer the Cash Distribution Payment(s).

e. For each Trust Account, in the year the final Surety Bond Reduction is made, if after the final Surety Bond Reduction is made, the Primary Trust Value remains greater than the newly calculated Primary Target Valuation, then an additional Cash Distribution Payment shall be made under Paragraph 9.c.

f. For any Trust Account, if the Primary Trust Value is less than or equal to the Primary Target Valuation, but greater than or equal to the Primary Basis Valuation, then no Cash Distribution Payment or Surety Bond Adjustment shall be made and no additional contribution shall be required. This provision is depicted graphically as Point 4 on Exhibit CC.

g. If the Primary Trust Value is less than the Primary Basis Valuation for any Trust Account, then the appropriate Operator shall make a contribution within thirty (30) days following the Annual Meeting Date into the appropriate Primary Sub-Account(s) in an amount equal to the difference between the Primary Basis Valuation and the Primary Trust Value, or in an amount equal to the Calculated Treatment Cost, whichever is less, except as provided in Paragraph 13.a., below. This contribution may be in cash, or surety bonds or collateral bonds pledged to the Trust, along with a fully executed rider to the surety bonds on a form prescribed and furnished by the Department, that would be secured by letters of credit, cash, or cash

equivalent, or any combination thereof at the discretion of the Operator. This amount is depicted graphically as Points 5 & 6 on Exhibit CC.

10. Capital Improvement Accounts.

a. Assets of the Capital Improvement Sub-Account may be commingled with assets of the Primary Sub-Account in each Trust Account and held in a single Trust Account for each Treatment System for purposes of investment; however they shall be accounted for and reported separately as if they are assets of two separate and distinct accounts.

b. The required balance in the Capital Improvement Sub-Account has been determined using the AMDTreat Recapitalization tool based on the following methodology: For each planned capital replacement activity, the current cost and the projected year of replacement are determined. The future cost of each replacement activity is calculated by compounding the present cost at a rate of 3.1% annually to account for inflation. The year in which each replacement activity will be needed is projected based on typical component life cycles. Assuming a net rate of return on investment of 8.43%, the initial amount of the Capital Improvement Sub-Account must be sufficient to cover all anticipated expenditures for capital replacement activities for a 75-year period.

c. Schedules for the Capital Improvement Sub-Account balance and projected capital expenditures for each Trust Account are attached and made a part of this Treatment Trust CO&A as Exhibits A through V. The required balance in the Capital Improvement Sub-Account for each Trust Account will be recalculated on an annual basis whenever equipment or components are added to the Treatment Systems, or each time a Distribution Payment is contemplated under Paragraph 12, below. Such recalculation shall be

deemed an amendment to Exhibits A through V and this Treatment Trust CO&A and shall be used in making all future calculations involving the Capital Improvement Sub-Account.

11. Transfer of Funds to the Capital Improvement Sub-Accounts.

a. The provisions of this paragraph shall not apply to any Trust Account if the Primary Trust Value includes the value of surety bonds.

b. If the Primary Trust Value, after any Distribution Payment under Paragraph 9, above, is greater than the Primary Target Valuation, then a transfer of funds to the Capital Improvement Sub-Accounts shall be made if the current balance in the Capital Improvement Sub-Accounts is less than the required balance for the current year as indicated on Exhibits A through V. The amount of such transfer will be equal to the difference between the required balance and the current balance.

12. Distribution Payments from the Capital Improvement Sub-Accounts.

a. A Distribution Payment shall be made to the appropriate Operator any time a planned capital replacement or maintenance activity is made to any of the Treatment Systems as indicated on Exhibits A through V. The capital replacement and maintenance activities shall be made as needed, which may be sooner or later than the projected time. The amount of the Distribution Payment shall be equal to the calculated cost of the capital improvement as indicated on Exhibits A through V, or an amount equal to the difference between the current balance in the Capital Improvement Sub-Account and the required balance after the capital improvement Distribution Payment, whichever is less.

b. Each time a Distribution Payment from the Capital Improvement Sub-Account is contemplated under this paragraph or Paragraph 13 below, the required balance in the

Capital Improvement Sub-Account must be recalculated to determine the required balance after the proposed Distribution Payment, and to determine the appropriate Distribution Payment.

13. Miscellaneous Distribution Payments from the Primary Sub-Accounts and the Capital Improvement Sub-Accounts.

If the Primary Trust Value exceeds the Primary Target Valuation in the Primary Sub-Account, or if the balance in the Capital Improvement Sub-Account exceeds the required balance as indicated on Exhibits A through V, then such surplus funds may be used for the following purposes:

a. Surplus funds in the Capital Improvement Sub-Account shall be transferred to the Primary Sub-Account to reduce or completely satisfy the Operators' obligation to make a contribution payment under Paragraph 9.g., above. This amount is depicted graphically at Point 5 on Exhibit CC. However, the amount of surplus funds transferred to the Primary Sub-Account may exceed Operators' obligation under Paragraph 9.g., above if additional funds are needed so that the Primary Trust Value equals the Primary Basis Valuation. This amount is depicted graphically at Point 6 on Exhibit CC.

b. Surplus funds in the Capital Improvement Sub-Account or the Primary Sub-Account may be used by the Operators to pay for unanticipated capital expenditures, or anticipated capital expenditures that exceed the calculated cost of the capital improvement as indicated on Exhibits A through V.

c. Surplus funds in the Capital Improvement Sub-Account or the Primary Sub-Account may be used by the Operators to finance implementation of a new treatment technology, provided the application of such treatment technology is first approved by the Department in writing.

d. Surplus funds in the Capital Improvement Sub-Account or the Primary Sub-Account may be used by the Operators to implement remediation or abatement activities to reduce or eliminate the discharge, to improve the quality of the discharge, or any other reclamation activities, provided the Department first approves such activities in writing.

