



Testimony by

Roderick A. Fletcher, Director, Bureau of Mining and Reclamation
at the House Environmental Resources and Energy Committee Public Hearing on
Bluestone Mining and House Bill No. 1975
June 18, 1998, 4:00 p.m., Shadow Brook Resort, Tunkhannock, PA

Good afternoon.

Thank you for the opportunity to meet with this committee to discuss House Bill 1975 as it relates to bluestone mining.

Bluestone, a bluish gray sandstone found abundantly in several northeastern counties of Pennsylvania, is used for paving and building construction. The mining of industrial minerals similar to bluestone like limestone and shale is regulated by DEP under the Noncoal Surface Mining Conservation and Reclamation Act (SMCRA) of 1984.

Under Noncoal SMCRA, potential quarry operators propose a mining plan through a permit application. DEP uses this mining plan to determine if the mining will adequately address all regulations outlined in Noncoal SMCRA. If the plan meets all the requirements of the law, a permit is issued to the quarry operator. DEP then follows through with regular site inspections to ensure the operator is indeed abiding by the permit provisions.

This process may seem outwardly heavy-handed and cumbersome, but it results in fair treatment all mine operators and equal consideration of all mining plans. More importantly, however, is that the regulations enforced through this process exist to protect the safety and well-being of citizens living near quarries and the land and water inevitably impacted the mining operations.

Activities associated with surface mining can be dangerous if not properly conducted. The safety risks relating to surface mining do not disappear when mining activities end. If highwalls are not reclaimed, they pose a falling danger to unexpecting hikers or hunters. Pennsylvania's coal and noncoal mining regulations require that operators return the mining sites to their original contour to eliminate unsafe conditions and environmental pollution.

The Commonwealth is currently engaged in an intense effort to reclaim abandoned mine lands left over from *unregulated mining of the past*. Pennsylvania has 2,400 miles of streams that have difficulty supporting life because of drainage from abandoned mine lands. Over 250,000 acres of abandoned mine lands dot the Commonwealth. These lands generally are worthless because of poor soil quality and an unstable contour. Pennsylvanians are needlessly injured or killed because of dangerous abandoned mine sites.

With each acre reclaimed, lives are saved and the quality of water, flora and fauna are improved. These efforts clearly make Pennsylvania a more attractive place to live and work. Current mining laws, like Noncoal SMCRA, are intended to prevent the creation of more abandoned sites and the subsequent safety and environmental hazards associated with them.

House Bill 1975 proposes to amend Noncoal SMCRA by revising the definition of "surface mining". The definition would exclude the extraction and removal from a mining site of the lesser of 1,000 tons or 750 cubic yards of minerals within 12 successive calendar months. Mine operators who qualify under this exclusion would not be required to obtain a surface mine operators license, a mining permit, or any authorization for these mining sites. Additionally,



these operators would not be required to comply with the reclamation, blasting or other standards and protections provided by Noncoal SMCRA.

Under this amendment, there are no tonnage limits for overburden that is mined and left on the site or any overburden that is removed from the mining site for highway construction purposes. The location of the mining site would be registered in the county conservation district where the site is located. Mineral extraction must occur in a manner that does not affect the hydrologic balance of the environment.

DEP's assessment is that the amendments proposed by H.B. 1975 do not provide sufficient protections to ensure a safe and environmentally-friendly mining operation. The proposal actually counters the main objective of Noncoal SMCRA that is to protect public health and safety and the environment from the possible negative impacts of mining. DEP finds it difficult to support H.B. 1975 for the following reasons.

- The bill would exempt many future and possibly existing mining sites throughout the Commonwealth from being regulated under Noncoal SMCRA. These sites could be mined without specific requirements for reclamation or for consideration of environmental impacts and public safety.
- The bill allows for unlimited removal of overburden for highway construction without a requirement for the mined land to be reclaimed. If these highwalls are not reclaimed, they would pose a hazard to public safety. Noncoal SMCRA contains an exemption for borrow pits used for Pennsylvania Department of Transportation highway construction projects providing the contract for the project requires reclamation of the borrow area in accordance with Noncoal SMCRA.
- Because of previous unregulated mining similar to that proposed by H.B. 1975, some operations have placed large amounts of overburden downslope at mining sites. These conditions cause serious environmental problems and prevent successful reclamation of the surface mining site. Under DEP's present mining program, overburden that is suitable for highway construction or fill may be removed from the permitted site, in addition to the principal mineral being mined. However, the overburden materials remaining on site must be properly handled to facilitate reclamation and protect the environment and public health and safety.
- The bill does not identify the party or agency that will have the responsibility to monitor these mining sites for compliance with the 1,000 tons or 750 cubic yards limits and for overburden removal for highway construction purposes. The bill requires the mining site to be registered in the county conservation district. But, it does not specifically identify the County Conservation Districts as having oversight and regulatory responsibilities.
- Blasting is commonly recognized as a hazardous activity. The blasting requirements of Noncoal SMCRA, such as blast plan submissions and approvals, pre-blasting surveys and public notice of a blasting schedule would not be applicable to these mining sites. This is another area of potential hazards to public safety.

