

## APPLICATION BITUMINOUS SURFACE MINE PERMIT

This form is for **new** applications only. For revisions to an existing permit, use the form *Mining Permit Revision* ([5600-PM-BMP0015](#)).

**Instructions:** Complete all questions in this General Information section. If screening questions indicate additional information is required, that information must be included. The e-templates/forms are available at [DEP's eLibrary/Permit and Authorization Packages/Mining Programs](#).

All applications must include the following **required** additional sections:

- *Ownership and Compliance* ([5600-PM-BMP0402](#))
- *Property Interests/Right of Entry* ([5600-PM-BMP0401](#))
- *Geology* ([5600-PM-BMP0018](#))
- *Hydrology* ([5600-PM-BMP0417](#))
- *Erosion and Sedimentation* ([5600-PM-BMP0410](#))
- *Treatment Facilities and Structures* ([5600-PM-BMP0421](#))
- *Operations Narrative* ([5600-PM-BMP0416](#))
- *Air Quality* ([5600-PM-BMP0017](#))
- *Soils* ([5600-PM-BMP0425](#))
- *Land Use & Reclamation* ([5600-PM-BMP0443](#))
- *Revegetation* ([5600-PM-BMP0409](#))
- *Operational Area and Bonding* ([5600-PM-BMP0312](#))

### A. APPLICANT INFORMATION

1. Permittee/Company Name \_\_\_\_\_
2. Mailing Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. Applicant Type [Choose an item.](#)  
☐ Other \_\_\_\_\_

### B. APPLICANT CONTACT

4. Applicant Contact Name \_\_\_\_\_  
Title/Affiliation \_\_\_\_\_  
Mailing Address \_\_\_\_\_  
\_\_\_\_\_  
Phone Number \_\_\_\_\_ Email \_\_\_\_\_

### C. CONSULTANT & PROFESSIONAL CERTIFICATION

Parts of this application require a licensed professional to complete. Complete to the E-Template – *Certification of Professionals* ([5600-PM-BMP0445](#)).

5. Are you using a consultant for this application? ☐ Yes\* ☐ No  
\*If yes, provide contact information:  
Consulting Firm: \_\_\_\_\_  
Contact Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Email: \_\_\_\_\_ Phone Number: \_\_\_\_\_

### D. GENERAL INFO

6. Was there a pre-application? ☐ Yes ☐ No  
Pre-Application Number: \_\_\_\_\_
7. Do you have a SOAP (Small Operators Assistance Program) number? ☐ Yes ☐ No  
SOAP Number: \_\_\_\_\_

8. Did you obtain a Notice of Intent (NOI) to Explore? ☐ Yes ☐ No  
NOI Number: \_\_\_\_\_
9. Indicate if other agency coordination is necessary.
- a. Historical structures may be affected. (PHMC) ☐ Yes ☐ No
- b. Coal processed to be equal to or greater than 200 tons/day (DEP Regional Air Quality Office)  
☐ Yes ☐ No
- c. Road variance or highway access permit ☐ Yes Choose an item. ☐ No

**E. DESCRIPTION OF ACTIVITY**

10. Type of Mining Activities (Check all that will apply)
- ☐ Surface Mining ☐ Auger Mining\* ☐ Coal Preparation Plant/Processing Facility  
☐ Coal Refuse Reprocessing\* ☐ Coal Refuse Disposal\*  
☐ Other (specify): \_\_\_\_\_
- \* If auger mining is proposed, complete *Auger Mining* ([5600-PM-BMP0415](#)). If coal refuse disposal is proposed, complete *Coal Refuse Reprocessing/Disposal* ([5600-PM-BMP0406](#))
11. Is disposal of excess spoil requested for this site? ☐ Yes\* ☐ No  
\*If yes, include *Excess Spoil* ([5600-PM-BMP0435](#))
12. Is blasting anticipated for this operation? ☐ Yes\* ☐ No  
\*If yes, the E-Template – *Blasting* ([5600-PM-BMP0000](#)) must be submitted with this application.  
When are you submitting the required pre-blast surveys? (check appropriate box)
- ☐ With this submittal. (The blast plan will be approved with the issuance of the Surface Mining Permit.)  
☐ After the initial issuance. (Blasting will not be allowed to commence until the permit is revised.)
- Are you proposing to import materials (coal ash, waste GP material) for beneficial use? ☐ Yes\* ☐ No  
\*If yes, submit the E-Template – *Beneficial Use of Imported Material* ([5600-PM-BMP0433](#)).