14. Real and Personal Property.

a. The Operators have created an inventory of all the equipment, facilities, and other personal property used for treatment of the post-mining discharges identified in this Treatment Trust CO&A ("Personal Property"). The list of Personal Property is set forth on page 3 of the Bill of Sale and License Agreements attached as Exhibits A through V. The Operators have transferred and conveyed to the Trustee, without reservation, all Personal Property including, but not limited to, the equipment and other property identified in Exhibits A through V in order to ensure continued treatment of the post-mining discharges in the event the Operators, individually or collectively, enter bankruptcy, cease to exist, or are unable or unwilling to continue treatment. Said transfer and conveyance has been made pursuant to the Bill of Sale and License Agreements attached as Exhibits A through V.

b. The provisions of Paragraph 14.a. notwithstanding, for so long as the Operators are continuing treatment, the Operators shall be responsible for maintaining and replacing or upgrading, as appropriate, any Personal Property used for the treatment of the post-mining discharges identified in this Treatment Trust CO&A. The Operators' replacement or upgrade of any of the Personal Property previously conveyed to the Trust, as set forth in Paragraph 14.a., above, shall be completed following notice to the Department. All parts, additional equipment, replacements, and upgrades to the Personal Property shall immediately and automatically become the property of Somerset Trust Company as Trustee of the Trust.

c. The Operators have submitted to the Department some, but not all, of the Consent to Right of Entry forms required by the Department and the Trustee to gain legal access to the real property containing the equipment and facilities used for the treatment of the post-mining discharges identified in this Treatment Trust CO&A. Those properties for which a Consent to Right of Entry has not been obtained as of the Effective Date are identified on the list attached as Exhibit DD.

d. The Department acknowledges that despite using reasonable commercial efforts and offering fair and reasonable terms, the Operators have been unable to obtain executed and recorded Consent to Right of Entry forms from certain private property owners which grant access to the Department and the Trustee to several of the properties containing Treatment Systems. The Operators shall continue to make reasonable efforts to obtain the needed Consent to Right of Entry which grants the Operators, the Department and the Trustee, their employees, agents, servants, contractors and subcontractors, access to the Treatment Systems, and if they are able to obtain same, will submit such Consent to Right of Entry forms to the Department within sixty (60) days of obtaining a fully executed and recorded version thereof. A copy of the Department's model treatment trust Consent to Right of Entry form is attached as Exhibit EE. If any property or portion of a property that does not have a Consent to Right of Entry to access the Treatment Systems is sold, and the Operators become aware of the sale, the Operators shall endeavor to obtain a properly executed and recorded Consent to Right of Entry from the new owner and submit it to the Department and the Trustee within a reasonable period of time.

15. Public Liability Insurance.

a. The Operators shall maintain in effect public liability insurance coverage for the operation, maintenance, improvement and all other activities associated with the

Treatment Systems and the real and personal property which is identified in the Bill of Sale and License Agreements (Exhibits A through V) and the Post-Mining Treatment Trust Agreement (Exhibit Y) as part of the Trust principal. The Trustee and the Commonwealth of Pennsylvania shall be listed as additional insureds on the policy.

b. In addition to the requirements of Paragraph 15.a., the public liability insurance shall be written on an occurrence basis and shall provide bodily injury and property damage coverage in the minimum amounts of \$500,000 per person and \$1,000,000 per occurrence. The insurance shall include a rider requiring the insurer to notify the Department thirty (30) days prior to substantive changes being made to the policy or prior to termination or failure to renew. Proof of insurance shall consist of a certificate of insurance filed annually with the Department as required under 25 Pa. Code § 86.168(a) which certifies that the Operators have a public liability insurance policy in force meeting the requirements of this paragraph.

c. In addition to the requirements of Paragraph 15.a above, the Operators shall ensure that the public liability insurance policy is at all times consistent with the requirements of 25 Pa. Code § 86.168(a-f).

16. Annual Requirements.

a. The Operators and the Department will meet annually on the Annual Meeting Date following submission to the Department of the Accounting for each Trust Account: (i) to review and discuss the Accounting for the then completed fiscal year, including the annual O&M Costs and Recapitalization Costs and expenses identified in the Annual Report; (ii) to review and discuss the effectiveness of the Treatment Systems and any changes in treatment system design, operation, and maintenance that occurred during the fiscal year; (iii) to resolve any issues which arise as a result of that change; (iv) to review the performance of the

Trust; (v) to review the recalculated Primary Target Valuation, the Calculated Treatment Cost, and any Distribution Payments from or additional payments required to be made to the Trust; and (vi) to address any other issues that may concern this Treatment Trust CO&A or its implementation.

b. The Operators shall provide annually to the Department, on forms furnished by the Department, the information required by 25 Pa. Code § 86.62(b) and (c) (relating to identification of interests).

