

MARYLAND DEPARTMENT OF THE ENVIRONMENT
LAND AND MATERIALS ADMINISTRATION

SURFACE MINING PERMIT

DEPARTMENTAL MODIFICATION



SURFACE MINE PERMIT NO.: 93-SP-0430-A

PERMIT EFFECTIVE DATE: September 8, 1992

PERMIT EXPIRATION DATE: September 30, 2027

Pursuant to Title 15, Subtitle 8 of the Environment Article, Annotated Code of Maryland (2014 Replacement Volume) (hereafter, Environment Article), the Land and Materials Administration hereinafter referred to as "the Administration" hereby authorizes the departmental modification of the above referenced surface mining permit;

PERMITTEE:

Percontee, Inc.
11900 Tech Road
Silver Spring, Maryland 20904

DEPARTMENTAL MODIFICATION:

Update condition 14 to reflect new fee structure and add condition 17 to reflect new fees on tons sold.

The permittee is authorized to engage in a Surface Mining Operation known as McCeney Pit and located: on the west side of Cherry Hill Road, in Montgomery County; as described in the approved Mining and Reclamation Plan dated April 21, 2022 and drawings dated October 29, 1997 and prepared by Vika, Inc. and drawings dated July 2017 and prepared by Soltesz DC, LLC. The permit area shall not exceed 144.0 acres as shown on the aforementioned Mining and Reclamation Plan and drawings.

PERMIT TO SURFACE MINE NO. 93-SP-0430-A

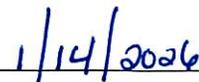
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1. Other Authorizations -- This permit is issued in addition to, and not in substitution of, the requirements of other permits or authorizations granted for the surface mining operation. Issuance of this permit does not relieve the permittee of the obligation to obtain and comply with all other required authorizations.
2. Permit Transfer -- The permit is valid only for use by the Permittee and may not be transferred to another unless written permission for such transfer is obtained from the Administration.
3. Permit on Site -- A copy of the approved Mining and Reclamation Plan, and the permit are to be kept at the mining site available for reference during the period that the permit is in effect.
4. Permit Modification -- Any changes in land areas stipulated in the permit, mining or reclamation practices, schedule of reclamation, and planned land use must have the prior written approval of the Administration. The approval shall be requested by submission of an application for a permit modification or new application.
5. Departmental Modification -- The Administration may modify the permit upon giving the permittee notice and providing an opportunity for an administrative hearing.
6. Compliance with Law/Regulation and Permit -- All surface mining operations shall be conducted in compliance with Environment Article §§ 15-801 through 15-834, Code of Maryland Regulations (COMAR) 26.21.01 through 26.21.04 inclusive, and the surface mine permit. The permit may be suspended or revoked by the Administration for violation of the surface mine law, regulations, this permit, or any other required approval. The location, dimensions, and type of all structures, reclamation practices and all excavation and filling shall be in accordance with the approved Mining and Reclamation Plan and drawings.
7. Abandoned Operation -- The surface mining operation shall be considered abandoned if no mineral has been produced or overburden removed for a period of one (1) year and the operator has vacated the site of the operation without having complied with all the requirements of the permit.
8. Halted Operation -- The surface mining operation shall be considered halted if active work has ceased temporarily due to weather or market conditions, or other reasonable cause. An operation may not be halted for a period exceeding twenty-four (24) months. All pollution controls shall be maintained during this period.
9. Staking Permitted Area -- The permittee shall mark each corner of the perimeter of the permitted area by placing permanent markers. In addition, the permittee shall place markers along the perimeter of the permitted area no more than two hundred feet (200') apart. The markers shall be no less than three feet (3') above the ground. All of the required markers shall be in place no later than ten (10) days from the effective date of this permit and shall be maintained by the permittee throughout the life of the permit.

10. Haul and Access Roads -- No mud may be tracked onto the public roads. All haul and access roads shall be treated for dust and mud control by the permittee as required by approved Mining and Reclamation Plan and drawings. Should these methods fail to control the dust and mud, the permittee shall treat the roads as directed by the Administration.
11. Completion of Reclamation -- Reclamation activities shall be completed in accordance with the approved Mining and Reclamation Plan and drawings no later than six (6) months after termination of mining on any segment of permit area.
12. Annual Mining and Reclamation Report -- At the end of each calendar year, but before March 31st of the succeeding year, the permittee shall submit an annual mining and reclamation report to the Administration on a form prescribed and furnished by the Administration.
13. Compliance with Non-Tidal Wetlands Regulations -- Maintenance, including excavation or dredging, of wash ponds or sediment control structures is authorized under this permit in accordance with COMAR 08.05.04. Non-tidal Wetlands created incidental to the mining activity authorized under this permit may be reclaimed in accordance with the approved Mining and Reclamation Plan. Any wetlands remaining upon completion of the reclamation authorized by this permit will be regulated pursuant to COMAR 26.23.01 through .06.
14. Annual Permit Fee -- The permittee shall remit an annual permit fee pursuant to Environment Article §15-808. The annual fee is due by September 30th, of each year. Failure to submit the fee by the prescribed date shall be considered a violation of this permit subject to further administrative action.
15. Performance Bond -- The required bond(s) for the above referenced permit consist of Surety Bond number SUR28100003 issued by Endurance Assurance Corporation in the amount of \$180,000.00. Failure to maintain the required bond may result in the suspension/revocation of the permit and forfeiture of the bond.
16. Protection of unnamed tributary to Paint Branch -- The discharge, deposition and spillage into the stream of wet concrete, waste materials and other debris at the existing stream crossing shall be avoided and prevented by the permittee.
17. Annual per Ton of Mined Material Sold per year -- Pursuant to Environment Article §15-808 the permittee shall pay the prescribed per ton amount. By February 15 of the following year the permittee shall report to the Department the tons sold for the previous calendar year. For 2025 the fee will be based on tons sold from June 1, 2025 to December 31, 2025.



Molly Michaelson, C.P.G.
Program Manager, Mining Program


Date