



WESTERN ENERGY COMPANY - *Rosebud Mine*
A Subsidiary of WESTMORELAND COAL COMPANY

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February 29, 2016

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P.O. Box 200901
Helena, MT 59620-0901

Permit ID: C2011003F
Revision Type: NA
Permitting Action: Deficiency Response
Subject: Third Round Acceptability Deficiency Response

Dear Chris:

Included in this submittal are WECO's responses to the Department's deficiency letter date November 6, 2015:

ARM 17.24.302(1):

CAD data for figures and exhibits contained in Appendix B, Appendix I, Appendix J, and Appendix O were not submitted with this application. CAD data must be submitted for all figures and exhibits containing spatial information.

Response: Nicklin Earth and Water, Inc., WECO's hydrology consultant, does not produce their exhibits in CAD. GIS data (shapefiles) developed specifically for figures in Appendices B, I-A, I-B, O and P are provided with this submittal. The CAD data for Appendix J is included in folder 12 Appendix J

ARM 17.24.302(1): Phase I County Road Relocation must be shown correctly on all maps of the permit. All exhibits must match the Phase 1 County Road Relocation specifically in Section 19, Township 2 North, Range 39 East.

Response: All maps that the Phase I County Road Relocation are shown have been updated.

ARM 17.24.302(1): The locations of ramp roads F5, 6A, F9, F10 and F11 must be updated on Exhibit O Haul Road Design.

Response: Please see Exhibit O Haul Road Design Plan, Profile and Details. Exhibit O has been updated with the ramp roads.

ARM 17.24.302(1): Appendix E contains appendices A through D. This causes confusion and creates a situation where information is no longer presented clearly and concisely. Please adjust this permit structure to no longer have appendices to an appendix.

Response: Western Energy Company hired a third party consultant, Cedar Creek and Associates to perform the necessary survey and write the report, which was written in 2007 after the 2006 survey. The table of contents is clearly laid out and WECO feels it would be a waste of financial resources to have Cedar Creek and Associates re-write the report at this time.

ARM 17.24.304(1)(e): Baseline hydrologic data has not been submitted in a format suitable for review. WECO stated in the response letter that a copy of the Rosebud Mine water database was included in this submittal, but this database could not be located. Please include all baseline hydrologic data in spreadsheets, a database, and/or as raw data for DEQ review. This should include all surface water flow data (continuous, crest gauge, flow meter, staff gauge, etc.); spring/seep flow data; pond water level data; groundwater level data (manual measurements and continuous recorder data); stream, spring/seep, pond, and groundwater quality data (field measurements and laboratory data including results of field blanks and duplicates).

Response: A copy of the Rosebud Water Database is included with this application. Note that all spreadsheets of field parameter tables in AHR format can be generated by the database using the AHR Field Parameters Report. Similarly an electronic data deliverable in DEQ format can be generated by the EDD for DEQ report. Climate data spreadsheets can be generated by the database using the AHR Climate report. Spreadsheets files of all hydrological data used to compile the Hydrology (Appendix B) Attachments are now included in the Area F permit application:

- Continuous recorder datalogger data and mean daily discharges
- Crest gauge readings
- Field data for surface water, groundwater, springs and ponds

ARM 17.24.304(1)(e): Appendix B, Section 5.2.4.1, discusses the results of aquifer testing conducted in Area F and the results are summarized in Table B-19; however, the data from the tests are not included. Please include all data from the aquifer tests performed on Area F wells in an attachment to Appendix B, including copies of field records and the input and output of the AQTESOLV analyses.

Response: A new attachment (B-G) has been included in Appendix B to provide this information.

ARM 17.24.304(1)(e): Appendix B, Section 5.3, discusses changes to well designations for three wells. These wells are referenced by their old designations in other portions of the permit including: Exhibit H; Appendix I-A, Tables GM-1 and GM-2, and Attachment GM-A;

Response: The references to these wells in Appendix I-A have been corrected. Also the wells have been updated on Exhibit H Surface and Ground Water Monitoring Sites.

ARM 17.24.304(1)(e): In Appendix B, Section 5.3.2.2, the second paragraph on page 36 identifies two wells which have exhibited significant changes in TDS (WR-231 and WR-239), but only one (WR-231) is discussed. Please include a similar discussion of the origins/significance of the TDS changes observed in well WR-239.

Response: Additional narrative addressing this comment was added to Appendix B.

ARM 17.24.304(1)(e): Appendix B, Section 5.3.1.3, attributes declines in water level at well WR- 231 to drawdown resulting from Area C West; however, the groundwater model results presented in Appendix I-A, Figure GM-29 Page 1, indicate no mine related drawdown is expected at the location of WR-231. Please clarify this apparent contradiction.

