

April 26, 2000

TECHNICAL STAFF REPORT:

TO: The Prince George's County Planning Board
The Prince George's County District Council

VIA: Arie Stouten, Zoning Supervisor

FROM: Catherine H. Wallace, Planner Coordinator

SUBJECT: **Special Exception Application No. 4348**

REQUEST: **Surface Mining**

RECOMMENDATION: **APPROVAL, with conditions**

NOTE:

This application is on the agenda for the Planning Board to decide whether or not to schedule a public hearing. If the Planning Board decides to hear the application, it will be placed on a future agenda.

Any person may request the Planning Board to schedule a public hearing. The request may be made in writing prior to the agenda date or in person on the agenda date. All requests must specify the reasons for the public hearing. All parties will be notified of the Planning Board's decision.

You are encouraged to become a person of record in this application. The request must be made in writing and sent to the Office of the Zoning Hearing Examiner at the address indicated above. Questions about becoming a person of record should be directed to the Hearing Examiner at 301-952-3644. All other questions should be directed to the Development Review Division at 301-952-3280.

FINDINGS:

- A. Location and Field Inspection: The subject property consists of 103.89 acres of land located on the south side of Brandywine Road, west of Gibbons Church Road.

- B. History: The subject site was placed in the O-S Zone at the time of the Sectional Map Amendment (SMA) on September 14, 1993. Special Exception No. 4113 was approved on April 30, 1994 for the extraction of sand and gravel on the subject property for a period of five years. The approved mining was to take place in four phases:

Phase I	7.0 acres	1 year
Phase II	17.4 acres	2 years
Phase III	9.0 acres	1 year
Phase IV	19.8 acres	1 year
Total:	53.2 acres	5 years

- C. Master Plan Recommendation: The subject site is located in Subregion V. The *1993 Master Plan for Subregion V* identifies the property as a ■low rural■ land use with a density range of 0.2 dwelling units per acre.

- D. Request: Only Phase I and part of Phase II of the approved mining schedule has been completed. Special exceptions for sand and gravel mining are valid for a period of five years only, but may be extended up to another five years, with the approval of a new special exception. For a number of reasons enumerated in the applicant's Statement of Justification, additional time is needed to complete the mining of this site. The applicant proposes to operate the mining activities on the site in accordance with the previous special exception approval. The applicant will continue to restrict operations to 100 truck loads per day. Hours of operation will continue to be 7:00 a.m. to 5:00 p.m., Monday through Saturday. The operation will be closed on Sundays and on Federal holidays. Mining activity is concentrated between the hours of 8:00 a.m. to 4:00 p.m.

- E. Neighborhood and Surrounding Uses: The site is located in the Brandywine area, south of Brandywine Road and west of its intersection with Gibbons Church Road. It is surrounded by the following uses:

Northeast: Across Brandywine Road, is a former sand and gravel mine in the O-S Zone.

East: PEPCO transmission lines in the O-S Zone.

South: Conrail and PEPCO right-of-way in the O-S Zone, vacant property zoned O-S farther south.

Southwest: Vacant property zoned O-S

Northwest: Another sand and gravel mining site owned by Southstar Ltd.

The neighborhood is defined by the following boundaries previously identified in Special Exception Application SE-4113:

North: North Keys Road and Martin Road
East: Molly Berry Road and Baden-Naylor Road
South: Cedarville Road
Southwest: Conrail Railroad Line

The neighborhood remains rural in character and is predominantly undeveloped. Several active and inactive sand and gravel mining areas are in the vicinity of the subject property.

F. Specific Special Exception Requirements (Section 27-410. Surface Mining):

(a) **The surface mining of natural materials or deposits (including sand, gravel, or clay pits; rock or stone quarries; and the removal of earth or topsoil) may be permitted, subject to the following:**

(1) **Heavy machinery may be used for the extraction of natural material or deposits from the site. Except in the I-2 Zone, heavy machinery may not be used for washing, refining, or other processing, unless a Special Exception is granted for sand and gravel wet-processing under the provisions of Section 27-405.**

Heavy machinery is currently being used for the extraction of sand and gravel in accordance with the approval of SE-4113 and is proposed to be continued for up to five years.