**F. SITE INFORMATION**

Provide answers to all the questions. List '0' for numerical values if no acreage applies. All mines are required to apply for a MSHA mine identification number. A MSHA ID is required for each mine site and must be issued before any operations may begin. Visit [msha.gov](https://www.msha.gov).

13. Operation/Site Name: \_\_\_\_\_
14. Operation/Site Location  
County(ies): \_\_\_\_\_ Municipality(ies): \_\_\_\_\_
15. Map Coordinates (*center of proposed permit area, in decimal to 3 places*)  
Latitude: \_\_\_\_\_ Longitude: \_\_\_\_\_  
Method of latitude/longitude collection: \_\_\_\_\_
16. MSHA Mine I.D. Number (and date of issuance): \_\_\_\_\_

17. Extent of Mining. Show acreage for the entire proposed permit area.
- Permit Area (Total SMP acres): \_\_\_\_\_
  - Mining Area (All areas within the permit area upon which mining and reclamation activities will take place during the life of the operation.): \_\_\_\_\_
  - Prep plant/processing facilities (Acres): \_\_\_\_\_
  - Surface area of coal removal (Acres including augering): \_\_\_\_\_
18. Has Acid Forming, toxic gorming, and/or alkaline-producing material been identified at this site?  
☐ Yes\* ☐ No \*If yes, include *Special Handling and Alkaline Addition* ([5600-PM-BMP0439](#))
19. Remining
- Abandoned mine land acres existing on permit area (Total acres): \_\_\_\_\_
  - Abandoned mine land acres to be reclaimed (Total acres): \_\_\_\_\_
  - Refuse existing on permit area (Acres): \_\_\_\_\_
  - Refuse to be reclaimed (Acres): \_\_\_\_\_
  - Underground mines existing on permit area (Acres): \_\_\_\_\_
  - Underground mines to be reclaimed (Acres): \_\_\_\_\_
  - Linear feet of highwall existing on permit area: \_\_\_\_\_
  - Linear feet of highwall to be reclaimed: \_\_\_\_\_
  - Estimated volume of refuse existing on permit area (Cu. yds.): \_\_\_\_\_
  - Estimated volume of refuse to be reclaimed (Cu. yds.): \_\_\_\_\_
20. Are you requesting [Subchapter F](#) protection for pre-existing pollutional discharges? ☐ Yes\* ☐ No  
 \*If yes, submit the E-Templates – *Remining of Areas with Preexisting Pollutional Discharges* ([5600-PM-BMP0442](#)) and *Baseline Pollution Load (spreadsheet)* ([5600-PM-BMP0419](#)). See also the Remining Map Checklist ([5600-PM-BMP0440](#)).

#### G. PROHIBITED OR RESTRICTED AREAS

- Mining activities are prohibited in the following areas [§86.102]:*
- Areas which have been designated unsuitable for mining or included in a petition, which has been accepted for review by the Department, for designation as unsuitable for mining.
  - Areas within 300 feet of any public park, building, school, church, community, or institutional building.
  - Areas within 100 feet of a cemetery or burial ground.
21. Indicate one of the following:
- ☐ There are no mining activities proposed within the above-listed areas.
- ☐ Mining activities are proposed in the above listed areas.\*
- \*Additional information must be provided to resolve these restrictions. Applicant must contact the District Mining Office for approval to continue this application.
22. Indicate whether mining activities are proposed in any of the following restricted areas:
- Areas within the boundary of the Allegheny National Forest. ☐ Yes\* ☐ No  
 \*If yes, approval is required from U.S. Department of Interior.
  - Areas within the boundary of a State Park, State Forest, or State Wild and Scenic River System. ☐ Yes\* ☐ No  
 \*If yes, approval is required from Pennsylvania Dept. of Conservation and Natural Resources.
  - Areas within the boundary of a State Game Land. ☐ Yes\* ☐ No  
 \*If yes, approval is required from Pennsylvania Game Commission.
  - Areas within the boundaries of the National Park System, the National Wildlife Refuge System, the National System of Trails, the National Wilderness

Preservation System, and the National Wild and Scenic Rivers System. ☐ Yes\* ☐ No

\*If yes, approval is required from the appropriate agency.

\*If yes to any of the above, attach detailed correspondence with the appropriate agency. Supply an addendum to the *Operations Narrative* labeled "Minimization of Impacts" describing measures that will be taken to minimize impacts to the public recreational areas including aesthetic enhancements and noise reduction practices.

23. Are you requesting to mine within 300 feet of any occupied dwelling?\*

\*If Yes, submit an *Occupied Dwelling Waiver* (5600-FM-BMP0150) for each.