Response: Additional narrative addressing this comment was added to Appendix I-B. Please note that the groundwater model does over-predict declines in some areas and under-predicts in others. This is fairly typical as models do represent simplifications of complex natural systems.

ARM 17.24.304(1)(e): In Appendix B, Section 5.3.1.4, no explanation is given for the noted declines in water level at well WM-194. Section 5.3.1.5 also does not elaborate on noted water level variations in wells WD-188 and WD-210. Please include additional discussion of the potential origins and significance of the water level fluctuations noted as significant.

Response: Additional narrative addressing this comment was added to Appendix B.

ARM 17.24.304(1)(e): Appendix B, Section 5.3.2.2, states the minimum specific conductivity measured in the McKay wells was non-detect. A non-detect value for specific conductivity is highly unlikely to be encountered in natural waters, and likely represents an error in sampling or analysis. Please review this data.

Response: The laboratory report for the 12/20/12 sample taken at WM-195 shows a non-detect value for specific conductance. However, given the TDS concentration of 1,660 mg/L in the same sample, the non-detect value was deemed to be an outlier and removed from the statistics calculation. This value was also removed from the database. Table B-23 and the narrative were updated accordingly.

ARM 17.24.304(1)(e): In Appendix B, Section 5.3.2.2, the paragraphs on the McKay wells and sub- McKay wells discuss groundwater classification based on median and maximum values for all nine monitoring wells. Since groundwater classification is location specific, please revise these discussions to describe groundwater classes based on location (similar to the discussion regarding groundwater classification in the Rosebud coal paragraph).

Response: The discussion on the McKay and sub-McKay groundwater classification was revised per the comment.

ARM 17.24.304(1)(e): Appendix B, Sections 5.3.1.6, 5.3.2.5, and 5.3.2.6 contain significant discussions of the impacts of mining in Areas A, B, and C on the hydrologic balance which would be better included in the PHC (Appendix O) as they do not represent baseline conditions. Please limit the discussions in Appendix B to baseline conditions unaffected by coal mining disturbances.

Response: This comment was discussed with DEQ and it was agreed to leave Appendix B as is.

ARM 17.24.304(1)(e): Baseline water quantity and quality data were not collected for all springs and seeps that were identified in the Spring Inventory in Appendix B, Section 6.1.1, Table B-31, and Figure B-32 that have the potential to be impacted by disturbance within Area F. For example, the spring inventory identified three springs in the McClure Creek

drainage in Township 2 N, Range 38 E, Section 13 (WR 42KJ 108394 00, WR 42KJ 108673 00, 42KJ 108396 00) and the wetlands delineation in Attachment B-B noted two spring/seep fed wetlands in this area (Wetland C and F028). These springs/seeps/wetlands lie in the vicinity of the Rosebud coal crop line and will likely be impacted by mining; however, no water quantity or quality data have been collected to characterize these water resources. Please collect water quantity and quality data from all springs and seeps identified in the Spring Inventory and wetlands survey that have the potential to be impacted by Area F disturbance, both for the establishment of baseline conditions, and to assess the quality and quantity of water resources that support the premine land uses. Additionally, please begin quarterly sampling of the above mentioned water resources and provide the available data with the next submittal. This data collection will not restrict the continuation of the permitting process.

Response: Monitoring of the above mentioned springs started in 2015 and has been added to the Area F MQAP (see response below). The spring characterization attachment was updated with available information on these springs. In addition the narrative, tables and figures in Appendix B were updated to include these springs. The database contains up to date field data (through water year 2015) and water quality data for these springs.

ARM 17.24.304(1)(e): Appendix B, Section 6.1.3, Table B-33, and Attachment B-L. DEQ understands not all spring/seep flows can be measured. However, quantitative measurements of spring flow down to flow rates of approximately 1/4 gpm are feasible for most springs and some diffuse seeps with minimal additional effort and equipment. Guidance regarding the field measurement of spring and seep flows can be found in the following references:

- Rantz, S.E. and others, 1982. Measurements and computation of streamflow: Volume 1. Measurement of Stage and Discharge. U.S. Geological Survey Water Supply Paper 2175 http://pubs.usgs.gov/wsp/wsp2175/pdf/WSP2175_voll1a.pdf
- Buchanan, T.J. and W.P. Somers, 1969. Techniques of water-resource investigations of the United States Geological Survey, discharge measurements at gauging stations. USGS Book 2, Chapter A8.

Methods from these references have been successfully used at another Montana coal mine. DEQ personnel are willing to assist WEC0 in the development of appropriate sampling protocols.

