

September 8, 2023

Don Jacobs
Owner
Venture Stone LLC
3953 Parkwood Drive
Billings, MT 59106

Sent via email to: Don Jacobs donventurestone@gmail.com

RE: Approval of Application to Amend Operating Permit No. 00189 (Amendment 002) – Venture Stone, LLC

Dear Mr. Jacobs,

On October 3, 2022, Venture Stone, LLC (Venture Stone) submitted an application to amend Operating Permit No. 00189 (Amendment 002) to the Montana Department of Environmental Quality (DEQ) to include two additional project sites in the operating permit. Venture Stone currently produces decorative rock and operates 12 rock picking and processing sites located between 10 and 22 miles to the west, south and southeast of Great Falls, Montana in Cascade County. Venture Stone also operates one quarry site approximately four miles south of Barber, Montana in Golden Valley and Wheatland Counties. Revised versions of the application were submitted to DEQ on February 2, 2023, and March 31, 2023. A draft permit and compliance document were issued on April 19, 2023. Modifications to the application were submitted on July 5, 2023, and July 11, 2023, and a determination of no substantive changes from the modifications was issued by DEQ on July 26, 2023. A permit issued by DEQ would authorize Venture Stone to Mine on Site 14 (Ramage Quarry) and Site 15 (Kinsey Quarry).

DEQ published the Draft Environmental Assessment (EA) on July 25, 2023, which documented the analysis of the possible environmental impacts of the Proposed Action. DEQ identified the Proposed Action as the preferred alternative. A 30-day public comment period was initiated after publication of the Draft EA. No comments were received during the public comment period. On September 6, 2023, DEQ issued a Final EA. The decisions contained in this decision document are based on the analysis documented in the Final EA.

DEQ's Decisions

DEQ has applied the significance criteria, according to the Administrative Rules of Montana (ARM) 17.4.608, to determine the significance of potential impacts on the human environment. After applying those criteria, DEQ has determined that preparation of an EA is the appropriate

level of review under the Montana Environmental Policy Act (MEPA). A summary of DEQ's review of the significance criteria is included in the Final EA.

DEQ has decided to approve Venture Stone's application for Amendment 002, selecting Alternative 2 (the Proposed Action), as described in Final EA. Pending bond submittal and approval, the approved amendment allows Venture Stone to mine rock products on Site 14 and Site 15. Before commencing activity authorized by this permit, the permittee must be in compliance with Title 75, Chapter 2, Montana Code Annotated (MCA) as amended, Title 75, Chapter 5, MCA, as amended, Title 75, Chapter 6, MCA, as amended, and administrative rules adopted pursuant to these laws. Based on the application information submitted by Venture Stone, DEQ has determined Venture Stone to be in compliance with these statutory provisions.

Pursuant to Section 82-4-335(10), MCA, DEQ has determined that Venture Stone has provided the current information required in 82-4-335(5)(a), MCA.

- On May 16, 2023, DEQ and Venture Stone finalized an Administrative Order on Consent (AOC) as part of the ongoing effort to correct the violation cited in Violation Letter No. VLHRM20221115-00084. The finalized AOC satisfies the requirements of 82-4-335(10)(a)(ii), MCA. Provided that the application material remains unchanged at the time of submission of the bond and that the AOC remains in force at the time of submission of the bond, the requirements of 82-4-335(10), MCA will be addressed satisfactorily.
- On August 21, 2023, DEQ and Venture Stone met to discuss Violation Letter No. VLHRM20230725-00093, issued on July 26, 2023, and Violation Letter No. VLHRM20230821-00096, issued on August 21, 2023. Venture Stone agreed to submit a plan with timelines to achieve compliance for the violations. Provided Venture Stone submits a corrective action plan that is approved by DEQ and is in compliance with the plan at the time of submission of the bond, the requirements of 82-4-335(10), MCA will be addressed satisfactorily.

Pursuant to Sections 82-4-337(1)(h)(i) and 82-4-338, MCA, Venture Stone is required to file with DEQ a reclamation bond in a form and amount determined by DEQ. DEQ will calculate the bond in accordance with Section 82-4-338, MCA, and is required to provide Venture Stone with the bond determination within 40 days of the date of this decision document (Section 82-4-337(2)(c), MCA). A final permit may not be issued until the permittee submits, and DEQ accepts, the corresponding bond.

Permit Stipulations

Pursuant to Section 82-4-337(2)(b), MCA, DEQ shall consult with the applicant before placing stipulations in a draft or final permit. Permit stipulations in a draft or final permit may, unless the applicant consents, address only compliance issues within the substantive requirements of this part or rules adopted pursuant to this part. For a stipulation imposed without the applicant's consent, DEQ shall provide to the applicant, in writing, the reason for the stipulation, a citation to the statute or rule that gives DEQ the authority to impose the stipulation, and, for a stipulation

imposed in the final permit that was not contained in the draft permit, the reason that the stipulation was not contained in the draft permit.

On April 13, 2023, Venture Stone consented to adding a stipulation to both the draft and final Hard Rock Mining Operating Permit. Venture Stone agreed with DEQ's request to add one stipulation (Stipulation Nos. 00189-002-1) that it deemed was needed to address substantive requirements of the Metal Mine Reclamation Act. The permit stipulation is shown below.

- Stipulation No. 1: Venture Stone shall limit mining at Site 14 to decorative stone products only. If coal beds or other beds with significant pyrite are accessed during mining, Venture Stone will cease mining in that area and backfill completely so as to prevent any surface runoff and objectionable groundwater discharge from the coal bed.

Appeal of DEQ's Decisions

Legal actions seeking review of DEQ's approval of Venture Stone's application for an amendment must be filed within 90 days from the date of this decision document under Section 82-4-349(1), MCA. Any action or proceeding alleging a failure by DEQ to comply with MEPA, or inadequate compliance with a MEPA requirement, must be brought within 60 days after issuance of this decision document pursuant to Section 75-1-201(5)(a)(ii), MCA.

Sincerely,



Dan Walsh
Mining Bureau Chief
Air, Energy and Mining Division
Montana Department of Environmental Quality
email: dwalsh@mt.gov
phone: (406) 444-6791

File: 00189.3