17. **Operators' Continuing Obligation.** Neither the Operators' agreement to fund the Trust, including any Trust Account, nor the full or partial funding of the Trust or any Trust Account, nor the exhaustion of the Trust or any Trust Account shall in any way limit the Operators' continuing obligation under Pennsylvania Law, including but not limited to the Clean Streams Law and the Surface Mining Act, to operate and maintain the Treatment Systems in a competent and professional manner, as designed and approved by the Department, and in good operating condition capable of treating the post-mining discharges covered by this Treatment Trust CO&A, and any amendments hereto, in a manner which meets the effluent limitations set forth in the applicable NPDES Permit. Furthermore, exhaustion of the Trust or any Trust Account shall not excuse the Operators from their obligation to adequately treat or to abate the discharges.

18. **Stipulated Civil Penalties.**

a. In the event the Operators fail to comply in a timely manner with any term or provision of this Treatment Trust CO&A, CMC shall be in violation of this Treatment Trust CO&A and, in addition to other applicable remedies, CMC shall pay a civil penalty in the amount of \$100.00 per day for each violation.

b. Stipulated civil penalty payments shall be payable monthly on or before the fifteenth (15th) day of each succeeding month and shall be submitted in accordance with Paragraph 23 (Correspondence with the Department), below.

c. Any payment under this paragraph shall neither waive the Operators' duty to meet their obligations under this Treatment Trust CO&A, nor preclude the Department from commencing an action to compel the Operators' compliance with the terms and conditions of this Treatment Trust CO&A. The payment resolves only the Operators' liability for civil penalties arising from the violation of this Treatment Trust CO&A for which the payment is made.

d. Stipulated civil penalties shall be due automatically and without notice.

19. Additional Remedies.

a. In the event the Operators fail to comply with any provision of this Treatment Trust CO&A, the Department may, in addition to the remedies prescribed herein, pursue any remedy available for a violation of an order of the Department, including an action for civil penalties or action to enforce this Treatment Trust CO&A.

b. In the event the Operators default on the obligations of this Treatment Trust CO&A, the Operators may be subject to a permit block on the Department's compliance tracking system and the federal Applicant Violator System, and the Department will, in addition to any other remedy or penalty prescribed herein, list the Operators as a violator on the Department's compliance tracking system and on the federal Applicant Violator System.

c. The remedies provided by this paragraph and Paragraph 18 (Stipulated Civil Penalties) are cumulative, and the exercise of one does not preclude the exercise of any other. The failure of the Department to pursue any remedy shall not be deemed to be a waiver of

that remedy. The payment of a stipulated civil penalty, however, shall preclude any further assessment of civil penalties for the violation for which the stipulated civil penalty is paid.

20. **Reservation of Rights.** The Department reserves the right to require additional measures to achieve compliance with applicable law. The Operators reserve the right to challenge any action which the Department may take to require those measures.

21. **Liability of Operators.**

a. The Operators shall be liable for any violations of this Treatment Trust CO&A, including those caused by, contributed to, or allowed by their officers, agents, employees, or contractors. Except as provided in Paragraph 22.c., below, the Operators also shall be liable for any violation of this Treatment Trust CO&A caused by, contributed to, or allowed by their successors and assigns.

22. **Transfer of Sites.**

a. The duties and obligations under this Treatment Trust CO&A shall not be modified, diminished, terminated or otherwise altered by the transfer of any legal or equitable interest in the Operators' mine sites or any part thereof.

b. If the Operators intend to transfer any legal or equitable interest in the mine sites which are the subject of this Treatment Trust CO&A, or any amendments hereto, the Operators shall serve a copy of this Treatment Trust CO&A, and any amendments thereto, upon the prospective transferee of the legal and equitable interest at least thirty (30) days prior to the contemplated transfer and shall simultaneously inform the District Mining Manager identified in Paragraph 23, below of such intent.

c. The Department, in its sole discretion, may agree to modify or terminate Operators' duties and obligations under this Treatment Trust CO&A upon transfer of the

Treatment Systems. Operators waive any right that they may have to challenge the Department's decision in this regard.

23. **Correspondence with Department.** All correspondence with the Department concerning this Treatment Trust CO&A shall be addressed to:

District Mining Manager and
Treatment Trust/ABS Sites Manager
Department of Environmental Protection
California District Mining Office
25 Technology Drive
California Technology Park
Coal Center, PA 15423

RA-EPDMTREATMNTTRUST@pa.gov

24. **Correspondence with Operators.** All correspondence with the Operators concerning this Treatment Trust CO&A shall be addressed to:

Attention Legal Department and Manager, Legacy Operations
275 Technology Drive, Suite 101
Canonsburg, PA 15317
724-416-8331

MatthewTyree@consolenergy.com and envcompliance@consolenergy.com

The Operators shall notify the Department whenever there is a change in the contact person's name, title, or address. The Operators agree that service of any notice or any legal process for any purpose under this Treatment Trust CO&A, including its enforcement, may be made electronically by email to the above email address or by mailing a copy by first class mail to the above address.