Response: The Area F MQAP now specifies flow measurements at selected springs. See MQAP response below for more details. Also WEC0 has purchased some small portable weirs that will be used to collect flow measurements where possible. This information has been updated in Appendix P MQAP.

ARM 17.24.304(1)(e): No baseline data has been collected for pond 42KJ 8211 00, shown on Figure B-36 (actual location of this pond is approximately ¼ mile downstream of plotted location) and listed in Table B-40. This pond is located in the McClure Creek drainage approximately ½ mile downgradient from the permit boundary and could be impacted by mining. Ponds 42KJ 25022 00 and 42KJ 183501 00, located in the Trail Creek drainage are also downstream from mine disturbance. Please collect quarterly water quality and quantity data from these ponds to establish baseline conditions and provide the available data with the next submittal. This data collection will not restrict the continuation of the permitting process.

Response: WECO has begun sampling ponds 42KJ 8211 00 (Pond 8) and 42KJ 25022 00 (Pond 9) as they are on state sections and can be accessed. This sampling started November 2015 and is included in Appendix P (MQAP). Pond 42KJ 183501 00 is located on private owner section who has denied access to this pond.

Monitoring of the accessible ponds mentioned above started in 2015 and was added to the Area F MQAP (see response below). The pond characterization attachment was updated with available information on these ponds. In addition the narrative, tables and figures in Appendix B were updated to include these ponds. The database contains up to date field data (through water year 2015) for these ponds.

ARM 17.24.304(1)(e): In Appendix B, Table B-18, the end of the text is cut off for several entries in the “Source Name” and “User” columns. Please correct this formatting issue so that all text is visible.

Response: The table was revised per the comment.

ARM 17.24.304(1)(e): In Appendix B, Table B-22, numerous wells are assigned the “Associated Strata” of RCL (Rosebud Clinker), which DEQ believes should be RC (Rosebud Coal) for most of these wells. Additionally, wells WI-100 is assigned to sub-McKay, WD-101 is assigned to interburden, and WR-100 is assigned to overburden, all contrary to their well ID prefix. WR-227 and WS-114-B are not assigned a stratum. Please check the accuracy of the strata designations in Table B-22, and make corrections where necessary.

Response: Well logs were reviewed and Table B-22 was revised accordingly. WD-101 is now assigned as sub-McKay and WI-100 as interburden.

ARM 17.24.304(1)(e): The fourth line of the notes for Appendix B, Attachment B-E 1, contains incorrect dates. It appears the dates “5/20/15” should be “5/20/14” and “5/26/19” should be “5/26/14.” Please review and correct errors as necessary.

Response: Attachment B-E-1 (now B-C-1) was corrected per the comment.

ARM 17.24.304(1)(g): The coordinates shown on the log for boring F061308 in Appendix K, and the location this boring is shown on Exhibit Q1 are incorrect. The ground elevation and subsurface lithology presented on the log for this boring indicate a location likely nearer to the coal crop than given by the coordinates and map location. Please correct the location of boring F061308.

Response: Please see Appendix K. The location of boring F061308 has been revised.

ARM 17.24.304(1)(i): There are now two wetland delineation reports included in Appendix E, one from 2009 and one from 2013. These have differing conclusions as to the potential jurisdictional nature of some of the wetland features and varied data presented. WECO states that the 2013 delineation supersedes the one conducted in 2009 in their deficiency response. Please include permit language to clarify that the 2013 wetlands delineation supersedes the 2009 report.

Response: Language has been added to ARM 17.24.304(1)(i) that indicates that 2013 wetlands delineation supersedes the 2009 wetlands report.

The 2013 report is also included in Appendix B – Hydrology. Having duplications of this material is not in keeping with ARM 17.24.302(1). Please locate wetlands delineations in only one location in the permit and ensure that all permit language accurately cites the correct location.

Response: Attachments B-B and B-C have been removed from Appendix B per the comment. The text was edited to reference Appendix E.

ARM 17.24.304(1)(i)(i): Map 1 is said to include a reference area for Woody Draw community types according to the results section of the Baseline Vegetation Survey. This reference area is not included on the map. Please update Map 1 to include this reference area if it has been established as stated.

This item has been addressed; however, the response does not meet the requirements of the rules. Since there is no documented reference area, there is no defined reclamation standard by which to measure against for phase III bond release. These standards need to be developed, or a reference area must be identified.

Response: Please refer to Appendix E – 2006 Baseline Vegetation Survey Report. The Woody Draw Reference Area information is described in detail in Section 3.6.2 *Woody Draw Reference Area*. The information included in Section 3.6.2 meeting the requirements of the rule.

