



November 8, 2024

Neiswonger Construction Inc.
17592 Route 322
Strattanville, PA 16258

Re: Large Noncoal Mine Application
Maggie Lynn Underground Mine
SMP Application No. 63192001
NPDES Permit Application No. PA0278360
Deemston Borough, Washington County

Dear Applicant:

The Department has reviewed the applicant's submittal dated July 21, 2024 from GeoTech Engineering, Inc. (GEI) in response to the Department's June 26, 2024 comment letter regarding the above-referenced large underground noncoal (LNC) permit application. In order to continue processing the permit applications the following additions, corrections, and clarifications must be made. All regulatory references below are from Pennsylvania Code Title 25. Environmental Protection unless noted.

Update Exhibits

1. Per the Department's September 26, 2024 email to the applicant, Exhibits 9, 15.2, and 18 must be revised to depict the currently developed location of the surface mine highwalls in areas (Pit 2 & 3) under compliance action on the Maggie Lynn Surface permit (Pit 1 & 2 on the underground application). The notation of "100' highwall offset" must also be adjusted. Since permit limit excursions are to be reclaimed, no adjustments to bond will be needed. (§77.104, §77.410, §77.454)
2. Update the Exhibit 9 to depict the buried water line and pump recently installed to prevent freezing/increase water pressure of water spray system. (§77.104, §77.454)

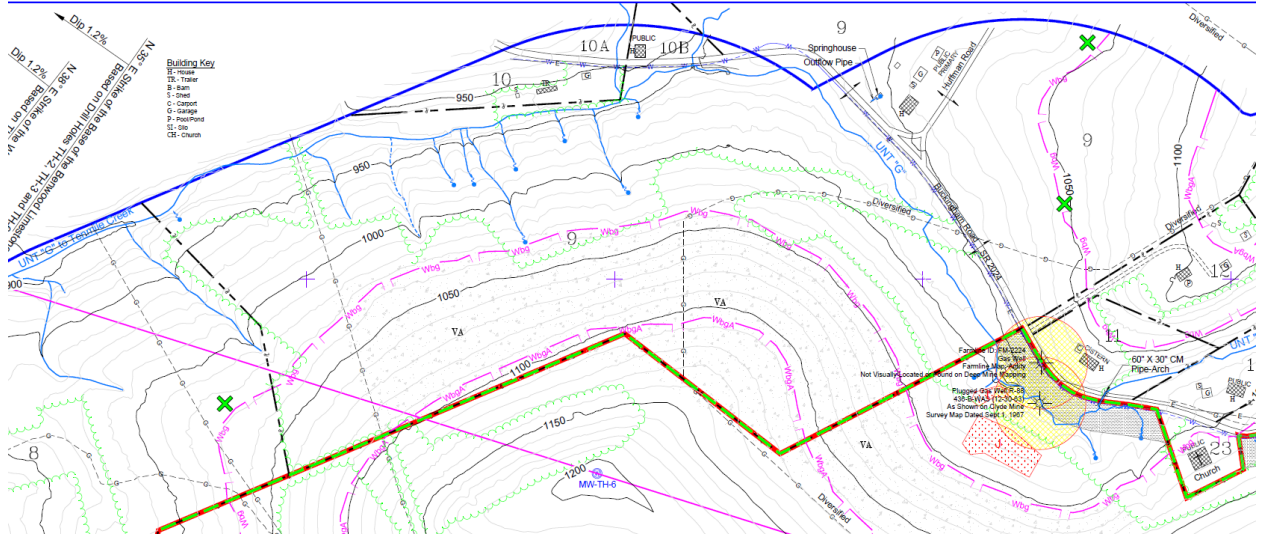
Module 10 – Bonding

3. After the October 10, 2024 office meeting and discussion of how the operator desired to proceed with the outstanding bonding uncertainty, the bonding calculations must be revised. Please revise Form 5600-FM-BMP0474 and Bonding Summary as needed and revise the demolition detail table to itemize the following items. (§77.193, §77.202)
 - a. Removal of burned out portable processing equipment (using existing bond calculation costs of \$1,000 per unit for crushers and screens). Add three items to the calculation.
 - b. Removal of one burned rock truck utilizing the \$1,000 per unit for processing equipment. Add one item.
 - c. Removal of garbage/scrap from the site, include the cost of roll-off 40-yard dumpster at \$1,000.