25. **Force Majeure.**

a. In the event that the Operators are prevented from complying in a timely manner with any time limit imposed in this Treatment Trust CO&A solely because of a strike,

fire, flood, act of God, or other circumstances beyond the Operators' control and which the Operators, by the exercise of all reasonable diligence, are unable to prevent, then the Operators may petition the Department for an extension of time. An increase in the cost of performing the obligations set forth in this Treatment Trust CO&A shall not constitute circumstances beyond the Operators' control. The Operators' economic inability to comply with any of the obligations of this Treatment Trust CO&A shall not be grounds for any extension of time.

b. CMC, Laurel Run, or Helvetia shall only be entitled to the benefits of this paragraph if they notify the Department within five (5) working days by telephone and within ten (10) working days in writing of the date they become aware or reasonably should have become aware of the event impeding performance. The written submission shall include all necessary documentation, as well as an affidavit from an authorized individual specifying the reasons for the delay, the expected duration of the delay, and the efforts which have been made and are being made by the Operators to mitigate the effects of the event and to minimize the length of the delay. The initial written submission may be supplemented within ten (10) working days of its submission. The Operators' failure to comply with the requirements of this paragraph specifically and in a timely fashion shall render this paragraph null and of no effect as to the particular incident involved.

c. The Department will decide whether to grant all or part of the extension requested on the basis of all documentation submitted by the Operators and other information available to the Department. In any subsequent litigation, the Operators shall have the burden of proving that the Department's refusal to grant the requested extension was an abuse of discretion based upon the information then available to it.

26. **Severability.** The paragraphs of this Treatment Trust CO&A shall be severable, and should any part hereof be declared invalid or unenforceable, the remainder shall continue in full force and effect between the parties.

27. **Entire Agreement.** This Treatment Trust CO&A shall constitute the entire integrated agreement of the parties. No prior or contemporaneous communications or prior drafts shall be relevant or admissible for purposes of determining the meaning or extent of any provisions herein in any litigation or any other proceeding.

28. **Attorney Fees.** The parties shall bear their respective attorney fees, expenses, and other costs in the prosecution or defense of this matter or any related matters arising prior to execution of this Treatment Trust CO&A.

29. **Modifications.** Except as provided in Paragraph 10.c. above, no changes, additions, modifications, or amendments of this Treatment Trust CO&A shall be effective unless they are set out in writing and signed by the parties hereto.

30. **Titles.** A title used at the beginning of any paragraph of this Treatment Trust CO&A may be used to aid in the construction of that paragraph but shall not be treated as controlling.

31. **Decisions under Treatment Trust CO&A.** The Operators waive their rights to appeal to the Environmental Hearing Board any decision that the Department makes under the provisions of this Treatment Trust CO&A, including a notice that stipulated civil penalties are due, which rights may be available under Section 4 of the Environmental Hearing Board Act, the Act of July 13, 1988, P.L. 530, No. 1988-94, 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. Except as provided in Paragraph 22(c), above, the Department agrees that any objection that the Operators may have to

any such decision may be raised as a defense in any Court where the Department enforces this Treatment Trust CO&A.

32. Dispute Resolution.

a. Operators may initiate dispute resolution under this paragraph, in response to any decision required of the Department under this Treatment Trust CO&A.

b. To initiate dispute resolution, the Operators shall provide written notice to the Department within ten (10) days of the decision in dispute. The Operators shall have an additional ten (10) days to provide the Department with a written list of objections to the decision in dispute, the relevant facts, analysis and opinions and other supporting data ("Statement of Position"). The Department shall have twenty (20) days to provide its Statement of Position.

c. Within the twenty (20) day period following receipt of the Department's Statement of Position, the Treatment Trust/ABS Sites Manager, the California District Mining Manager and the Operators shall confer in an attempt to resolve the dispute. In the event that the parties are unable to resolve the dispute within this period, the Statements of Position shall be provided to the Department's Director of the Bureau of Mining Programs to issue a final decision resolving the dispute.

d. During the pendency of the dispute resolution procedures set forth in Paragraph 32.b–c, any obligation to be performed under this Treatment Trust CO&A which is the subject of such dispute and any associated activities whose performance is directly dependent upon the resolution of the dispute shall be postponed for a period of time not to exceed the actual time taken to resolve the dispute pursuant to Paragraph 32.b–c or as otherwise agreed by the

parties. All other obligations and activities shall be completed in accordance with the terms of this Treatment Trust CO&A.

e. Any time period for dispute resolution set forth herein may be extended by written agreement of the parties.

33. **Successors.** This Treatment Trust CO&A shall be fully and completely binding upon any successor of the Operators. For purposes of this paragraph, "successor" shall mean any corporation or entity: 1) the Operators consolidate with, merge into, or permit to merge with it, and the Operators are not the surviving corporation or entity; or 2) which acquires, by purchase or otherwise, all or substantially all of the Operators' properties or assets which include, but is not limited to, voting stock of the Operators. Successor does not include any corporation or other entity to which the Operators transfer or assign all or substantially all of their financial or non-financial liabilities.

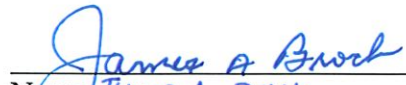
The Operators shall notify the Department, without delay, of any successor as defined herein and shall provide such successor with a copy of this Treatment Trust CO&A.

34. **Execution of Agreement.** This Treatment Trust CO&A may be signed 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 Treatment Trust CO&A to be executed by their duly authorized representatives. The undersigned representatives of the Operators certify under penalty of law, as provided by 18 Pa.C.S. § 4904, that they are authorized to execute this Treatment Trust CO&A on behalf of the Operators; that the Operators consent to the entry of this Treatment Trust CO&A as a final ORDER of the Department; and that the Operators hereby knowingly waive their rights to appeal this Treatment Trust CO&A

and to challenge its content or validity, which rights may be available under Section 4 of the Environmental Hearing Board Act, the Act of July 13, 1988, P.L. 530, No 1988-94, 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 the Operators' attorney certifies only that the agreement has been signed after consulting with counsel.