Appendix E:

p. 6: Site assessment forms and pictures for all of the sites visited should be included for baseline documentation. Currently only sites deemed to be a wetland by the consultant are included.

WECO's response indicates that since this was submitted as part of an annual report for an adjacent mine, and no issues were then noted, that they do not need to provide this information. This material should not have been submitted as part of that annual report and were therefore not evaluated at that time. Subsequently, a prior submittal does not preclude information from being submitted as part of the baseline evaluation. Please submit the site assessment forms and pictures for all sites evaluated as potential wetlands, not just those deemed to be wetlands by the consultant.

Response: As indicated in the methodology, Cedar Creek reviewed multiple years of aerial imagery to identify potential "targets" for site-specific review from the ground as to whether or not these "targets" were wetlands. Because several ground phenomena yield similar photographic signatures, Cedar Creek chose to err on the conservative side and mark all such potential targets for a ground visit. In the majority of circumstances, these targets were simply patches of snowberry, mesic graminoid bottoms, or similar circumstances. Only when a site actually presented with wetland vegetation, hydrology and/or hydric soils was a closer inspection warranted. Otherwise the potential site was properly recorded as "upland". To document this determination, notes regarding the findings for each such potential target were indicated on Table 1 for Area F. No further detailed survey was warranted for upland sites given the extensive baseline vegetation and soils surveys that were implemented for those "upland" resources during baseline surveys for Area F.

To the contrary, those sites that presented with hydrology, hydric soils, and wetland vegetation were given full USACOE evaluation, including sampling and photography (in most cases). Of the potential targets that in fact were wetlands (Table 2), formal sampling data sheets were completed and provided with reporting.

For non-wetland targets, photos or collection of information other than that presented in Table 1 would have been moot and/or redundant with the extensive baseline surveys that had previously occurred.

ARM 17.24.304(1)(j): DEQ acknowledges WECO's response to the round two deficiency comment: "Aquatic and vegetative assemblages in the spring-fed wetlands must be cataloged so that potential impacts to wildlife uses can be tracked with changes in postmine water quantity and quality. Appendix F notes that no aquatic species surveys were conducted, but the presence or absence of aquatic communities needs to be established. Please refer to DEQ's Water Quality Protection Bureau SOP WQPBWQM-009 (<http://www.deq.mt.gov/wqinfo/qaprogram/sops.mcp>) for acceptable procedures for conducting an aquatic life survey." DEQ retains this comment until submittal of the aquatic life survey results. Please include the results of the aquatic life survey in Appendix F when available. Discussion of the implications of these results should be included in Appendix B and Appendix O as appropriate.

Response: The aquatic survey was completed in 2015. Reference to and discussion of the implications of the ALS has been incorporated into Appendices B and O. WECO asked Nicklin Earth and Water, LLC to incorporate the ALS into Appendix B where the implications of these results was included.

ARM 17.24.305(2)(c), 308, 310(g), 313(1)(d)(iv), 319, 622: The following deficiencies were discovered once Exhibit A was made legible.

Phase II of the county road relocation does not appear to be feasible for the following two reasons. First, the mine sequence depicts mining both the Phase 2 road and the current county road location during the same years. The mine schedule must allow for complete mining and reclamation of the Phase 2 side of the road before disturbing the current county road. Secondly, the proposed Phase 2 route is inconsistent with the PMT plan currently under review: Exhibit P2 is not based on the proposed PMT and, when comparing the current PMT with the Phase 2 route, there are portions of the county road that would be steeper than 13%. These issues must be rectified.

The location of the relocated county road in Township 2 N, Range 39 E, Section 19 and 27 shown on Exhibit A (and Exhibits B, B1, D, I, and J) is different than that shown on Exhibit P1. Please ensure the location proposed for the relocated county road is consistent throughout the permit application.

Response: Please see Exhibit A, B, B1, D, P2, etc. for the Phase II relocation. Phase II County Road Relocation has been relocated to match the PMT on all necessary exhibits. See Exhibit P2 for details.

The 230kv power line is a structure that needs to be protected from blasting damage and must be mentioned in 310(1)(g). While changing 310(1)(g), WECO may want to change the

second paragraph of 310(1)(a) as this paragraph may be interpreted as limiting vibrations at the 230kv power line to 1 inch per second. Finally, this power transmission line is a structure in which the owner must be advised, in writing, how to request a pre-blast survey.