24. Will the proposed surface mining activities occur within 500 feet of any point of either an active or abandoned underground mine? ☐ Yes\* ☐ No

\* If Yes, submit *Underground Mines* (5600-PM-BMP0441)

25. Are any soils classified as prime farmland? ☐ Yes\* ☐ No

\* If Yes, submit *Prime Farmland* (5600-PM-BMP0426)

Commented [EF1]: Keep in GI or request in soils etemp

Commented [SH2R1]: Move to soils

## H. STREAMS AND WETLANDS

26. Indicate one of the following:

☐ There are no stream or wetland impacts proposed to resources regulated by US Army Corps of Engineers (USACE) jurisdiction.

☐ Mining activities are to result in no more than minimal adverse environmental impact as determined by the currently active state programmatic permit (PASPGP). Visit the USACE website to view the current PASPGP. The Department may request additional information to be forwarded to USACE.

☐ Mining activities will potentially result in more than minimal environmental impacts, in which authorization may be obtained directly through USACE with an Individual Permit. Attach a *401 Water Quality Certification Request* (5600-PM-BMP0429).

27. Streams:

a. Will mining activities directly or indirectly affect areas within 100 ft. of the bank of a perennial or intermittent stream? ☐ Yes\* ☐ No

\*If yes, complete E-Template – *Mining Activities within 100 feet of a Stream* (5600-PM-BMP0428).

b. Will mining activities involve a relocation or channel change of an intermittent or perennial stream? ☐ Yes\* ☐ No

\*If yes, complete E-Template – *Stream Relocations and Channel Changes* (5600-PM-BMP0430).

c. Are mining activities proposed within a FEMA mapped 100-year floodplain or assumed 50 ft. floodway (from top of each bank)? ☐ Yes\* ☐ No

\*If yes, show the limits of the FEMA mapped 100-year floodplain and/or floodway on all exhibit maps.

Acres of the floodplain directly affected:  Acres of the floodplain indirectly affected:

d. Are there any proposed water obstructions? ☐ Yes\* ☐ No

\*If yes, complete E-Template – *Water Obstructions* (5600-PM-BMP0427)

28. Wetlands:

a. Are there wetlands within and/or adjacent to the permit boundary? ☐ Yes\* ☐ No

\*If yes, attach a wetland delineation report supporting the presence or absence of wetland resources as per 1987 USCOE Wetland Delineation Manual and applicable Regional Supplement. This attachment must include the name(s), address(es), telephone number(s), and qualifications of the person(s) who made the determination if wetlands exist within the proposed permit area and/or adjacent to the permit area. Show the location of wetlands on all exhibit maps. The maps must clearly distinguish between wetlands that will be impacted and those that will remain unaffected.

b. Will the mining activities directly or indirectly impact any wetlands?\* ☐ Yes\* ☐ No  
 \*If yes, attach the E-Template – *Wetlands* (5600-PM-BMP0424).

28. Will permanent or temporary impacts to waterways, floodways, floodplains, or bodies of water occur? ☐ Yes\* ☐ No  
 \* If yes, Chapter 105 disturbance fees are required for the acreage of permanent and temporary impacts to waterways, floodways, floodplains, and bodies of water. Provide the *Chapter 105 Fee Calculation Worksheet* (3150-PM-BWEW0553) and the appropriate fee amount with the permit application. ☐

**I. WATERSHED & DISCHARGE**

29. Receiving Stream/Watershed Name: \_\_\_\_\_  
 a. Is this stream subject to a TMDL? ☐ Yes ☐ No  
 b. Chapter 93 Receiving Water Designated Use: \_\_\_\_\_  
 c. Existing Stream Use (if different from designated use): \_\_\_\_\_ ☐ Not applicable
30. Is the mine site located within a special protection watershed area designated HQ or EV? ☐ Yes\* ☐ No  
 \*If yes, proposals for discharges within HQ or EV designated watersheds must include an Anti-Degradation Analysis (5600-PM-BMP007) as part of a preapplication process. If you have not completed this Application Supplement, stop and move to the pre-application process instead. If a pre-app has been completed, attach the Anti-degradation supplementation.
31. An NPDES permit is required. Indicate which NPDES permit is requested:  
☐ Individual Permit. Supply application and all supplementary information (5600-PM-BMP0032)  
☐ BMP GP-104 (Stormwater only) See 5600-PM-BMP0388.