(2) **The use shall not be noxious, offensive, or otherwise objectionable by reason of dust, smoke, or vibration.**

The Zoning Hearing Examiner found in SE-4113 that:

■The closest residence is 1,300 feet from the haul road and staff's calculations predict the impact from dust from the haul road to be well below the ambient air quality standard even under uncontrolled worst-case conditions.....There will be no discernible vibrations off site from operations on site..... Noise calculations on site were predicted at the edge of mining, for site, with no intervening attenuation by trees or berms. Noise greater than 65dBA was predicted off site, but not at any residence. However, when mining is closest to Rt. 381, there is a 100 foot treed buffer and the equipment, when excavating, will be 10+ feet below ground. Considering a 5 to 10dBA reduction for the trees and below ground operations, a 7.5dBA reduction for doubling of distance from the source will result in a noise level of 65dBA or lower at the property lines along Rt. 381.●

The applicant states and staff agrees that nothing has changed in the operation of the site or the surrounding area that would change these findings.

- (3) The land areas exposed by the extraction and removal of natural materials or deposits shall be left suitable for development. A grading plan shall be submitted (along with the site plan) showing the existing and proposed ground elevations of the site, adjacent land, and all abutting streets. The exposed land area shall have a slope not greater than three-to-one (3:1), except where any portion of the site is developed for port or harbor facilities.**

The grading plan which was previously approved was resubmitted for this application, and staff continues to find it suitable. The applicant's Statement of Justification also states that, ■Reclamation and stabilization efforts are being and will continue to be initiated on each phase before the commencement of the next mining phase. • However, the M-NCPPC Environmental Planning Section staff field visit of September 1999 revealed that, with all of Phase I and half of Phase II already mined, Phase I had not yet been reclaimed and stabilized according to approved plans.

- (4) The Special Exception shall be valid for not longer than five (5) years, except where the use is located:**

- (A) In an R-R Zone which is predominantly undeveloped for a radius of one (1) mile from the operation; or**

- (B) In an I-2 Zone.**

The subject property is zoned O-S, therefore the special exception which was approved on April 29, 1994, remained valid until April 29, 1999. Because it is currently operating without a valid special exception, the mining operation on the site does not meet the requirements of the Zoning Ordinance. With the approval of this special exception, the applicant will have already had the benefit of an additional year. Staff therefore recommends that this special exception be approved for a period of four years from the date of final approval by the District Council.

- (5) In addition to the requirements of Section 27-296(c), the site plan shall show an estimate of the time required for the removal of the material.**

The Time Estimate of Mining note on page 2 of the Special Exception site plan (dated 4/22/99) indicates that mining is estimated to be completed in about three years.

- (6) At least sixty (60) calendar days prior to the hearing before the Zoning Hearing Examiner, the applicant shall file a traffic analysis with the Zoning Hearing Examiner for inclusion in the record, and shall send a copy to the Planning Board. The traffic analysis shall include the volume of traffic expected to be generated by the operation, and shall identify the streets to be used between the site and the nearest street (to be used) that has a minimum paved width of 24 feet for the predominant length of the street.**

A traffic analysis for the previous special exception was evaluated and approved in 1994. Because the nature of the operation and its haul route remain the same, an abbreviated traffic analysis was undertaken by the applicant at the direction of the M-NCPPC Transportation Planning staff. Transportation staff has reviewed the traffic study and has provided the following information:

■ Summary of Traffic Impacts

■ The Transportation Planning Section received a traffic analysis in support of the existing surface mining operation, which was originally granted by the approval of Special Exception SE-4113 in 1994. In the approval of the previous Special Exception, the applicant was required to demonstrate that the surrounding road network would not be adversely affected by the strip mining operation to the point that it would affect the health, safety or welfare of residents and workers in the surrounding area. To evaluate the traffic impact for the previous Special Exception application, a traffic study was prepared. In 1994, while a study area between the site and US 301 along MD 381 was studied, based on evidence provided by the applicant the traffic impacts of the activity on the subject property were found to occur along MD 381 between the subject property and North Keys Road, as well as along North Keys Road between MD 381 and the E.L Gardner wash plant. As the wash plant along North Keys Road remains operational and the applicant proposes no change in operations from that previously approved, an abbreviated analysis was undertaken by the applicant at the direction of the transportation staff. A total of 100 truck loads per day, or 200 truck trips, has been the level of operations, and is proposed to continue as the level of operations under the subject application.

■ In the proposed application, therefore, the applicant will be utilizing the identical haul route that has been utilized to date under SE-4113. Under this haul route, the trucks will:

- Exit the site along the existing site access road.
- Travel northbound on MD 381.
- Turn onto North Keys Road and travel eastbound on North Keys Road.
- Turn into the E.L. Gardner wash plant along North Keys Road.

■ The table below summarizes the existing conditions at the intersections within the study area:

Intersection	Delay (seconds)	
	AM	PM
MD 381 and North Keys Road (unsignalized)	16.4	18.4
In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the <i>Guidelines for the</i>		

Analysis of the Traffic Impact of Development Applications, an average vehicle delay exceeding 45.0 seconds indicates inadequate traffic operations. Delays of +999 are outside the range of the procedures, and should be interpreted as excessive.

■The analysis indicates that the affected intersection currently operates acceptably, and staff would note that existing counts would include the impact of strip mining on the subject site. On the basis of the results of the traffic analysis, staff concludes that the remaining phase of the strip mining operation will not adversely affect the health, safety or welfare of the area residents and users of the roadway network. It is worth noting that while the subject application represents a new Special Exception application, because the mining area is the same as the previous application (SE-4113), it should be subject to similar conditions as the previous application. This would include Conditions 18 and 19 in the Zoning Hearing Examiner's approval of SE-4113, with Condition 18 addressing the amount of truck activity and the hours of operation, and Condition 19 addressing the haul route.

■While the transportation staff understands that sand and gravel products extracted from the subject property will eventually make their way beyond the wash plant, the wash plant itself operates under a separate Special Exception for which the traffic impacts have been reviewed in the past.

■Conclusion

■The Transportation Planning Section finds that, from the standpoint of transportation, the proposed Special Exception would not be detrimental to the health, safety or welfare of residents or workers in the area. This finding is subject to the inclusion of Conditions 18 and 19 in the Zoning Hearing Examiner's approval of SE-4113, with Condition 18 addressing the amount of truck activity and the hours of operation, and Condition 19 addressing the haul route. •

Comment: These conditions are now renumbered conditions 24 and 25 in this staff report.

- (7) **Driveways or access points shall be identified on the site plan, and shall be located so as not to endanger pedestrians or create traffic hazards. The surface material to be used on the driveways shall be identified on the site plan. Any access driveway shall be at least twenty-two (22) feet wide, and shall be paved for a distance of at least two hundred (200) feet from the boundary line of the Special Exception.**

The site plan identifies the previously approved driveways and access points. The existing access driveway is 22 feet wide and is paved for a distance of 200 feet from the lot line. No changes are proposed in this request.

- (8) **The Technical Staff Report prepared in response to the application shall include a current, Countywide inventory of the locations, dates of approval, and conditions of approval concerning haul routes and estimated loads per day for all approved and pending Special Exceptions for sand and gravel wet-**

processing, sanitary landfills and rubble fills, and surface mining, as indicated by the record in the case. The inventory shall also include the locations of all nonconforming sand and gravel wet-processing, sanitary landfills and rubble fills, and surface mining operations throughout the County that were certified after September 6, 1974.