- d. Total additional bond for these items is \$5,000. This results in a total bond of \$965,872.96. *Ensure the correct subtotal is shown on the Form 5600-FM-BMP0474.* Round to \$966,000.

Wetland Impact and Wetland Identification – Update Exhibits

4. At the August 26, 2024 public meeting, a resident expressed concern regarding unmapped wetlands and potential impacts to wetlands. After this meeting, the Department identified three areas of potential wetlands located on Properties 8 and 9 within the 1,000-foot offset line along the Waynesburg Coal horizon. These wetlands must be visually identified and surveyed in the field and shown on Exhibits 6.2, 9, 15.2, 16.17, and 18 using the green wetland symbology. These additional wetlands need not be lettered, nor formally delineated since they do not lie within the permit boundary and therefore no revisions to Module 14 are necessary. See the map below for potential wetland locations marked with a green X. (§77.104, §77.410, §77.454)



5. The application states that sample points 26 and 27 are associated with the lower reaches of the Benwood Limestone but influenced by the Waynesburg Coal Seam. In addition, page 15-12 states “Sample points 26 and 27 will likely dry up as the recharge for these points is cut off. However, there is no defined purpose for either point.” The Department disagrees with this statement as sample point 26 serves to recharge Wetland E, described in the Wetland Delineation Report as a 0.3-acre palustrine forested type wetland. Sample point 26 has already been dewatered based upon water monitoring data on submitted 8.1(A) forms. This is an indirect impact to Wetland E. Wetland discharge sample point 25 (from Wetland E) has correspondingly decreased in flow. Mitigation for Wetland E is being addressed under the pending Consent Order and Agreement and must be in accordance with §105.20a. (§77.104, §77.403)

Module 17: Air Pollution and Noise Control Plan

6. At the August 26, 2024 public meeting, local residents raised concerns over dust produced by the operation and untarped trucks leaving the current operation in relation to

the health and safety of residents, school children, and on-site workers. It is understood the applicant is working with the Bureau of Air Quality to better control dust produced by the processing plant. To this end, ensure that sprayers in use at all watering points in the processing plant are pressurized and are delivering a vigorous water spray at all times that the processing plant is in operation as specified in the General Permit. At this time, also revise Module 17 as follows to ensure every effort is made to control fugitive dust.

(§77.104, §77.455)

- a. Module 17.2a) must be revised to include that the access road will be surfaced with stone or paved and will be maintained in such condition.
 - b. Revise Module 17.2b) to replace “The road will be watered at least daily during dry weather.” with the following sentences. “All reasonable actions specified in §123.1(c) will be undertaken as needed to prevent fugitive dust from access roads, haul roads, and adjoining portions of the public road from crossing the property line. This will typically include a minimum of daily watering during dry weather, but other specified methods will be employed as needed. An operable water truck equipped with a pressurized spray bar and pressurized hose or nozzle connection will be kept on site for road watering at all times.”
 - c. After the last sentence in Module 17.2b) regarding the walk around inspection, add the following statement: “These requirements will be followed regardless of the size of the load or the size of the stone being transported.” Note that the watering and tarping requirements will also be included as a Special Condition in the permit which will reference continued compliance with Compliance Order #241066 from 9/27/2024.
 - d. Revise Module 17.2c) to replace “If these are not adequately eliminating fugitive dust then only drills with water sprays will be utilized.” with “In addition, only drills equipped with water sprays will be utilized.”
 - e. Revise Module 17.2e) to specify that all reasonable actions specified in §123.1(c) will be undertaken as needed to prevent fugitive dust from this source from crossing the property line. Indicate this will typically consist of stockpile watering and that an operable water truck equipped with a pressurized spray bar and pressurized hose or nozzle connection will be kept on site for stockpile watering at all times. In addition, state that inactive stockpiles shall be covered with tarps or other materials to minimize wind erosion, and vehicular traffic on or around stockpiles shall be minimized.
7. The following comments are in regard to the July 2024 Air Quality Monitoring Plan. (§77.105, §77.126, §77.455(2))
- a. On page 17-20, the equipment list includes no. 5 at the bottom of the page and states two conveyors were installed in June 202. Correct this typographical error to provide the correct year.
 - b. On page 17-22, the Emission Restrictions – Prohibition of certain fugitive emissions section must be revised as follows.
 - i. Revise no. 6 to read “Open burning operations (applies to clearing and grubbing wastes only).” This clarification is needed because the Department’s Bureau of Waste Management prohibits open burning of any waste material other than clearing and grubbing wastes.