- There is no limit to the number of mining sites a person could have under the exemption. The exemptions proposed by the bill would apply to a single *mining site*. This could result in a person operating a series of sites in proximity to each other to avoid being regulated under Noncoal SMCRA. In addition, the total area affected by these mining sites will continue to increase in size because of operations in succeeding 12-month periods even though each site will remain under the tonnage and cubic yardage limit for a consecutive 12-month period.
- To qualify for the exclusion from the definition of “surface mining”, the mining activities must not significantly affect the hydrologic balance. The bill contains no mechanism for a demonstration to be made that the hydrological balance will not be affected.
- The bill does not provide for replacement or restoration of any water supplies that might be impacted by these operations.
- Noncoal SMCRA prohibits DEP from issuing permits to individuals who have demonstrated a lack of ability or intent to comply with the Act. This “bad actor” provision protects the people of the Commonwealth and the environment from individuals who have demonstrated their disregard of the law. This protection will be lost for operations that are exempted under the bill.
- To obtain a permit, all industrial minerals surface mining operators must demonstrate that their mining activity will not threaten the continued existence of an endangered species or adversely affect its habitat. There is no way to ensure that the mining sites exempted under this bill will not cause harm to an endangered species.

DEP realizes that H.B. No. 1975 would apply to many bluestone operations because many fall under the tonnage limitations of the bill. This fact is discouraging because DEP and the bluestone industry have worked toward resolving the issues associated with regulation and DEP has made program changes that would benefit the bluestone industry.

Historically, bluestone operations were unknown to the state and unregulated. In ¹⁹⁹⁵1996, Penn State University in cooperation with DEP completed a field study to determine the extent of bluestone mining activities in Pennsylvania. Please see Table 1 and 2 for the results of Penn State’s study and DEP’s subsequent validation.

With this increased awareness of bluestone mining activities, DEP and the bluestone industry worked together to develop a document titled “Elements of a Workable Bluestone Program.” This document, completed in 1997, is also attached to my testimony. DEP and the bluestone industry have agreed to these elements and are currently working under the principles of this agreement. Table 3 shows a marked increase in bluestone permit issuance following the development of the bluestone program. The bill would undo most of the elements of the workable program.

Some of the program changes that we have made that will benefit people mining small quantities of minerals and/or providing fill material for construction projects (i.e. bluestone operators) include the following.

- The allowable yearly tonnage of minerals mined under a small industrial minerals mining permit was increased from 2,000 to 10,000 tons and the permit application for these mines was simplified.
- We have developed a general permit for short-term construction projects. This can be used by anyone who is extracting industrial minerals to supply fill for a specific construction project. This permit will become available on June 23, 1998.
- One of the initiatives related to the development and implementation of the "Elements of a Workable Bluestone Program" was the design of a simplified permit application form for bluestone operations. The Department has completed this redesign. An example is attached.
- Regulations were adopted under the authority of Section 26(b) of Noncoal SMCRA to allow DEP to develop and issue general permits for any well-defined category of industrial minerals surface mining.

DEP is committed to discussing the concerns and doing our best to resolve the problems associated with the mining industry. We will work as partners with industry to prevent pollution and restore our natural resources. This is evident by DEP's past dealings with bluestone mine operators. DEP does not see H.B. 1975 as a solution. On the contrary, we believe that if the provisions of the bill are implemented, it would be a step backward in the cooperative relationship that has formed between DEP and the bluestone industry.

If H.B. 1975 is changed to address the concerns outlined in the beginning of this testimony, DEP will certainly give the bill further analysis. As the bill stands today, it would be impossible for DEP to endorse because it is fundamentally opposite of DEP's mission to protect Pennsylvania's land and water from pollution and to provide for the health and safety of its citizens.

**Table 1. Summary of Potential Bluestone Operations
Identified by Penn State University**

Potential Bluestone Operations Identified by PSU = 920		
Pottsville District Mining Office		
Susquehanna	560	
Wyoming	73	
Lackawanna	34	
Wayne	30	
Total	697	76%
Hawk Run District Mining Office		
Bradford	210	
Sullivan	13	
Total	223	24%
Total	920	100%

Table 2. Preliminary Results of Field Validation

Pottsville District Mining Office						
PSU Bluestone Mining Study Investigation Results						
Quad	Number of Sites Identified	Permitted Sites	Unpermitted Sites	Abandoned Sites	Non-mining Sites	Other Industrial Minerals
Franklin Forks	60	12	15	30	1	2
Great Bend	24	5	5	10	1	3
Susquehanna	61	4	16	32	6	3
Auburn Center	40	4	10	16	0	10
Lenoxville	44	4	7	32	0	1
Carbondale	6	1	0	0	2	3
Hartford	50	3	14	33	0	0
Clifford	10	2	1	5	0	2
Hop Bottom	30	1	11	15	2	1
Forest City	8	1	1	0	0	6
Springville	20	0	5	9	1	5
Total	353	37	85	182	13	36

Hawk Run District Office						
PSU Bluestone Mining Study Investigation Results						
Quad	Number of Sites Identified	Permitted Sites	Unpermitted Sites₁	Abandoned Sites	Non-mining Sites	Other Industrial Minerals
Colley	27	2	4	2	6	13
Dushore	2	0	0	1	1	0
Laceyville	46	4	5	25	7	5
Leraysville	31	12	1	12	4	2
Litchfield	12	0	0	1	6	5
Little Meadows	12	0	3	1	0	8
Monroeton	9	0	0	0	3	6
Rome	6	0	1	3	1	1
Syre	2	0	0	0	2	0
Towanda	11	0	7	0	2	2
Ulster	2	0	0	0	0	2
Windham	1	0	0	0	1	0
Wayalusing	37	3	2	16	8	8
Total	198*	21	23	61	41	52

* Includes 9 sites which were not identified in the PSU study.

Notes: 1) Of the 920 sites identified by Penn State University shown in Table 1, 542 have been field validated; Pottsville (353); Hawk Run (189). Therefore the project is 59% complete. The proportions of Permitted, Unpermitted and Abandoned sites may change as the remaining quadrangles are field validated.