The Environmental Impact Report (EIR) prepared by the M-NCPPC Environmental Planning Section includes the Countywide inventory (Appendix C) of the information required above. Figures 1-2 of the EIR, which maps the countywide locations, and a table identifying the locations of the mining sites, wash plants, landfills and rubble fills within five miles of the subject site are attached to this report.

* * * * *

- (d) In reviewing the application, the District Council shall consider the use of techniques which provide for noise attenuation.**

The prior approval limited the equipment on site to those listed on the site plan, and required mufflers providing at least 30dBA in sound reduction. All trucks are required to have working mufflers. There is also a 100-foot-wide wooded buffer along MD 381. The Zoning Hearing Examiner found no need to consider additional noise attenuation techniques.

* * * * *

- (f) In reviewing the application for compliance with the required findings set forth in Sections 27-317(a)(4) and 27-317(a)(5), the District Council shall consider the inventory required in Section 27-410(a)(8).**

7. Additional Requirements (Section 27-445.02):

- (a) In order for any surface mining or sand and gravel wet-processing operation to continue, the requirements of this section shall be met.**
- (b) The purposes of this section are to prevent or control the detrimental effects of surface mining and sand and gravel wet-processing operations upon neighboring properties, and existing and proposed land uses in the general area.**
- (c) All surface mining and sand and gravel wet-processing operations shall meet the following requirements:**
- (1) The uses shall be operated in full compliance with applicable extraction and surface mining or sand and gravel wet-processing regulations.**

The applicant has been operating under MDE permits and will be required to continue to do so.

- (2) **For the safety of residents and property, the operator of the facility shall take effective measures to control the speed of trucks utilizing his facility and neighboring streets.**

As a condition of the MDE permit, speeds on internal haul roads are controlled to 15 mph. However, a sign should be posted at the site exit to advise truck drivers of the posted speed on Brandywine Road.

- (3) **The operator shall avoid depositing any debris upon any existing streets.**

Interior roads are watered or otherwise treated to minimize dust. A street sweeper is available to be used as needed to keep Brandywine Road clear of loose extracted materials. These are conditions of the previous special exception.

- (4) **The owner of the subject property shall be required to post and maintain a permanent, durable sign identifying the use as a surface mining or sand and gravel wet-processing operation, in accordance with the requirements of Section 27-625:**

(a) **Area.**

- (1) **Not less than 9, nor more than 16, square feet.**

(b) **Location.**

- (1) **All signs shall be conspicuous and legible.**

(c) **Quantity.**

- (1) **If the property has frontage on one (1) or more improved public streets, there shall be one sign posted for each one thousand (1,000) feet (or fraction) of street frontage on each street.**

(d) **Height.**

- (1) **Not less than four (4), nor more than eight (8), feet above the finished grade of the improved street if it is to be viewed from a public street.**

(e) **Contents.**

- (1) **Each sign shall contain the following information:**

- (A) **Identification of the use as a surface mining or sand and gravel wet-processing operation.**

- (B) **Size of the property (in acres).**
- (C) **Name of the owner of the property and operator of the facility.**
- (D) **A legal description of the property, including the subdivision name, lot and block numbers, or liber and folio numbers.**
- (E) **Instructions for obtaining additional information about the operation.**

(f) **Applicability.**

- (1) **The requirements of this section apply to both nonconforming operations and those which are in conformance with the existing provisions of this Subtitle.**

A sign is currently posted near the site entrance on Brandywine Road. The site has approximately 2,200 feet of frontage along Brandywine Road. Therefore, three signs should be posted in accordance with the above requirements.