**J. PUBLIC ROADS**

32. Are surface mining activities proposed to be conducted within 100 feet of the outside right-of-way of a public road or is a relocation of a public road proposed? ☐ Yes\* ☐ No  
 \*If yes, attach a description of the activities to be conducted, the name and section of the public road, and detailed plan view and cross-sections of the proposed activities. Identify what measures will be taken to maintain public safety. Include the written approval of the government agency having jurisdiction over the road.
32. Is a PennDOT highway occupancy permit necessary? ☐ Approved\* ☐ Pending\* ☐ No  
 \*If yes, include the permit approval.

**K. CULTURAL AND HISTORIC INFORMATION**

33. Indicate if the following are located within or adjacent (within 1000 ft.) to the proposed permit area:
- |                                                                                   |                                                           |
|-----------------------------------------------------------------------------------|-----------------------------------------------------------|
| Cultural or historic resources listed on the National Register of Historic Places | <input type="checkbox"/> Yes* <input type="checkbox"/> No |
| Publicly owned parks                                                              | <input type="checkbox"/> Yes* <input type="checkbox"/> No |
| Significant archaeological sites                                                  | <input type="checkbox"/> Yes* <input type="checkbox"/> No |
- \*If yes to any of the above:
- a. Supply an addendum to the *Operations Narrative* describing measures that will be taken to minimize impacts to the cultural resources including aesthetic enhancements and noise reduction practices.
- b. Submit for review to the PA State Historic Preservation Commission (PHMC) using [PA-SHARE](#).  
 Project Number Assigned by PHMC: \_\_\_\_\_  
 Attach correspondence received from PHMC ☐

**L. FISH AND WILDLIFE INFORMATION**

34. Utilize the [Pennsylvania Conservation Explorer](#) to process a Pennsylvania Natural Diversity Inventory (PNDI) Environmental Review to determine if any threatened or endangered species and/or critical habitats exist in proximity to the proposed mining activities.  
☐ PNDI receipt attached. Receipt Number: \_\_\_\_\_

Include copies of correspondence with state or federal agencies regarding the PNDI review (if applicable).

- a. Did the PNDI indicate Indiana bat habitat or does the proposed areas contain more than 40 acres of forested land (trees > 5 inches in diameter) or caves/abandoned mine openings? ☐ Yes\* ☐ No  
 \*If yes, submit the Application Supplement – *Bat Habitat* ([5600-PM-BMP0159](#)).
- b. Did the PNDI results show potential impacts to threatened or endangered species or critical habitats? ☐ Yes\* ☐ No  
 \*If yes, submit the E-Template – *Wildlife Protection Plan* ([5600-PM-BMP0033](#)).

#### M. EXISTING STRUCTURES

35. Will prior existing structures be utilized on this site? ☐ Yes\* ☐ No  
 \*If yes, provide a general list of the structures or facilities that will be utilized:

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#### N. OIL AND GAS WELLS

36. Are there surface mining activities proposed within 125 feet of a permitted or registered oil or gas well?  
☐ Yes\* ☐ No  
 \*If yes:
- Attach a demonstration that the permittee or the owner (or agent of the owner) of the well was notified.
  - Identify the well location on the maps and provide a description of the activity that will occur.
  - Provide a demonstration that the well has been properly abandoned (i.e. a copy of the Certificate of Well Plugging approved by DEP Bureau of Oil and Gas Planning and Program Management) or describe the measures to be taken to insure the integrity of the well, to provide access to the well at all times and to minimize damage, destruction or disruption of services provided by the well.
  - If the well has not been plugged, provide notification and well owner's written approval.

#### O. UTILITIES

37. Will the proposed surface mining permit area include locations of services provided by oil, gas, or water wells; oil, gas, or coal slurry pipelines; railroads; electric or telephone lines; or water or sewage lines? ☐ Yes\* ☐ No  
 \*If yes, attach a demonstration of the measures which will be taken to minimize or prevent these impacts.
38. Will the proposed activities be conducted within an underground utility line right of way or easement? ☐ Yes\* ☐ No  
 \*If yes, attach written approval from the utility.  
*In the absence of a defined right-of-way, the Department will assume a restricted area of 25 feet on each side of the underground utility line unless a waiver to affect closer is provided by the utility. The areas precluded from disturbance as a result of this barrier shall be illustrated on the maps.*
39. Will excavating occur within 100 feet of a pipeline? ☒ Yes\* ☐ No  
 \*If yes, attach a copy of the notification sent to the pipeline owner which describes precautionary measures that will be used.