2) Of the 45 quadrangles studied by PSU, there are 21 quadrangles which require field validation. They are not represented in this table.

3) During the field validation there were new sites located which were not present in 1993 aerial photos studied by PSU.

Table 3. Bluestone Permits Issued 1995-98

**Pottsville District Mining Office
Issued Bluestone Permits**

County	1995*	1996*	1997	1998	Total
Lackawanna	0	1	18	0	19
Susquehanna	0	1	67	7	75
Wayne	2	2	10	0	14
Wyoming	2	3	14	0	19
Total	4	7	109	7	127

** Includes all Small Industrial Mineral Permits*

Note : As of 6/12/98, there were 18 permits applications pending.

**Hawk Run District Mining Office
Issued Bluestone Permits**

County	1995	1996	1997	1998	Total
Bradford	3	3	19	4	29
Sullivan	0	0	0	0	0
Total	3	3	19	4	29

Note : As of 6/12/98 there are 6 permit applications pending.

ELEMENTS OF A WORKABLE BLUESTONE PROGRAM

1. DEP permits will be simplified and the timelag shortened. For small operations, a permit decision should be made within twenty (20) days.
2. The operation will not have a discharge (except for erosion and sedimentation controls and water used for sawing stone).
3. The applicant complies with the requirements of Chapter 77, Subchapter B (related to surface mining operators license).
4. Two thousand tons of marketable material, (including overburden minerals) may be removed per year in accordance with the current surface mining law. However, a small operator may obtain a large operators license for a one year period during overburden removal, to allow for the increased tonnage during that mine development period.
5. The total area disturbed for mineral removal by a small bluestone operator for each site which he or she operates under the small bluestone permit is less than three acres. If an operator has already disturbed more than three acres, he or she will not be eligible to operate under the small bluestone general permit unless any disturbed area for each site in excess of three acres is reclaimed and revegetated.
6. The highwall height on a small bluestone permit will not exceed 35', unless existing highwalls on site are currently greater than 35'. These existing conditions will be evaluated on a case by case basis to determine eligibility for the small general permit and benching requirements. Safety benches will generally be required on any highwall greater than 25'.
7. Some topsoil and overburden minerals may be removed from the site and marketed providing that adequate amounts of overburden material and topsoil are left on site in order to complete reclamation requirements.

8. The Department shall grant exploration authorization (permit waivers) which will allow an operator to conduct onsite testing of the bluestone on an affected area of 1/4 acre (which may be expanded to 1/2 acre if special circumstances warrant) including uncovering and sawing 250 tons or 110 cubic yds. of stone (i.e. appr. a 14 ft cube or a 22'x 22' area 6' thick, etc.) over a one year period. The operator will need a license prior to receiving exploration approval and will be required to obtain a permit for bluestone removal following the completion of the exploration activity.
9. In order to be considered active, the mine must be worked sometime during a one year period. When the operator desires extended shutdown he must notify the DEP and comply with the temporary cessation requirements of Chapter 77.
10. The area where resawing is done shall not require any bonding or permitting, providing that the resawing is in a separate and distinct area detached from the active mining area. This area constitutes a staging area for prepared product which does not have to be within the permitted area.
11. There shall be no excavation within 25' of a property line without the landowner's consent. However, sufficient space must be provided adjacent to the property line to allow for the completion of reclamation activities and meet existing grades at the property line.
12. A limited amount of down slope casting of material is not prohibited, providing that it is controlled, capable of being reclaimed with conventional equipment on site, and is limited to initial cut development, unless otherwise approved in the permit.
13. The operator shall only be responsible to revegetate areas that have been affected by the operator's mining activities.
14. A committee shall be established consisting of people from DEP and active quarry operators to discuss new regulations and Department policies pertaining to bluestone mining operations.



**BLUESTONE APPLICATION TO OPERATE UNDER THE
GENERAL PERMIT FOR SMALL NONCOAL**

DEP USE ONLY

Before completing this form,
read the step-by-step instructions
provided with this
Permit Application Package.

Application ID# (Assigned by DEP) _____
Stamp Date Application Received _____

APPLICANT SITE INFORMATION

Operator's Name:		Mailing Address:	
Surface Mining Operator's License (Small Noncoal): #4 - _____			
Telephone Number:		Mine Name:	
		Location: _____ Twp., _____ County	
Receiving Stream:		Mineral(s) to be Mined: <input type="checkbox"/> Bluestone <input type="checkbox"/> Other Stone	
Groundwater: Will this operation encounter groundwater? <input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Maximum Highwall: _____ ft. (not to exceed 35 ft.) (A highwall greater than 25 feet height must have a safety bench)	
Acres To Be Affected (total) _____ Acres To Be Bonded _____ maximum 3 acres affected and not reclaimed at any time	Estimated Production This Year	Type of Reclamation: <input type="checkbox"/> Approximate Original Contour <input type="checkbox"/> Terrace (maximum slope 35°)	
Dust Control: Will dust be controlled by the following methods? periodic watering as needed maintain low speeds on haul road <input type="checkbox"/> Yes <input type="checkbox"/> No	Revegetation Plan: <input type="checkbox"/> Grasses/Legumes <input type="checkbox"/> Trees/Shrubs <input type="checkbox"/> Others (specify) _____		
Map: Provide either three (3) clear copies of an aerial photo (1" - 660' or other appropriate scale) (these can be obtained from the County Conservation District Office) or three (3) USGS quadrangle maps blow-up (scale 1" = 100') showing the limits of the proposed surface mine site including the location of the access road from the intersection of the public road.	USGS Map: Provide two (2) 7½ minute USGS maps with the location of the proposed surface mine site.		
	Erosion Control Measures: Provide either an approved erosion control plan from the County Conservation District or complete Exhibit I (Bluestone Erosion Control plan)		
Reclamation Bond: Provide a reclamation bond for the proposed area to be affected as required by the Department.			
Distance Limitations: Is the proposed permit area within any of the distance limitations? (See instructions for list of limitations) Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, check with the District Mining Office.			
Name and Address of Landowner(s)			
Consent of Landowner: Provide a Contractual Consent of Landowner for each property affected by this operation.			