- 8. Parking Regulations: No structures are proposed for the surface mine. Therefore, no parking spaces are required.
- 9. Landscape Manual Requirements: A 100-foot-wide wooded buffer is provided along Brandywine Road, and wooded buffers ranging from 40 to 50 feet in width are located around the perimeter of the rest of the property. This meets the requirements of the *Landscape Manual*.
- J. Required Findings (Section 27-317):

- (1) **The proposed use and site plan are in harmony with the purposes of this Subtitle.**

The purposes of the Zoning Ordinance are listed in Section 27-102 and can be summed up in the first purpose which reads, ■To protect and promote the health, safety, morals, comfort, convenience and welfare of the present and future inhabitants of the County.● Special Exception 4113 was approved for this site, based on conformance with this requirement. The proposed operation is not proposed to change from the previous special exception. However, as pointed out in finding (4) below, field visits to the site indicated that the safety of the ponds during the mining operation is of some concern. With the recommended condition of a temporary fence, staff finds the above finding satisfied.

- (2) **The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle.**

The proposed use is in general conformance with the applicable requirements. The EIR report contains some special recommendations or required pumping plan and sediment control plan have been corrective measures to address the issues that had not been satisfactorily addressed. The

submitted, eliminating special conditions 9, 10 and 11. Conformance with the remaining conditions will ensure compliance with the applicable requirements of the Zoning Ordinance.

(3) The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or in the absence of a Master Plan or Functional Map Plan, the General Plan.

As noted in the approval of the previous special exception, the proposed use will not substantially impair the approved master plan. The site is located within Subregion V, although a very small part of the applicant's holdings, just beyond the easternmost PEPCO line, lie in Subregion VI. This portion of the property is not contained within the special exception boundaries, however.

The approved *1993 Master Plan for Subregion V* identifies this property as a ■Low Rural■ land use in the Cedarville Rural Living Area. Low Rural land uses include ■woodland, farms and very large-lot rural residential uses■, with average lot sizes of at least five acres. The Master Plan recommends that public sewer service not be provided in this Rural Living Area. Other Master Plan recommendations pertaining to this application include:

- Brandywine Road, or MD381 (C-613) is recommended to be upgraded to a four-lane roadway between North Keys Road and the Subregion V boundary, as part of a larger long-term upgrading and partial realignment of MD381 extending west to MD5.
- Future hiker/ biker/equestrian trails are proposed along the alignments of the adjoining railroad ROW and the more easterly PEPCO ROW.
- According to the Environmental Features Map which accompanies the 1993 Master Plan, the property contains mainly woodland, with a Natural Reserve Area and some wetlands in the vicinity of the stream which flows through the property. Each of these features should be protected consistent with the terms of existing ordinances.
- Master Plan policies, goals and objectives pertaining to Sand and Gravel Mining (pp.183-186 of the 1993 Master Plan text) are summarized by the applicant in the Statement of Justification. The applicant indicates that the site will be restored to its original condition upon completion of the mining activity.

We concur with the applicant's assertion on page 10 of their statement of justification that the continuation of this mining operation through approval of SE-4348 is in conformance with the Subregion V Master Plan.

(4) The proposed use will not adversely affect the health, safety or welfare of residents or workers in the area.

The previous special exception was approved based on the finding that it would not adversely affect the public health, safety or welfare; and to date, there is nothing in the record to suggest otherwise. Given the site's location in a sparsely populated area and the general conformance of the current

mining operation with the conditions of approval, the conclusion can be drawn that the balance of the operation will also conform to this requirement.

This mining operation does, however, involve mining of areas where ponding occurs during the mining process. As a general rule, most surface mining takes place on ridges and tends to avoid lower lying areas. The approved site plan shows three ponds which will be formed during the mining operation and which will eventually be stabilized in the form of permanent pond features. During the course of the mining operation, water from these ponds will be pumped away to permit the mining activity and the depth of the ponds will vary. Additionally, the size and shape of these ponds is subject to constant change and the bottom soils tend to be very soft and unstable. This could pose a serious safety hazard to a child who, despite warning signs, might wander onto the property when the site is not being worked. Because the site is screened from the road, there may not be any indication to those in the area that a pond actually exists at that location. For these reasons, staff recommends that a temporary fence, such as a snow fence, be installed around the perimeter of the ponds until they are stabilized as part of the reclamation process, and permanent safety features, such as benches are in place.

(5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood.