#### P. STORAGE TANKS

40. Will storage tanks be located within the proposed permit area? ☐ Yes ☐ No  
 Number of aboveground tanks: \_\_\_\_\_  
 Number of underground tanks: \_\_\_\_\_

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  |                                                                                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|----------------------------------------------------------------------------------------|
| Are any tanks 250 gallons or greater?<br>*If yes, include Mining Tank Inventory Report ( <a href="#">5600-FM-BMP0449</a> )                                                                                                                                                                                                                                                                                                                                                                                         |  | <input type="checkbox"/> Yes* <input type="checkbox"/> No                              |
| <b>Q. LAND USE INFORMATION</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |  |                                                                                        |
| 41. Is there an adopted county or multi-county comprehensive plan; municipal or multi-municipal comprehensive plan; or county-wide zoning ordinance, municipal zoning ordinance or joint municipal ordinance?<br><br>*If yes, complete the following questions:                                                                                                                                                                                                                                                    |  | <input type="checkbox"/> Yes* <input type="checkbox"/> No                              |
| a. Does the project meet the provisions of the zoning ordinance or does the proposed project have zoning approval?                                                                                                                                                                                                                                                                                                                                                                                                 |  | <input type="checkbox"/> Yes <input type="checkbox"/> No                               |
| b. Applicants are encouraged to submit copies of local land use approvals or other evidence of compliance with local comprehensive plans and zoning ordinances. Are you submitting local municipal and county approval letters for this mining project with this permit application?<br><br>*If yes, attach the local municipal and county approval letters.                                                                                                                                                       |  | <input type="checkbox"/> Yes* <input type="checkbox"/> No                              |
| c. Have you addressed any concerns from the local municipality and county prior to submitting the application to the Department?<br><br>*If yes, attach all correspondence addressing the concerns.                                                                                                                                                                                                                                                                                                                |  | <input type="checkbox"/> Yes* <input type="checkbox"/> No <input type="checkbox"/> N/A |
| <b>R. MAPS</b> Refer to Maps Standards template ( <a href="#">5600-PM-BMP0404</a> )                                                                                                                                                                                                                                                                                                                                                                                                                                |  |                                                                                        |
| 42. Supply the following exhibits, clearly labeled: <ul style="list-style-type: none"> <li>• USGS Location map</li> <li>• Environmental Resources Map</li> <li>• Operations Map</li> <li>• Reclamation Map</li> <li>• Applicable cross sections</li> <li>• Additional maps and plans as stated in required sections</li> </ul>                                                                                                                                                                                     |  |                                                                                        |
| <b>S. FEE</b> Refer to the DEP webpage " <a href="#">Fees Associated with Mining Activities</a> " to calculate the appropriate fee for the application package. Note that fees are subject to change upon publication in the <i>Pennsylvania Bulletin</i> .                                                                                                                                                                                                                                                        |  |                                                                                        |
| 43. Indicate fee information:<br><input type="checkbox"/> Check payable to the <i>Commonwealth of Pennsylvania</i> <input type="checkbox"/> Digital payment<br>Total fee submitted: \$ _____<br>Description of total fee included (new permit + NPDES permit, etc.): _____<br><br><u><i>Additional fees may be required for water obstructions, stream modifications, and dams. Contact the DMO to determine applicable fees.</i></u>                                                                              |  |                                                                                        |
| 44. Reclamation Fees<br><input type="checkbox"/> All reclamation fees to be paid to the Federal Office of Surface Mining Reclamation and Enforcement are current as required by the Federal Surface Mining Control and Reclamation Act of 1977 (30 USC 1232).                                                                                                                                                                                                                                                      |  |                                                                                        |
| <b>T. PUBLIC NOTICE</b> The copy of this application must be made available to the public as stated upon publication of the Notice of Application.                                                                                                                                                                                                                                                                                                                                                                 |  |                                                                                        |
| 45. Attach the proposed public notice that is scheduled for once a week for four consecutive weeks in a local newspaper of general circulation in the locality of the proposed mining activities. See <a href="#">Public Notification for Mining Permits</a> webpage.<br><br>The original notarized proof of publication or a copy of all four newspaper notices must be submitted to the District Mining Office upon completion of the public notice.<br><br>Location of Application for public inspection: _____ |  |                                                                                        |

☐ Physical location: \_\_\_\_\_

☐ Website: \_\_\_\_\_

#### U. AFFIDAVIT

Commonwealth of Pennsylvania, County of \_\_\_\_\_

I, [Insert name of applicant/responsible official], being duly sworn, according to law, depose and say that I Choose an item. and that the plans, reports and documents submitted as part of the application are true and correct to the best of my knowledge and belief. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment (add/remove relevant portions in parenthesis).

\_\_\_\_\_  
Signature of Applicant or Responsible Official

Sworn and Subscribed To Before Me This Day of month, Year \_\_\_\_\_

Notary Public

Name Insert Notary Name

Address Insert Notary address

Title and Seal