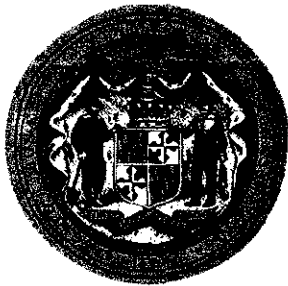


MARYLAND DEPARTMENT OF THE ENVIRONMENT
WATER MANAGEMENT ADMINISTRATION

SURFACE MINING PERMIT

RENEWAL & MODIFICATION



SURFACE MINE PERMIT NO.: 77-SP-0096-H

PERMIT EFFECTIVE DATE: November 8, 1977

PERMIT EXPIRATION DATE: January 31, 2013

Pursuant to Title 15, Subtitle 8 of the Environment Article, Annotated Code of Maryland (1993 Replacement Volume and 1994 Supplement), the Water Management Administration hereinafter referred to as "the Administration" hereby authorizes the renewal and modification of the above referenced surface mining permit;

PERMITTEE: BBSS, Inc.
1 Churchview Road
Millersville, Maryland 21008-2299

MODIFICATION DESCRIPTION: add 19.9 acres to the permit area.

The permittee is authorized to engage in a Surface Mining Operation known as Waugh Chapel operation and located: on the west side of Maryland Route 3 between Waugh Chapel and Brickhead Roads in Anne Arundel County; as described in the approved Mining and Reclamation Plan dated June 5, 2008 and drawings dated October 2007 and prepared by Anarex, Inc. The permit area shall not exceed 97.7 acres as shown on the aforementioned Mining and Reclamation Plan and drawings.

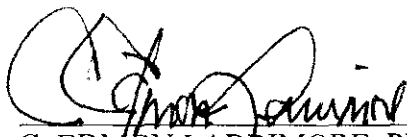
PERMIT TO SURFACE MINE NO. 77-SP-0096-H

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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. Voiding of Permit -- The permit shall become void if the surface mining operation authorized under the Permit has not begun on or before November 8, 1979.
4. 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.
5. 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.
6. Departmental Modification -- The Administration may modify the permit upon giving the permittee notice and providing an opportunity for an administrative hearing.
7. Compliance with Law/Regulation and Permit: All surface mining operations shall be conducted in compliance with Environment Article 15-801 through 15-834, COMAR 26.23.01 through 26.21.03 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 map.
8. 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.
9. 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.

10. 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.
11. 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.
12. Completion of Reclamation -- Reclamation activities shall be completed in accordance with the approved Mining and Reclamation Plan and drawings no later than two (2) year after termination of mining on any segment of permit area.
13. Annual Mining and Reclamation Report -- At the end of each calendar year, but before March 31 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.
14. 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.
15. Annual Permit Fee: The permittee shall remit an annual permit fee of \$1,000.00. The annual fee is due by January 31, of each year. Failure to submit the fee by the prescribed date shall be considered as a violation of this permit subject to further administrative action.
16. Performance Bond: The required bond(s) for the above referenced permit consist of Surety Bond number 9299300814 issued by Western Surety Company in the amount of \$119,375.00. Failure to maintain the required bond may result in the suspension/revocation of the permit and forfeiture of the bond.
17. Off Site Earthen Fill -- Off site fill material brought onto the site for incorporation into the final grade shall consist of clean earthen material containing no more than 10% concrete, brick or asphalt. Concrete, brick or asphalt shall not exceed 1 cubic foot in size, contain no protruding re-bar and not be placed in any slopes. All other construction debris, stumps etc. are prohibited. Additional Coal Combustion by-products may not be used for reclamation in Phase III without prior approval from the Department.

18. Aerial Photograph – The permittee shall submit an aerial photograph showing the entire permit area each year with the annual Mining and Reclamation report. The aerial photograph shall be a contact print at a scale no smaller than 1" = 500'.
19. Temporary Crossing Maintenance – The temporary crossing of Towsers Branch shall be maintained such that no debris may be allowed to accumulate that would diminish the flow capacity of the culvert pipes.
20. Monitoring – The permittee shall conduct monitoring and maintain data as required by the Pollution Prevention Plan and Consent order approved by the Department.
21. The permittee shall maintain as-built plans that show groundwater contours in relation to the ash fill levels. As-built plans shall be made available to the Department upon request.
22. The permittee shall replace at no cost to the owner any water supply that is shown to have been contaminated by fly ash or its by-products from this site. Interim potable water shall be supplied until a permanent supply is made available.
23. A perpetual management plan assigning permanent monitoring and liability shall be approved by the Department prior to final release of the bond for this permit.
24. In areas adjacent to permitted lands where Coal Combustion By-Products have been placed, the permittee shall offer to test the domestic well of any adjoining property owner for changes in water quality caused by flyash or its by-products. The permittee shall provide copies of the monitoring reports to the Department and documentation of the offer to monitor.
25. ~~There shall be no further deposition of Coal Combustion By-products at this site. Any disturbance of existing Coal Combustion By-Products shall be done in conformance with the Consent Agreement dated October 1, 2007.~~



C. EDMON LARRIMORE, PROGRAM MANAGER
MINING PROGRAM
WATER MANAGEMENT ADMINISTRATION

Aug. 21, 2008
DATE