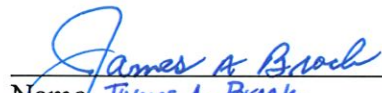
FOR CONSOL MINING COMPANY LLC:


Name James A. Brock
Title President, Chairman, and Chief Executive Officer

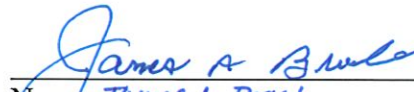
FOR THE COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
ENVIRONMENTAL PROTECTION:

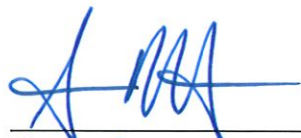

Name Sam Feltz
Title District Mining Manager

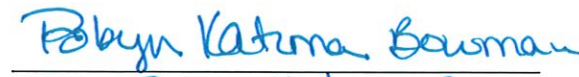
FOR LAUREL RUN MINING COMPANY LLC:


Name James A. Brock
Title President and Chairman

FOR HELVETIA COAL COMPANY LLC:

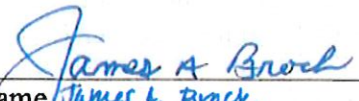

Name James A. Brock
Title President


Name Sean McGovern
Attorney for Operators


Name Robyn Katman Bowman
Assistant Counsel

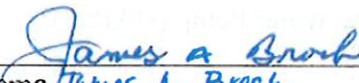
FOR CONSOL MINING COMPANY LLC:

FOR THE COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
ENVIRONMENTAL PROTECTION:


Name James A. Brock
Title President, Chairman, and Chief Executive Officer

Name
Title

FOR LAUREL RUN MINING COMPANY LLC:


Name James A. Brock
Title President and Chairman

FOR HELVETIA COAL COMPANY LLC:


Name James A. Brock
Title President

Name
Attorney for Operators

Name
Assistant Counsel

EXHIBIT LIST

Dilworth Mine Exhibits

EXHIBIT A-1	Topographic Map Showing Location of Raw Water Pump (DME02)
EXHIBIT A-2	DME02 Raw Water Quality Data
EXHIBIT A-3	NPDES Permit No. PA0022594
EXHIBIT A-4	Schematic Flow Diagram of the Rice's Landing Treatment Facility
EXHIBIT A-5	Consent to Right of Entry Forms for the Rice's Landing Treatment Facility
EXHIBIT A-6	AMDTreat Cost Worksheets for the Rice's Landing Treatment Facility
EXHIBIT A-7	AMDTreat Recapitalization Cost Worksheet and Schedule for the Rice's Landing Treatment Facility
EXHIBIT A-8	Treatment Bond/Trust Calculator
EXHIBIT A-9	Bill of Sale

Harmar Mine Exhibits

EXHIBIT B-1	Topographic Map Showing Location of Raw Water Pump (HAB03)
EXHIBIT B-2	HAB03 Raw Water Quality Data
EXHIBIT B-3	NPDES Permit No. PA0215571
EXHIBIT B-4	Schematic Flow Diagram of the 14 North Treatment Plant
EXHIBIT B-5	Consent to Right of Entry Forms for the 14 North Treatment Plant
EXHIBIT B-6	AMDTreat Cost Worksheets for the 14 North Treatment Plant
EXHIBIT B-7	AMDTreat Recapitalization Cost Worksheet and Schedule for the 14 North Treatment Plant
EXHIBIT B-8	Treatment Bond/Trust Calculator
EXHIBIT B-9	Bill of Sale

Jane Mine Exhibits

EXHIBIT C-1	Topographic Map Showing Location of Raw Water Pump (JMA02)
EXHIBIT C-2	JMA02 Raw Water Quality Data
EXHIBIT C-3	NPDES Permit No. PA0002283
EXHIBIT C-4	Schematic Flow Diagram of the Jane Treatment Facility
EXHIBIT C-5	Consent to Right of Entry Forms for the Jane Treatment Facility
EXHIBIT C-6	AMDTreat Cost Worksheets for the Jane Treatment Facility
EXHIBIT C-7	AMDTreat Recapitalization Cost Worksheet and Schedule for the Jane Treatment Facility
EXHIBIT C-8	Treatment Bond/Trust Calculator
EXHIBIT C-9	Bill of Sale

Lewisville Recovery Plant

EXHIBIT D-1	Topographic Map Showing Location of Raw Water Collection (Lewisville Plant RW and Lewisville CRDA RW)
EXHIBIT D-2	Lewisville Plant RW and Lewisville CRDA RW Raw Water Quality Data
EXHIBIT D-3	NPDES Permit No. PA0092142
EXHIBIT D-4	Schematic Flow Diagram of the Lewisville Plant Treatment Facility

EXHIBIT D-5	Consent to Right of Entry Forms for the Lewisville Plant Treatment Facility
EXHIBIT D-6	AMDTreat Cost Worksheets for the Lewisville Plant Treatment Facility
EXHIBIT D-7	AMDTreat Recapitalization Cost Worksheet and Schedule for the Lewisville Plant Treatment Facility
EXHIBIT D-8	Treatment Bond/Trust Calculator
EXHIBIT D-9	Bill of Sale