The following reclamation standards are made part of the reclamation plan for this operation in order to justify an affected and unreclaimed area greater than one acre in accordance with 77.108(e)(4).

- The operator will retain on site enough material, including minerals other than marketable bluestone, overburden, reject materials and topsoil, for replacement on affected areas upon completion of mining. Overburden, reject material and topsoil shall be stockpiled and readily available for reclamation. Materials in excess of that needed for reclamation, as demonstrated by the operator, may be removed from the site. The total actual and attributed annual bluestone and other minerals, including overburden, shall not exceed 2,000 tons.
- Unless otherwise approved by the Department, downslope casting of overburden materials is prohibited.
- There will be no excavation within 25 feet of the property line unless approved by the Department on a site specific basis.

In addition to the above reclamation standards, the following performance standards under the General Permit for Small Noncoal are required for this authorization.

- The outer limits of the area approved by this permit are to be field marked for the duration of the mining activity.
- The permittee shall identify this operation during its lifetime by constructing and maintaining a weather resistance sign with a minimum size of 2 feet by 3 feet to be located immediately adjacent to the closest public highway, from which it shall be clearly visible, at the junction of that public highway with the access road to the operation. The sign shall be painted with a light background and show, in a contrasting color, the name of the permittee and the permit number under which the operation is being conducted. The letters and numbers shall be a minimum height of 1 1/4 inches.

I, hereby, certify that the information provided in this application is true and correct; that I have the right to remove the mineral; and that the mineral removal activity will be conducted in accordance with this application, the Act, applicable regulations and the attached guidelines and conditions. I additionally certify that the total minerals (bluestone and other stone) produced from my combined operations will not exceed 2,000 tons per year. I realize that failure to abide by these provisions may result in revocation of this approval and applicable penalties and possible permitting requirements under the Noncoal Surface Mining Conservation and Reclamation Act (NSMCRA) and the Clean Streams Law (CSL)

Applicant Signature _____ Date _____

AFFIDAVIT.

COMMONWEALTH OF PENNSYLVANIA:

SS:

COUNTY OF _____

SWORN AND SUBSCRIBED TO BEFORE ME THIS _____

DAY OF _____ 19__

NOTARY PUBLIC

MY COMMISSION EXPIRES _____

"Authorization to Mine" under the General Permit for Small Noncoal Operations set forth in Pa. Code §77.108 is hereby granted in accordance with Act 219, Noncoal Surface Mining Conservation and Reclamation Act, 52 P.S. §3301, et. seq., the rules and regulations promulgated thereto, and any conditions attached hereto.

District Mining Operations

(Signature)

Date _____

PERMIT GUIDE

This permit guide contains instructions for completing the application for small bluestone mines to operate under the General Permit for Small Noncoal. It also contains the Small Bluestone Erosion and Sediment Control Plan. A small bluestone mine may apply to operate under the General Permit when the total production when all bluestone operations under control of the applicant have a total production under 2,000 tons per year (includes all bluestone and other stone which is removed from the mine site).

APPLICATION (SMALL BLUESTONE) INSTRUCTIONS TO OPERATE UNDER THE GENERAL PERMIT FOR SMALL NONCOAL:

GENERAL INFORMATION

1. This application is for the surface mining of small bluestone operations. Bluestone or flagstone is defined as a hard sandstone, usually micaceous and fine grained, that occurs in extensive thin beds with shale partings; it splits uniformly along bedding plane into thin slabs suitable for use in terrace floors, retaining walls, etc.
2. This information is provided to assist the applicant in completing the Information for this Application. Please read these instructions prior to completing the Application.
3. Complete the Application by typing or printing clearly. If additional space is required to provide information in this application, attach an 8½X11" sheet of paper appropriately labeled.
4. Two copies of this Application must be completed and submitted to the appropriate DEP District Mining Office
5. The applicant is responsible for complying with local ordinances adopted pursuant to the Municipalities Planning Code, and all zoning ordinances in existence before January 1, 1972. Nothing in this authorization shall be construed to relieve the applicant from any responsibilities, liabilities, or penalties to which the applicant may be subject under Federal, State, or Local laws.

OPERATOR NAME: The name of the Applicant. The name must be identical with the name as shown on the Surface Mining Operator's License.

SURFACE MINING OPERATORS LICENSE (SMALL NONCOAL): List license number. If you don't have a Surface Mining Operator's License (Small Noncoal) contact the District Mine Office. No permit can be issued without a license.

MAILING ADDRESS AND TELEPHONE NUMBER: The mailing address of the applicant and daytime telephone number.

MINE NAME: The name you call this mine. List location by Township and County.

MINERALS TO BE MINED: Check all minerals to be mined for production (bluestone and other stone). Do not include materials which will be replaced after mining (i.e., overburden or topsoil). Fill in the maximum highwall height (not to exceed 35 feet unless otherwise approved by the Department based on existing site conditions due to past mining practices). A highwall (operating face) greater than 25 ft. height must have a safety bench.

NAME(S) OF RECEIVING STREAM(S): List the name(s) of the stream(s) where this area drains.