Given the nature of the sparse development and land holdings in the vicinity of the site as well as the buffering of the property from Brandywine Road, the continuation of this special exception will not be detrimental to the use or development of adjacent properties.

(6) The proposed site plan is in conformance with an approved Tree Conservation Plan.

The applicants submitted the approved Type II Tree Conservation Plan (TCPII/100/93) with this application, which was reviewed for consistency with the approved mining operation and the Woodland Conservation Ordinance. The EIR Report notes:

The Woodland Conservation requirements for this 103.89-acre property which has 27.3 acres of floodplain and a net tract area of 75.5 acres includes a Woodland Conservation Threshold (WCT) of 50% or 37.8 acres and replacement requirements of 25.3 acres for a total requirement of 62.9 acres. This requirement is being satisfied by 21.2 acres of on-site woodland preservation and 41.7 acres of on-site reforestation and afforestation. In addition, 26.3 acres of forested floodplain is being retained. The original woodland acre of 95 acres will be reduced by 5.8 acres to 89.2 upon completion of this mining operation. Both the preserved woodlands and the reforestation/afforestation areas are priority areas for woodland.

A review of the proposed reforestation areas on this property and of the two adjacent properties, which were subject to special exception approvals for mining operations, has raised concerns by this office with respect to the potential for success of some of the proposed reforestation areas. Specifically, there is a concern that the ultimate surface elevation of the permanent pools will be higher than the 222 feet reflected on the plans. This concern is best reflected by the Reds Dove site which is located immediately across MD 381

from this property. The current surface elevation of the water is approximately 225 feet and has been so for most of 1999 which by all accounts has been a drought year. If the surface elevation of the water were to be 225 feet for as little as a few weeks, a significant area of restoration would be lost. Some change to the species to be planted could alleviate some of the concerns but would not resolve or offset all the potential loss of reforestation.

These concerns are addressed by condition nos. 24 and 25 of the EIR report.

CONCLUSION:

Based on the foregoing discussion, staff recommends Approval of SE-4348 subject to the following conditions:

1. Phase I must be reclaimed and stabilized as soon as possible, that is, before the continuation of mining in Phase II. Stabilization should include the present and future stockpiled material.
2. Silted water shall not be discharged into the stream that separates Phase I and II.
3. The applicant shall install and maintain a minimum 42-inch-high temporary safety fence around the perimeter of the ponds until they are stabilized and converted into permanent ponds, subject to approval by the Prince George's County Soil Conservation District or MDE.
4. The applicant shall post safety signs in and around the project site and in accordance with Section 27-625, and mark the boundaries of the limit of clearing and grading.
5. The operator shall stabilize perimeter berms, stockpiles of topsoil and overburden material.
6. Prior to approval of this special exception, the applicant shall furnish to the Environmental Planning Section the most recent two inspection reports of the mining site made by the Maryland Office of Surface Mining and these reports shall be made part of this application for SE-4348.
7. Prior to approval of this special exception, the applicant shall show all the revisions to site plans and update the minimum plan to reflect the present mining stage such as the areas that have been mined and areas partially or totally reclaimed and stabilized during mining operation under SE-4113.
8. Prior to approval of this special exception, the applicant shall provide to the Environmental Planning Section evidence that a reforestation bond has been posted for this site.
9. The applicant shall provide to the Environmental Planning Section a revised site plan showing the ponds as approved by the Soil Conservation District and/or the Maryland State Department of Natural Resources and U.S. Army Corps of Engineers, as appropriate. The applicant safety measures for post-mining permanent ponds shall be indicated on the plan.

