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May 10, 2019

Technical Guidance Coordinator
Pennsylvania Department of Environmental Protection
Bureau of Mining Programs
Rachel Carson State Office Building
PO Box 2063
Harrisburg, PA 17105

Re: Comments on Draft General Permit for Reclamation of Forfeited Noncoal Mines BMP-GP-106

Dear Technical Guidance Coordinator;

Thank you for the opportunity to provide comments on the proposed General Permit for Reclamation of Forfeited Noncoal Mines. As a licensed mine operator, the topic of reclamation is on the forefront of our operations. CAI is pleased that the Department has proposed a general permit to encourage voluntary noncoal mine reclamation. Please consider the following concerns when finalizing this document for publication.

1. This general permit should include abandoned noncoal mines where no bonds were posted or forfeited (i.e. pre-act abandoned noncoal mines). Why exclude a similar mine from voluntary reclamation if it was abandoned rather than a forfeited bond? The Department should encourage voluntary reclamation of forfeited and abandoned non-coal mines.
2. Add the language – “....*in order to facilitate the reclamation of sites that have been previously forfeited **or abandoned** prior to reclamation.*”
3. Effective Time Period – Limiting the duration of these projects to two years greatly restricts the noncoal mines eligible for reclamation under this general permit. Under this proposed time constraint, large un-reclaimed mines will remain as such, as it would be apt to assume large-scale mine reclamation can take more than the allowable two years. A more appropriate time-frame for completion of the project would be five years, to allow more forfeited and abandoned mines eligibility for reclamation under this general permit.
4. The reclamation project is limited to 2 years with a potential one-year extension. Is the reclamation project defined as the entire site or can a site be permitted and handled on a part-by-part basis? The investment by the operator to voluntarily reclaim these properties at no cost to Pennsylvania should be encouraged. Allowing a site to be reclaimed in a multi-project staging would encourage larger scale reclamation.

5. Condition 2 and 9 state the project must not encounter the regional groundwater table. Many noncoal mines encounter the regional groundwater table as a result of permitted mining activities. The statement is made that activities conducted under this general permit for means of reclamation may not encounter the regional groundwater table. Is it the Department's intent to exclude these types of noncoal mines from reclamation under this general permit? The majority of these types of properties have turned into water impoundments and the reclamation of a highwall over a water impoundment will require the encounter of the groundwater.
6. Condition 3 references condition 14. This seems to be an incorrect reference and should reference condition 15.
7. Condition 8 requires the application to include a document from the DMO that has approved the plan. Where is the GP application to be submitted to? What regulatory/policy requirement does the DMO have to provide a review for a reclamation plan not attached to a permit or application? What timeframe will the DMO provided a review? The GP application should be to the DMO who would conduct the plan review.
8. Condition 12 states that the operator must post a bond calculated based on the current regulatory bond amounts. This permit is for the voluntary reclamation of a mine. Why would the department require full bonding on a reclamation project that will do nothing but improve the property? We feel a level of bonding is appropriate, but full bonding is excessive.
9. Condition 14 limits the potential processing operations to less than 150 tons per hour. Limiting the processing should be based on a site restriction rather than a general restriction. This GP limits the length of the permit while restricting the rate of processing.
10. Condition 15 states the reclamation plan is not required if following the provided plan. In order to document the area of the permit and activities proposed a reclamation plan should be required.
11. In condition 15 the GP states that Reclamation Fill may be used if approved by the Department. It further states that this permit authorizes mineral extraction and not solely to authorize the use of fill. Is there a limitation to the use of Reclamation Fill other than not solely? Why should the use of Reclamation Fill be limited if it is a cost-effective reclamation method?
12. Condition 16 requires land owner consent for the release of bonding. Individual mining permits do not have this requirement. The Department should inspect that all permit and operating conditions have been met. Land owners are not experts to determine if the reclamation plans have been met. This will cause civil issues between operator and land owner over differences of opinion rather than expert knowledge.
13. Reclamation plans that most improve the mine site should always be favored. Reclaiming the mines to AOC should be encouraged over any other reclamation, as it will provide the site with the best chance at redevelopment for new life.

Should you have any questions regarding the above comments and concerns, please call me at the above phone number.

Sincerely:



Ashley Austin
Environmental Professional