GROUNDWATER: Check if this operation will encounter groundwater.

ACRES TO BE AFFECTED (total): List the total acreage to be affected by the mining. The total acreage may be larger than 3 acres in order to include future acreage planned to be affected and areas which have already been mined and reclaimed. The total acreage should be limited to an amount compatible with a small noncoal operation.

ACRES TO BE BONDED: List the total acres to be bonded at any one time. 3 acres is the maximum area which may be affected and unreclaimed at any time.

ESTIMATED PRODUCTION THIS YEAR: List the estimated production for the present year.

TYPE OF RECLAMATION: Check the type of reclamation which will be used on this site i.e. approximate original contour or terraces (maximum slope 35°).

DUST CONTROL: Check dust controls for this mine site. Periodic watering of affected areas as needed, maintain low speeds on haul roads.

REVEGETATION PLAN: Check the type of revegetation for the site. This should match the revegetation schedule in the approved erosion control plan from the County Conservation District or on Exhibit I (Small Bluestone Erosion and Sediment Pollution Control Plan).

MAP: Submit (3) clear copies of an aerial photo with a scale of 1 in. = 660 ft. or other appropriate scale. These can be obtained at your local Conservation District office. Or, submit (3) copies of a blowup of a USGS topographic map showing the limits of the proposed surface mine site at a scale of 1 in. = 100 ft. The limits of the mine site should be shown by pen or marker on the map or photo. The limits of the mine site should include the location of the access road from the intersection of the public road.

USGS MAP: Submit (2) 7½ minute United States Geological Survey topographic maps with the location of the proposed mine site outlined on it. These may be obtained from an outfitter, a sporting goods store, or the county courthouse.

EROSION CONTROL MEASURES: Provide either an approved erosion control plan from the County Conservation District or complete Exhibit 1 (Small Bluestone Erosion and Sediment Control Plan).

RECLAMATION BOND: Provide a reclamation bond as requested by the Department. The reclamation bond under the General Permit for Small Noncoal is \$1,000 per acre to be affected with a minimum bond of \$1,000 on the site. Small bluestone operations may submit phased bond payments of \$250 per acre per year for 4 years. The affected area includes processing and stockpile areas. Complete the bond forms carefully according to the instructions provided.

DISTANCE LIMITATIONS: Check if the proposed permit area is within any of the following distance limitations. If yes consult the District Mining Office.

Within 100 feet of the outside line of right-of-way of a public highway.

Within 300 feet of an occupied dwelling house or commercial or industrial building, unless released by the owner thereof. (Attach the notarized waiver by the current owner.)

Within 300 feet of a public building, school or community or institutional building.

Within 300 feet of a public park.

Within 100 feet of a cemetery.

Within 100 feet of the bank of perennial or intermittent stream.

Within 125 feet of an oil or gas well.

NAME AND ADDRESS OF LANDOWNER: Enter the name and address of the owner(s) of the property(ies) to be affected

CONSENT OF LANDOWNER: The landowner of the property to be mined must complete and sign a "Contractual Consent of Landowner" form and have the consent notarized. The landowner should also indicate if he is the mineral owner and grants permission to mine the minerals. If more than one property is involved provide consent from the additional landowner(s). The consent of landowner form shall be recorded by the applicant at the office of the recorder of deeds in the county in which the land to be affected by surface mining is located prior to the initiation of mining.

RECLAMATION AND PERFORMANCE STANDARDS: This section identifies standards for operation of a small bluestone mine under the General Permit for Small Noncoal.

SIGNATURE AND CERTIFICATION BLOCK: This block must contain the signature of the applicant or other official having authority to submit the application.

AFFIDAVIT: This block is to be completed by a notary public.

AUTHORIZATION TO MINE: This section is completed by the Department as approval to mine. Mining activities should not be started until this section is signed by the Department.

