

**From:** [Roote, Diane](#)  
**To:** [Vinnie Neiswonger](#)  
**Cc:** [Mike Barilar](#); [cpeterson@geotech-engineering.com](mailto:cpeterson@geotech-engineering.com); [Meyer, Chad](#); [Edwards, Jim](#); [Roote, Diane](#); [Vought, Christopher J](#); [Weyant, Jaimie](#); [Walker, Andrew](#); [Norbert, Tracy](#)  
**Bcc:** [Thomas, David D.](#); [Sammarco, Daniel](#)  
**Subject:** PADEP Update to 3/10/23 Comment Letter on Maggie Lynn Underground Permit Application  
**Date:** Thursday, April 13, 2023 1:22:00 PM

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Dear Applicant,

At the April 3, 2023 meeting regarding the Department's March 10, 2023 comment letter on the Maggie Lynn Underground Application (SMP 63192001), Geotech Engineering, Inc. questioned the need for new Contractual Consents of Landowner requested in Comment 10. Please consider the original Comment 10 replaced by the following Comment 10. No new Contractual Consents will be needed for Properties 1/4 or 3, but will be needed for Property 5, which was already planned by applicant.

### **Replacement Comment 10**

10. As indicated in "Note #2" under Module 5.1, the applicant plans to provide a Contractual Consent of Landowner for Property 5 (Parcel No. 220-005-00-00-0024-00 (60.6 acres)), after the property is leased. The new Contractual Consent of Landowner for Property 5 is also needed for surface activities and must be signed by both Property 5 landowners. As noted in Comment 13t, an occupied building waiver signed by both Property 5 landowners is also needed due to the proximity of the residence to the haulroad. Please ensure to use the most recent forms on the Department's eLibrary. (§77.104, §77.163)

In another matter, the New Stanton DMO has determined that it will not be possible for the Department to provide any statements or permit conditions that would fully or partially indemnify the applicant from liability for degradation of Subchapter F point MD-F on Hawkins SMP 63813210, even if the applicant's utilization of the Hawkins SMP area is confined to surficial activities with no excavation.

**Diane S. Roote, P.G.** | Licensed Professional Geologist  
Department of Environmental Protection | District Mining Operations  
New Stanton District Mining Office  
131 Broadview Road | New Stanton, PA 15672  
Phone: 724.925.5522 | Cell: 724.591.0937 | Fax: 724.925.5557  
[www.dep.pa.gov](http://www.dep.pa.gov)