10. Topsoil is to be stockpiled within the area for eventual use during the reclamation period.
11. Stockpiled overburden material is to be seeded with quick-growing grasses to minimum that wash-off of silt into streams within the site.
12. Reclamation and stabilization efforts shall be staged as diligently as possible and the direction of mining shall be closely followed.
13. Application of sludge during reclamation, when used under this special exception, shall be performed in accordance with criteria and standards of the Maryland Department of Environment (MDE) and other best management practices and in compliance with the Prince George's County Code, Subtitle 21, Section 21-108. Use of sludge shall be limited and controlled to prevent any surface or subsurface contamination of water entering the headwaters of Mattawoman Creek.
14. All sediment/erosion control basins shall be enclosed with a minimum 42-inch-high safety fence. Safety signs, described in the Official Surface Mining Workbook (April 1990) of the State Safety Committee, and safety benches and protective berms be used in order to increase the level of safety at the site. A safety plan for postmining permanent ponds should be submitted to the appropriate State permitting agency, in conformance with Title 08, Subtitle 5, Chapter 10, regarding impoundments.
15. Close monitoring of these measures shall be done by the Department of Natural Resources to assure that they continue to perform satisfactorily. The sediment control measures shall be approved by the Soil Conservation District.
16. All ponds shown on the revised site plan shall be approved by the Soil Conservation District and/or the Maryland State Department of Natural Resources or Department of the Army and U.S. Corps of Engineers, as appropriate.
17. Truck speed on interior haul roads shall be controlled to 15 mph or less; and a sign shall be posted at the site exit to advise truck drivers of the posted speed on Brandywine Road.
18. The haul road shall be paved for a distance of at least 200 feet from the entrance.
19. Interior roads shall be watered or otherwise treated as necessary to minimum dust.
20. A street sweeper or water truck shall be available during all hours of the mining operation. This should be used, as needed, to keep Brandywine Road clear of loose extracted materials.
21. Only the equipment listed on the approved plan and/or in this report shall be used on the site and it shall be equipped with a Donaldson TCU05 muffler or one that provides at least 30 dBA in sound reduction. Similar heavy equipment may be substituted as replacements are required.

22. All equipment used on the site, including trucks, shall be fitted with working mufflers at all times.
23. The tree preservation lines shall be staked on the ground and reviewed by the M-NCPPC, Environmental Planning Section, prior to installation of sediment/erosion control measures and tree protective devices.
24. The applicant, his heirs, successors, or assigns shall be restricted to a maximum of 100 truckloads or 200 truck trips per day which will be concentrated between 8:00 a.m. and 4:00 p.m. There shall be no mining activity before 7:00 a.m. and after 5:00 p.m., Monday through Saturday and no mining activities on Sunday and Federal holidays.
25. Trucks entering and existing the subject property shall only utilize MD 381 and North Keys Road west of Gibbon Church Road as haul routes between the site and US 301.
26. A deceleration lane along Brandywine Road to the site entrance shall be provided in accordance with State Highway Administration design standards prior to beginning mining activity on the site.
27. The proposed entrance shall be 25 to 35 feet wide per the requirements of the State Highway Administration.
28. Prior to issuance of use and occupancy permit, the applicant shall obtain all the permits and licenses that are required by the Federal, State and local governments.
29. This special exception shall be valid for four years from the date of final approval by the District Council.
30. No pumping is permitted from sediment traps/basins or excavated areas into wetlands, 100-year floodplain, streams (intermittent or perennial) or off-site. Pumping must be in accordance with a plan approved by Soil Conservation District, Maryland Department of Natural Resources, Maryland Department of Environment and U.S. Army Corps of Engineers in accordance with their respective jurisdictions.
31. All requirements set forth by the State Department of Natural Resources shall be satisfied prior to any waterway construction activity.
32. All the above conditions shall be listed on the site plan.
33. The applicant shall notify the M-NCPPC Environmental Planning Section prior to the initiation of work on each phase of this mining operation. At that time as meeting shall be held to determine the exact time for initiation of the reforestation on prior phases of the mining and to determine the species to be utilized for the reforestation.
34. The applicant shall conduct a post-mining assessment concerning regional reforestation, and any reforestation areas negatively impacted by ground water will be provided elsewhere in

conformance with a revised TCP approved by the M-NCPPC Environmental Planning Section and in accordance with Condition 26 of the approval for SE-4113.