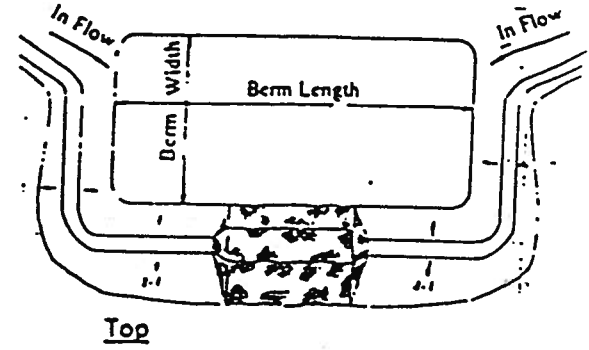
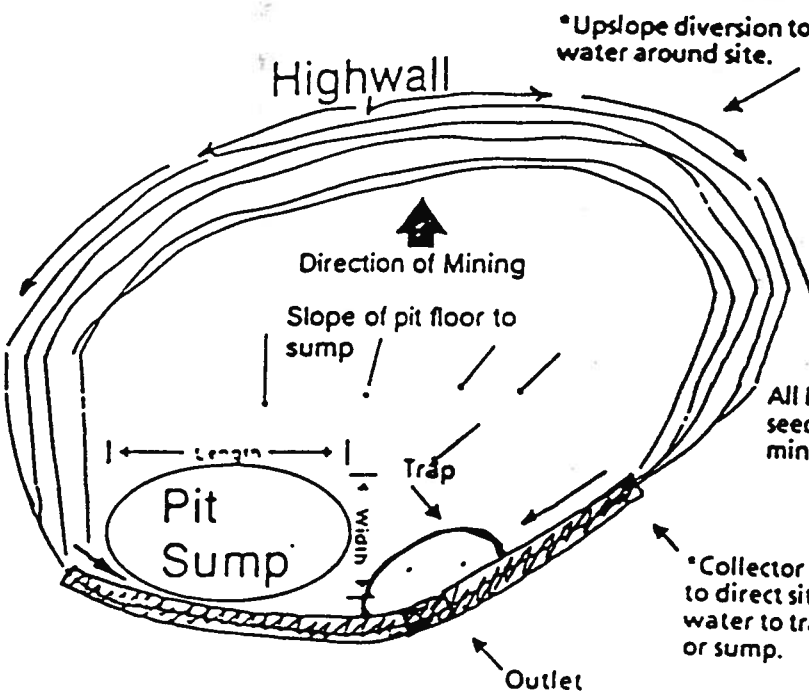
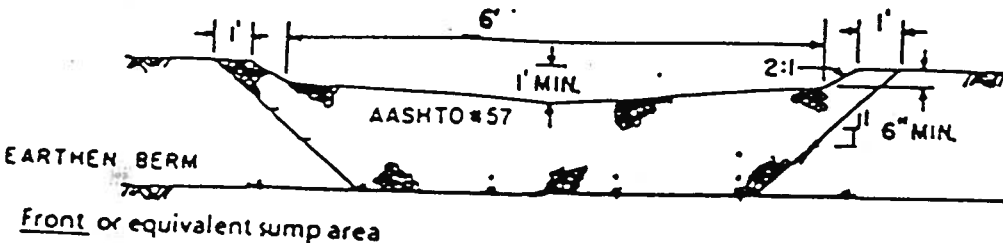
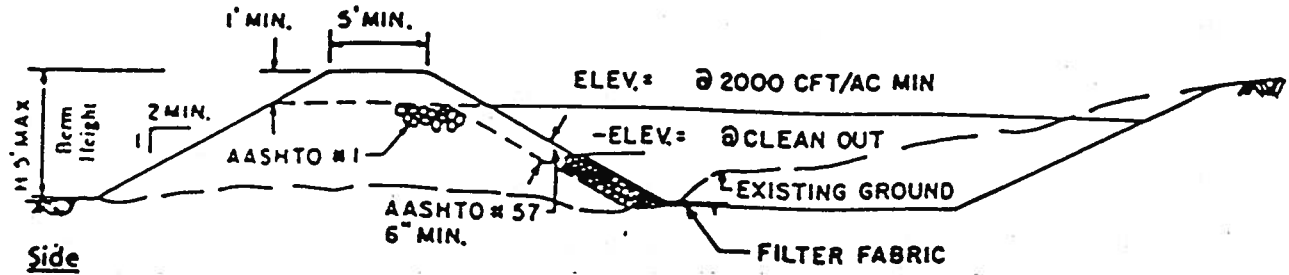
EXHIBIT 1

A. SMALL BLUESTONE EROSION AND SEDIMENT POLLUTION CONTROL PLAN

If a separate erosion control plan approval is obtained from the County Conservation District, do not submit this exhibit.

Is topsoil found on this site? Yes No Depth _____ in.

Sediment Trap



All Berms will be seeded and a min. 3' high.

A pit sump can be used when all runoff can be kept inside the pit.

Alternate Approximate Site Plan

Size of Pit Sump or Trap
 3.0 acre dist. area x 2,000 cf/ac = 6,000 cf. req.
 Depth to Overflow: _____ ft.
 Bottom Width: _____ ft.
 Bottom Length: _____ ft.
 Total Volume: _____ cf.
 Example:
 4' x 35' x 45' = 6,300 cf
 (Depth) (width) (length)

CONDITIONS:

1. All controls and other necessary structures will be constructed and stabilized within 20 days of activating or continuing operations on the site.
 2. Site access roads will be constructed, stabilized and maintained in accordance with the specifications included in the Department's Erosion and Sediment Pollution Control Program Manual, Chapter 5, Sect. 13 (pp. 5.35 to 5.42).
 3. All controls will be inspected weekly. Repairs and/or maintenance will be performed as necessary.
 4. Pit sumps/sediment traps will be cleaned out when sediment has deposited to 1/3 of the depth of the sump or trap.
 5. All controls will be maintained until all the areas draining to them have been adequately stabilized.
 6. All new stream encroachments/crossings will be submitted as separate plans.
 7. Areas disturbed on the site will be vegetatively stabilized within 20 days, weather permitting, of finished grading in accordance with the seeding schedule below.
 8. All sumps, traps, roads, berms, diversions, collectors and "non-working" stockpiles will be stabilized immediately upon placement.
 9. At the operator's discretion, brush or other vegetation removed from the site may be used as a filter downslope of the site and returned to the site during reclamation to provide shelter/habitat for wildlife.
- B. Revegetation Schedule for Area Affected by Surface Mining:

Recommended mixture/rate (Source - Pennsylvania State University Agronomy Guide)

Alternate mixture/rates

	Species (Select one)	Seeding rate PLS (lb/A)
	Spring Oats	96
	Winter Wheat	120
	Winter Rye	112
Plus		
	Species Mix (Select one mix - 1, 2, or 3)	
1	Birdsfoot Trefoil	10
	Tall Fescue	35
	Redtop	3
2	Deertongue Grass	20
	Weeping Lovegrass	1
	Birdsfoot Trefoil	10
3	Switchgrass	15
	Weeping Lovegrass	1
	Birdsfoot Trefoil	10

Lime and fertilizer will be applied in accordance with a soil test.

Mulch (hay or straw) will be applied at a min. rate of 2½ to 3 tons/acre.