Montour #4 Mine–Hahn Treatment Facility

EXHIBIT E-1	Topographic Map Showing Location of Raw Water Pump (MB402)
EXHIBIT E-2	MB402 Raw Water Quality Data
EXHIBIT E-3	NPDES Permit No. PA0001147
EXHIBIT E-4	Schematic Flow Diagram of the Hahn Treatment Facility
EXHIBIT E-5	Consent to Right of Entry Forms for the Hahn Treatment Facility
EXHIBIT E-6	AMDTreat Cost Worksheets for the Hahn Treatment Facility
EXHIBIT E-7	AMDTreat Recapitalization Cost Worksheet and Schedule for the Hahn Treatment Facility
EXHIBIT E-8	Treatment Bond/Trust Calculator
EXHIBIT E-9	Bill of Sale

Renton Refuse Area

EXHIBIT F-1	Topographic Map Showing Location of Raw Water Pump (REA04)
EXHIBIT F-2	REA04 Raw Water Quality Data
EXHIBIT F-3	NPDES Permit No. PA0023370
EXHIBIT F-4	Schematic Flow Diagram of the Renton Treatment Plant
EXHIBIT F-5	Consent to Right of Entry Forms for the Renton Treatment Plant
EXHIBIT F-6	AMDTreat Cost Worksheets for the Renton Treatment Plant
EXHIBIT F-7	AMDTreat Recapitalization Cost Worksheet and Schedule for the Renton Treatment Plant
EXHIBIT F-8	Treatment Bond/Trust Calculator
EXHIBIT F-9	Bill of Sale

Westland Mine

EXHIBIT G-1	Topographic Map Showing Location of Raw Water Pump (WEA02)
EXHIBIT G-2	WEA02 Raw Water Quality Data
EXHIBIT G-3	NPDES Permit No. PA0215431
EXHIBIT G-4	Schematic Flow Diagram of the Arden Treatment Plant
EXHIBIT G-5	Consent to Right of Entry Forms for the Arden Treatment Plant
EXHIBIT G-6	AMDTreat Cost Worksheets for the Arden Treatment Plant
EXHIBIT G-7	AMDTreat Recapitalization Cost Worksheet and Schedule for the Arden Treatment Plant
EXHIBIT G-8	Treatment Bond/Trust Calculator
EXHIBIT G-9	Bill of Sale

Kent No. 56

EXHIBIT H-1	Topographic Map Showing Location of Seepage Collection (Kent 56 RW)
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EXHIBIT H-2	Kent 56 RW Raw Water Quality Data
EXHIBIT H-3	NPDES Permit No. PA0124834
EXHIBIT H-4	Schematic Flow Diagram of the Kent No. 56 Treatment Facility
EXHIBIT H-5	Consent to Right of Entry Forms for the Kent No. 56 Treatment Facility
EXHIBIT H-6	AMDTreat Cost Worksheets for the Kent No. 56Treatment Facility
EXHIBIT H-7	AMDTreat Recapitalization Cost Worksheet and Schedule for the Kent No. 56 Treatment Facility
EXHIBIT H-8	Treatment Bond/Trust Calculator
EXHIBIT H-9	Bill of Sale

Kent No. 57

EXHIBIT I-1	Topographic Map Showing Location of Seepage Collection (Kent 57 RW)
EXHIBIT I-2	Kent 57 RW Raw Water Quality Data
EXHIBIT I-3	NPDES Permit No. PA0598640
EXHIBIT I-4	Schematic Flow Diagram of the Kent 57 Treatment Facility
EXHIBIT I-5	Consent to Right of Entry Forms for the Kent 57 Treatment Facility
EXHIBIT I-6	AMDTreat Cost Worksheets for the Kent 57 Treatment Facility
EXHIBIT I-7	AMDTreat Recapitalization Cost Worksheet and Schedule for the Kent 57 Treatment Facility
EXHIBIT I-8	Treatment Bond/Trust Calculator
EXHIBIT I-9	Bill of Sale

Iselin #10 Mine

EXHIBIT J-1	Topographic Map Showing Location of Seepage Collection (Iselin 10 RW)
EXHIBIT J-2	Iselin 10 RW Raw Water Quality Data
EXHIBIT J-3	NPDES Permit No. PA061237
EXHIBIT J-4	Schematic Flow Diagram of the Iselin 10 Treatment Facility
EXHIBIT J-5	Consent to Right of Entry Forms for the Iselin 10 Treatment Facility
EXHIBIT J-6	AMDTreat Cost Worksheets for the Iselin 10 Treatment Facility
EXHIBIT J-7	AMDTreat Recapitalization Cost Worksheet and Schedule for Iselin 10 Treatment Facility
EXHIBIT J-8	Treatment Bond/Trust Calculator
EXHIBIT J-9	Bill of Sale

Keystone No. 1 CRDA

EXHIBIT K-1	Topographic Map Showing Location of Seepage Collection (Keystone No. 1 RW)
EXHIBIT K-2	Keystone No. 1 RW Raw Water Quality Data
EXHIBIT K-3	NPDES Permit No. PA0002283
EXHIBIT K-4	Schematic Flow Diagram of the Rice's Landing Treatment Facility
EXHIBIT K-5	Consent to Right of Entry Forms for the Keystone No. 1 CRDA Treatment Facility
EXHIBIT K-6	AMDTreat Cost Worksheets for the Keystone No. 1 CRDA Treatment Facility