- ii. Immediately after no. 8, include the statement: “The Department’s Southwest Regional Office has not approved any sources that fall into this category to date.”
- c. On page 17-22, the Emission Restrictions – Fugitive particulate matter section must include language from §123.1(c) and the GP3. Insert the following text from the GP3 permit: “All reasonable actions shall be taken to prevent particulate matter from becoming airborne. These actions include, but are not limited to, the following...ii. Application of asphalt, water or suitable chemicals on dirt roads, material stockpiles and other surfaces that may give rise to airborne dusts. iii. Paving and maintenance of plant roadways. iv. Prompt removal of earth or other material from paved streets onto which earth or other material has been transported by trucking or earth moving equipment, erosions by water, or other means.
- d. On pages 17-22 and 17-23, the Emission Restrictions – Limitations section must be revised as follows:
 - i. To properly represent what is included in Tables 1 and 2, the sentence “A summary of the permit limits is given on the following page:” must be deleted and replaced with “A summary of potential emissions by source is given on the following page:”.
 - ii. After the Total Controlled PM emissions and PM-10 emissions summary at the bottom of page 17-23, include the following text. “Fugitive air contaminants shall not at any time exceed emission limitations, which are based on visible fugitive emissions. Processing equipment (crushers, screens, belts, transfer points) must meet the standard of zero visible emissions. Use of roadways and stockpiling must meet the standard of taking all reasonable actions as noted in §123.1(c), to prevent visible dust from crossing the property line from these sources.”
- e. On page 17-24, under the Compliance section first paragraph, also include that a 5 miles per hour speed limit must be followed when crossing the Equitable Gas D-480 gas line, per the utility crossing agreement.
- f. On page 17-24, under the Compliance section, all GP3 requirements pertaining to weather conditions must be fully included. Therefore, replace the current second and third sentences in this section with the following text. “Water spray dust suppression systems on portable nonmetallic mineral processing plants shall be operated on any and all occasions that the respective plant is operated. Operation without simultaneous operation of the water spray dust suppression system can take place only in those instances where processed materials contain sufficient moisture so as not to create air contaminant emissions in excess of the limitations and standards of the General Permit. If, however, the water spray dust suppression system is incapable of operation due to weather conditions or any other reason, the permittee may not operate the plant. A pressure gauge will be installed to indicate a normal operation of the dust suppression system.”
- g. On page 17-24 under Monitoring Requirements – Operation terms and conditions, weekly inspections are proposed in no. 1. Revise this to daily, with the last sentence revised to “Daily inspections are necessary...”.

- h. On page 17-24 under Monitoring Requirements – Operation terms and conditions, revise no. 3 to read: “Neiswonger Construction, Inc. shall submit all daily monitoring reports to the Bureau of Air Quality and to the District Mining Office on a monthly basis, with the previous months daily reports due on or before Day 10 of the following month. This monthly report shall be submitted electronically in a tabular format in accordance with the format specified by the Department.

The revisions and additions submitted must satisfy the provisions of Title 25, PA Code Section 77.126 by providing an affirmative demonstration of compliance with all existing laws, rules and regulations of the Department. All revised plan drawings must bear the date of revision and the seal or signature of the engineer or person who prepared the revision. **All revised pages of the application, including the narrative, must indicate page number and date of revision.** If revisions extend beyond the original page, each additional sheet should bear the original page number and a sequential letter of the alphabet.

Please submit one (1) hard copy and one (1) electronic copy of all information within 21 business days (December 12, 2024). Electronic copies must be in PDF format and are to be emailed to RA-EPNewStanton@pa.gov. Applicant must also revise the copy of the application available for public review.

Sincerely,



Diane Roote, P.G.
Licensed Professional Geologist
Bureau of District Mining Operations

cc: Application File – copy
Geotech Engineering, Inc. – email
C. Meyer, Environmental Program Manager - email
S. McMullen, Permits Chief - email
D. Roote, Lead Reviewer – email
C. Vought, Engineer – email
D. Zoeller, MCI – email, copy
M. Somogyi, MCIS – email
e-FACTS – email