These plans were prepared with my knowledge and input. I hereby agree to implement, maintain and modify these plans, as necessary, to effectively control erosion and sediment pollution on all areas affected by this permit and to implement revegetation of the areas affected by surface mining.

Applicant Signature

Date

Coordination #



CONTRACTUAL CONSENT OF LANDOWNER BLUESTONE SMALL NONCOAL

As landowner of the lands on which this bluestone mining operation is to be conducted, I hereby irrevocably grant to _____, to his heirs, and to the Commonwealth the consent to entry upon any land to be affected by the operation prior to the initiation of surface mining operations, during surface mining operations and for a period of five years after the operation is completed or abandoned for the purpose of reclamation, planting and inspection or for the construction of any pollution abatement facilities as may be deemed necessary by the Department for the purpose of the Noncoal Surface Mining Conservation and Reclamation Act. The land consists of _____ acres located in _____ County _____ (Township, Borough, City)

The undersigned hereby acknowledges that the landowner is the owner of the minerals on this property and grants to the operator the right to conduct all noncoal surface mining activity as described in the surface mine application for the area covered by this document.

Yes No If no, the applicant must provide proof of the right to mine the minerals.

In witness whereof and intending to legally bind the landowner, his heirs, successors and assigns, I have hereunto set my hand and seal this _____ day of _____, 19 ____.

LANDOWNER (Print Name)

By: _____
(Notary Signature) (Seal)

(Print Name)

This instrument has been recorded in _____
County, Pennsylvania, this _____ day of _____,
19____, at Book _____, Page(s) _____.

(Signed) + (Print Name)

(Sealed)

Attach a copy of the property or plat map illustrating the location of the mining area if required by the Recorder of Deeds in the county where the property is located.



Fact Sheet

COMMONWEALTH OF PENNSYLVANIA • DEPARTMENT OF ENVIRONMENTAL PROTECTION

CHANGES TO REGULATIONS FOR NONCOAL (INDUSTRIAL MINERAL) MINING

The Department of Environmental Protection has amended certain provisions in 25 Pa. Code Chapter 77 dealing with noncoal mining. This fact sheet identifies changes that impact the industry. The amendments became effective when they were published in the *Pennsylvania Bulletin* on January 31, 1998.

Permits and Permit Applications

§77.109. Noncoal Exploration Activities

The authorization process for noncoal exploration activities has been simplified and requires less prescriptive performance standards. The regulations now require that regrading and revegetation of areas affected by exploration be completed within the first planting season after the exploration is completed.

§77.126. Criteria for Permit Approval or Denial

DEP must now document, in writing, that a permit application has met the required criteria for permit approval.

§77.128. Permit Terms

If an operator does not begin mining activities within three years of receiving a permit, the permit will be terminated. For reasons that are beyond the control of the permittee, DEP may grant an extension of time for the commencement of mining activities beyond three years.

§77.142. Public Notice of Permit Revision

The types of permit revisions that require public notice have been identified, and include changes in water treatment design that result in a change in effluent limits, the type of reclamation, new road connections to a public highway or the addition of mineral processing to the permit area.

Bonding and Insurance Requirements

§77.204. Period of Liability

DEP may release a bond in less than five years after reclamation, if the reclamation required by the Noncoal Surface Mining Conservation and Reclamation Act has been accomplished.

§77.242. Procedures for Seeking Release of Bond

An application for bond release is incomplete if the proof of public notice is not received within 60 days of the filing of the application. The time period for the proof of notice of application for bond release has been increased to 60 days.

Information on Environmental Resources

§77.401. Responsibilities

DEP may waive any requirements for information on environmental resources for specific categories of mining if the information is not needed to evaluate potential impacts on the public and environment.

§77.403. Description of Hydrology and Geology - General Requirements

DEP has been given the flexibility to require only the amount of information on geology and hydrology necessary to evaluate the impacts for the type of operation being proposed.

Requirements for Operation and Reclamation Plan

§77.456. Reclamation Information

The reclamation plan must include a timetable describing the various reclamation steps and their relative sequence to each other to meet the concurrent reclamation requirements of §77.595.

§77.461. Dams, Ponds, Embankments and Impoundments

Information for assessing the design and hydrologic impact of a proposed embankment or impoundment structure is required only if requested by DEP.

Environmental Protection Performance Standards

§77.502. Signs and Markers

The sign identifying the surface mining operation must be erected within 60 days of permit issuance even if mining activities have not started. The sign must include the telephone number of the operator.

§77.504. Distance Limitations and Areas Designated as Unsuitable for Mining

Waivers to allow surface mining activities within 300 feet (91.44 meters) of an occupied building must now be knowingly made by the owner and be effective against subsequent purchasers of the building.

§77.527. Sedimentation Controls

Sediment controls other than ponds may be used when the applicant demonstrates that the alternate controls prevent accelerated erosion and sedimentation. This change is consistent with the requirements of Chapter 102 (relating to sediment control).

§77.562. Preblasting Surveys

The amendments provide a graph to be used to determine if pre-blast surveys are required. The graph is based on vibration magnitude and vibration frequency. If seismic analysis indicates peak particle velocities below the vibration levels shown on the graph, then, based on U.S.B.M. research, structural damage from the blasting should not occur. In cases where anticipated vibration levels or where monitored vibration levels are above the graph, pre-blast surveys are required.

§77.572. Permit Line Setback

In consolidated material, a highwall must be set back 25 feet (7.62 meters) from the boundary of the permitted and bonded area. In unconsolidated material, the minimum setback distance shall be equal to the height of the exposed unconsolidated material unless otherwise approved by DEP.