EXHIBIT K-7	AMDTreat Recapitalization Cost Worksheet and Schedule for the
EXHIBIT K-8	Keystone No. 1 CRDA Treatment Facility
EXHIBIT K-9	Treatment Bond/Trust Calculator
	Bill of Sale

Lucerne 2 Mine

EXHIBIT L-1	Topographic Map Showing Location of Seepage Collection (Lucerne 2 RW)
EXHIBIT L-2	Lucerne 2 RW Raw Water Quality Data
EXHIBIT L-3	NPDES Permit No. PA0212806
EXHIBIT L-4	Schematic Flow Diagram of the Lucerne 2 Treatment Facility
EXHIBIT L-5	Consent to Right of Entry Forms for the Lucerne 2 Treatment Facility
EXHIBIT L-6	AMDTreat Cost Worksheets for the Lucerne 2 Treatment Facility
EXHIBIT L-7	AMDTreat Recapitalization Cost Worksheet and Schedule for the Lucerne 2 Treatment Facility
EXHIBIT L-8	Treatment Bond/Trust Calculator
EXHIBIT L-9	Bill of Sale

Wilson 7 Mine

EXHIBIT M-1	Topographic Map Showing Location of Seepage Collection (Wilson 7 RW)
EXHIBIT M-2	Wilson 7 RW Raw Water Quality Data
EXHIBIT M-3	NPDES Permit No. PA0603406
EXHIBIT M-4	Schematic Flow Diagram Depicting configuration of the Wilson 7 Treatment Facility
EXHIBIT M-5	Consent to Right of Entry Forms for the Wilson 7 Treatment Facility
EXHIBIT M-6	AMDTreat Cost Worksheets for the Wilson 7 Treatment Facility
EXHIBIT M-7	AMDTreat Recapitalization Cost Worksheet and Schedule for the Wilson 7 Treatment Facility
EXHIBIT M-8	Treatment Bond/Trust Calculator
EXHIBIT M-9	Bill of Sale

Hutchinson AMD Plant

EXHIBIT N-1	Topographic Map Showing Location of Seepage Collection (HUA02)
EXHIBIT N-2	HUA02 Raw Water Quality Data
EXHIBIT N-3	NPDES Permit No. PA0214116
EXHIBIT N-4	Schematic Flow Diagram Depicting configuration of the Hutchinson AMD Plant
EXHIBIT N-5	Consent to Right of Entry Forms for the Hutchinson AMD Plant
EXHIBIT N-6	AMDTreat Cost Worksheets for the Hutchinson AMD Plant
EXHIBIT N-7	AMDTreat Recapitalization Cost Worksheet and Schedule for the Hutchinson AMD Plant
EXHIBIT N-8	Treatment Bond/Trust Calculator
EXHIBIT N-9	Bill of Sale

Iselin No. 11 Mine

EXHIBIT O-1	Topographic Map Showing Location of Seepage Collection (Iselin 11 RW)
EXHIBIT O-2	Iselin 11 RW Raw Water Quality Data
EXHIBIT O-3	NPDES Permit No. PA0079791
EXHIBIT O-4	Schematic Flow Diagram Depicting configuration of the Iselin No. 11 Treatment Facility
EXHIBIT O-5	Consent to Right of Entry Forms for the Iselin No. 11 Treatment Facility
EXHIBIT O-6	AMDTreat Cost Worksheets for the Iselin No. 11 Treatment Facility
EXHIBIT O-7	AMDTreat Recapitalization Cost Worksheet and Schedule for the Iselin No. 11 Treatment Facility
EXHIBIT O-8	Treatment Bond/Trust Calculator
EXHIBIT O-9	Bill of Sale

The Margaret No. 7 Mine Water Treatment Plant

EXHIBIT P-1	Topographic Map Showing Location of Raw Water Pump (M7A04 and M7A01)
EXHIBIT P-2	M7A04 Raw Water Quality Data
EXHIBIT P-3	NPDES Permit No. PA0235385
EXHIBIT P-4	Schematic Flow Diagram Depicting configuration of the Margaret No. 7 Upper Pool Treatment Plant
EXHIBIT P-5	Schematic Flow Diagram Depicting configuration of the Margaret No. 7 Lower Pool Treatment Plant
EXHIBIT P-6	Consent to Right of Entry Forms for the Margaret No. 7 Upper Pool Treatment Plant and Margaret No. 7 Lower Pool Treatment Plant
EXHIBIT P-7	AMDTreat Cost Worksheets for the Margaret No. 7 Mine Water Treatment Plant
EXHIBIT P-8	AMDTreat Recapitalization Cost Worksheet and Schedule for the Margaret No. 7 Mine Water Treatment Plant
EXHIBIT P-9	Treatment Bond/Trust Calculator
EXHIBIT P-10	Bill of Sale

O'Donnell No. 3 Mine

EXHIBIT Q-1	Topographic Map Showing Location of Seepage (O'Donnell No.3 RW)
EXHIBIT Q-2	O'Donnell No.3 RW Raw Water Quality Data
EXHIBIT Q-3	NPDES Permit No. PA0006874
EXHIBIT Q-4	Schematic Flow Diagram Depicting configuration of the O'Donnell No. 3 Treatment Facility
EXHIBIT Q-5	Consent to Right of Entry Forms for the O'Donnell No. 3 Treatment Facility
EXHIBIT Q-6	AMDTreat Cost Worksheets for the O'Donnell No. 3 Treatment Facility
EXHIBIT Q-7	AMDTreat Recapitalization Cost Worksheet and Schedule for the O'Donnell No. 3 Treatment Facility
EXHIBIT Q-8	Treatment Bond/Trust Calculator
EXHIBIT Q-9	Bill of Sale

O'Donnell No. 4/Manor No. 8 Treatment System

EXHIBIT R-1	Topographic Map Showing Location of Seepage Collection (O'Donnell No.4 RW)
EXHIBIT R-2	O'Donnell No.4 RW Raw Water Quality Data
EXHIBIT R-3	NPDES Permit No. PA0235890
EXHIBIT R-4	Schematic Flow Diagram Depicting configuration of the O'Donnell No. 4 Treatment System
EXHIBIT R-5	Access Documents for the O'Donnell No. 4 Treatment System
EXHIBIT R-6	AMDTreat Cost Worksheets for the O'Donnell No. 4 Treatment System
EXHIBIT R-7	AMDTreat Recapitalization Cost Worksheet and Schedule for the O'Donnell No. 4 Treatment System
EXHIBIT R-8	Treatment Bond/Trust Calculator
EXHIBIT R-9	Bill of Sale

Robena Refuse Disposal Area

EXHIBIT S-1	Topographic Map Showing Location of Raw Water Pump (ROA05) and refuse runoff collection (Pond #1 (RPI-CB) – Robena Raw 5)
EXHIBIT S-2	ROA05 and Pond #1 (RPI-CB) – Robena Raw 5 Raw Water Quality Data
EXHIBIT S-3	NPDES Permit No. PA0215830
EXHIBIT S-4	Schematic Flow Diagram Depicting configuration of the Colvin Treatment System
EXHIBIT S-5	Schematic Flow Diagram Depicting configuration of the CRDA Treatment Facility
EXHIBIT S-6	Consent to Right of Entry Forms for the Colvin Treatment System and CRDA Treatment Facility
EXHIBIT S-7	AMDTreat Cost Worksheets for the Colvin Treatment System and CRDA Treatment Facility
EXHIBIT S-8	AMDTreat Recapitalization Cost Worksheet and Schedule for the Colvin Treatment System and CRDA Treatment Facility
EXHIBIT S-9	Treatment Bond/Trust Calculator
EXHIBIT S-10	Bill of Sale

Vesta Mine

EXHIBIT T-1	Topographic Map Showing Location of Seepage Collection (0073 Butt B Inlet-RW)
EXHIBIT T-2	0073 Butt B Inlet-RW Raw Water Quality Data
EXHIBIT T-3	NPDES Permit No. PA0111643
EXHIBIT T-4	Schematic Flow Diagram Depicting configuration of the Vesta Treatment System
EXHIBIT T-5	Consent to Right of Entry Forms for the Vesta Treatment System
EXHIBIT T-6	AMDTreat Cost Worksheets for the Vesta Treatment System
EXHIBIT T-7	AMDTreat Recapitalization Cost Worksheet and Schedule for the Vesta Treatment System
EXHIBIT T-8	Treatment Bond/Trust Calculator
EXHIBIT T-9	Bill of Sale

Lucerne Mine #6

EXHIBIT U-1	Topographic Map Showing Location of Raw Water Pump (L6A04)
EXHIBIT U-2	L6A04 Raw Water Quality Data
EXHIBIT U-3	NPDES Permit No. PA0236390
EXHIBIT U-4	Schematic Flow Diagram Depicting configuration of the Lucerne #6 Treatment Facility
EXHIBIT U-5	Consent to Right of Entry Forms for the Lucerne #6 Treatment Facility
EXHIBIT U-6	AMDTreat Cost Worksheets for the Lucerne #6 Treatment Facility
EXHIBIT U-7	AMDTreat Recapitalization Cost Worksheet and Schedule for the Lucerne #6 Treatment Facility
EXHIBIT U-8	Treatment Bond/Trust Calculator
EXHIBIT U-9	Bill of Sale

(Helvetia) Refuse Disposal Area No. 1

EXHIBIT V-1	Topographic Map Showing Location of Seepage Collection (HEA01RW)
EXHIBIT V-2	HEA01RW Raw Water Quality Data
EXHIBIT V-3	NPDES Permit No. PA0214884
EXHIBIT V-4	Schematic Flow Diagram Depicting configuration of the Helvetia No. 1 Collection System
EXHIBIT V-5	Access Documents for the Helvetia No. 1 Collection System
EXHIBIT V-6	AMDTreat Cost Worksheets for the Helvetia No. 1 Collection System
EXHIBIT V-7	AMDTreat Recapitalization Cost Worksheet and Schedule for the Helvetia No. 1 Collection System
EXHIBIT V-8	Treatment Bond/Trust Calculator
EXHIBIT V-9	Bill of Sale
EXHIBIT W	Global Treatment Bond/Trust Calculator
EXHIBIT X	Annual Meeting Trust Fund Cost Report
EXHIBIT Y	Post-Mining Treatment Trust Agreement
EXHIBIT Z	Initial Trust Fund Target Value for Each Treatment System
EXHIBIT AA	Bond Riders
EXHIBIT BB	Graphical Depiction of Adjustment to Primary Target Valuation
EXHIBIT CC	Graphical Depiction of Primary Trust Valuation and Primary Target Valuation
EXHIBIT DD	List of Properties Without Consent to Right of Entry Forms
EXHIBIT EE	Model Consent to Right of Entry Form