§77.594. Final Slopes

In unconsolidated materials, DEP may require underwater safety benches to be sloped at less than 35° from the horizontal in order to provide for safe exit from the impoundment.

§77.595. Concurrent Reclamation

Reclamation of the mining site is to begin within 30 days after mineral extraction is terminated, and must be completed within the time approved in the reclamation plan. If reclamation cannot be started until mineral extraction has been completed, an explanation must be provided in the reclamation plan.

General Permits


§77.801 - 77.808

These new regulations allow DEP to issue general permits for any category of noncoal surface mining activities. DEP must determine that the mining activities in the category and their environmental impacts are similar in nature and can be adequately regulated using standardized specifications and conditions.

A general permit provides operators with a simplified way to get a permit. Because the general permit uses standardized specifications, designs and conditions, the mine operator only needs to register with DEP to operate under the permit. The application for registration will be much easier to complete than an application for an individual permit. A general permit developed by DEP will include standardized specifications and designs, monitoring requirements the procedures for issuance, the registration requirements, and compliance requirements. DEP will publish a notice of any proposed general permit in the *Pennsylvania Bulletin*.

Any questions about these regulations may be addressed to any of the District Mining Offices or the Permitting Division, Bureau of Mining and Reclamation, P.O. Box 8461, Harrisburg, PA 17105-8461. The telephone number for the Permitting Division is 717-783-8845.

This fact sheet and related environmental information are available electronically via Internet. Access the DEP website at <http://www.dep.state.pa.us> (choose Information by Subject/Mining and Mineral Resources/Mineral Resources Homepage)



DEP Fact Sheet

COMMONWEALTH OF PENNSYLVANIA • DEPARTMENT OF ENVIRONMENTAL PROTECTION

PERMITS FOR SMALL NONCOAL (INDUSTRIAL MINERAL) SURFACE MINING OPERATIONS SECTION 77.108

The Department of Environment Protection has revised the regulations that apply to permits for small noncoal operations. These changes, which became effective on January 31, 1998, are described in this fact sheet. The requirements for mining licenses have *not* changed. Because license requirements are defined by statute, any change would require action by the legislature.

There are three important changes relating to permits for small noncoal operations.

- *General permits changed*

A new section of the regulations has been created that provides broader authority for DEP to establish general permits for any category of noncoal surface mining. For consistency in the regulations, the previous general permit authorization, which was limited to small noncoal operations, has been eliminated. The authorization for small noncoal operations will now be provided through individual permits. This change is not expected to impose any additional requirements on the operator. Existing authorizations issued under the previous general permit remain valid. Operators do not need to take any actions to continue activities previously authorized. New applications will be handled as individual permits; however, the requirements for the application are essentially the same as for the old general permit.

- *Small noncoal permit limit increased*

The production limit from operations with small noncoal permits has been increased from 2,000 tons (1,814 metric tons) to 10,000 tons (9,070 metric tons) per year.

- *Link broken between licenses and permits*

The operator needs two separate authorizations to operate a noncoal surface mine – a valid mining license *and* a permit for the site. The mining license requirements have not changed; they are presented below to help the reader understand the changes to the permit requirements.

Mining License Requirements		
	Small Noncoal	Large Noncoal
Annual production (all permits)	up to 2,000 tons per year	greater than 2,000 tons per year
Initial Cost	\$50	\$500
Annual renewal	\$50	\$300
Liability Insurance	No	Yes

In the previous regulations, the qualifications for a small noncoal license and small noncoal permit were both based on the same threshold – 2,000 tons (1,814 metric tons). With the increase in the limit for small noncoal permits, this link has been eliminated. As a result, an operator holding a large noncoal license may now permit a small noncoal operation. The production options available under the possible combinations of license and permit are summarized in the table below.

Allowable Production		
License	Permit	
	Small	Large
Small	Up to 2,000 tons	NA
Large	Up to 10,000 tons	Unlimited

There are two situations that are noteworthy:

- An operator with a small noncoal **license** is qualified to use a small noncoal **permit**; however, his production is still limited to 2,000 tons (1,814 metric tons), since that is the maximum allowed by his license.
- An operator may produce from several permitted areas. However, if the combined production from these areas exceeds 2,000 tons (1,814 metric tons) per year, a large noncoal **license** is needed.

Other new provisions for small noncoal operations include the following:

- The maximum size of the permit area is limited to five acres (2.02 hectares).
- The minimum bond is \$1,000 on a small noncoal surface mining permit.
- No more than one acre (0.4 hectare) of mineral extraction area may be unreclaimed at any time unless DEP approves an alternate plan for concurrent reclamation.
- If blasting is conducted at a scale distance of 70 or greater, blasting does not have to be seismographed and no preblasting surveys or public notice of blasting schedule will be required.

- DEP will publish its decision on applications for small noncoal permits and requests for final bond releases in the *Pennsylvania Bulletin*. The operator does not have to provide any public notice.
- The regulations now specify that bond release will be based on the reclamation requirements for regrading and revegetation listed in this section of the regulations.
- Small noncoal surface mining permits or general permit authorizations issued prior to January 31, 1998 will remain valid if the operation remains within the authorized permit limits in effect on January 31, 1998 and the tonnage produced does not exceed 2,000 tons (1,814 metric tons) per year.
- A small noncoal operator may upgrade an existing authorization by obtaining a large operator's license **and** by applying for a small noncoal permit.

Any questions about these regulations may be addressed to any of the District Mining Offices or the Permitting Division, Bureau of Mining and Reclamation, P.O. Box 8461, Harrisburg, PA 17105-8461. The telephone number for the Permitting Division is 717-783-8845.

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