Response: The language in ARM 17.24.310(1)(g) has been revised to include the 230kv powerline. Also information on cast blasting has been included into ARM 17.24.310(1)(a). Also, Northwestern Energy will be added to the list of landowners that are sent the blasting notification starting in September, 2016 making them aware of the rights of having a pre-blast survey completed.

ARM 17.24.308(1)(a) and 313(1)(d)(i): The last paragraph on page 4 of Appendix J commits to casting boxcut spoil inward if clinker zones are encountered when using the dragline. This handling of spoil is also an ARM 17.24.313 spoil placement issue. This commitment to spoil inward must be added to the narrative on page 308-2 of the application.

Response: Please see ARM 17.24.308, the narrative has been revised as requested.

ARM 17.24.312(1)(d): DEQ must have more specific commitments for reclamation of wetlands that may be directly or indirectly adversely affected by mining. Regardless of the US Army Corps of Engineers determination on jurisdiction, all wetlands impacted by mining must be mitigated and replaced. Please include a specific plan for wetlands replacement or mitigation in the reclamation plan.

Response: Please see Appendix N. A wetland mitigation plan has been developed and can be found in Appendix N.

ARM 17.24.313(1)(b): WECO's response to this deficiency was adequate; however, at least one reference to the "Approximate Reclamation Map", Exhibit J must be added to the narrative in Sub- Chapter 3. As Exhibit J defines the timing aspect of reclamation it would be most appropriate to add a reference to Exhibit J, (1)(b) of the Reclamation Plan. This reference must include an explanation of what is included in the approximate "Reclamation" time periods depicted on the exhibit (for example, time period represent areas graded, soiled and seeded) and the tie between Exhibits J and A.

Response: Reference to the Exhibit J Approximate Reclamation Plan has been included in ARM 17.24.313(1)(b). If the Department's language change and the additional language that has been added is not adequate, the original table from the Rosebud Mine permits will be substituted in place for the language in place now, which the Department found unnecessarily redundant during the C1984002 AM 5 process.

ARM 17.24.313(1)(c): A bond calculation must be submitted. The applicant proposed submittal after the PMT is acceptable. Please provide the bond calculation once the PMT is acceptable.

Response: Please see Exhibit G for the reclamation bond.

ARM 17.24.313(1)(d)(iv) and 501(4): Exhibit B and B1 appear to present a postmine topography that meets the performance standards. As further proof of this, WECO must update Exhibit T (histogram from 2011) and add a slope aspect wire diagram or slope aspect histogram. It would be best to add the slope aspect information to Exhibit T or make an Exhibit T1. DEQ prefers the slope aspect "wire" diagram to a slope histogram.

Response: Exhibit T has been renamed Exhibit T1 Premine and Postmine Slope Histogram. Exhibit T1 has been updated. A new exhibit has been added to the application, Exhibit T2 Premine and Postmine Slope Aspect Wire Diagram as requested by the deficiency listed above.

ARM 17.24.313(1)(f): The drainage channel reclamation plan does not describe how the measurements of premine channels contained in Appendix J will be used in postmine drainage channel designs. The expected floodplain widths in Table 313-8 should contain a range of values based on the DEQ guideline values but adapted to site-specific conditions using the channel surveys provided in Appendix J. Use of a single floodplain width value in the permit has a tendency to result in excessively uniform stream channels in reclamation which do not reflect the inherent variability in natural systems.

Response: Please see updated Table 313-8, Table 313-9, and text that will guide the reclamation of drainages with respect to the premine conditions.

ARM 17.24.313(1)(g)(ii) and (iii): The soil balance will be close and must be tightly managed. Some soil types are projected to have salvageable material beyond the typical 24 inch soil salvage. The soil survey Table 1 (Appendix G) designates a lift three material for these specific soil types. The Operator should salvage the lift three materials for use in reclamation. By retaining these additional suitable materials the subsoil volume could increase by around two million cubic yards.

Please incorporate the use of the lift three soils to help prevent a soil deficit in final reclamation. These lift three soils are part of the subsoil strata and can be stockpiled and managed with the subsoils lifts.

Response: Western Energy plans to continue utilizing the current protocol for soil salvage for Area F. In addition to the existing protocol WECO will incorporate steps to better manage the soil balance. These steps will include: 1) annual surveys of existing soil stock piles and incorporating this data into a soil balance spread sheet which will be submitted with the annual report. 2) incorporate a check and balance by comparing regrade sign-off acres to actual acres stripped for direct haul.

With these steps in place, WECO believes the lift three salvage is not necessary, however if certain opportunistic situations arise where a lift three may need salvaged, WECO may salvage the soil as subsoil.

Appendix G

The Selenium discussion was updated with the response to round two comments. This new language is acceptable as an approach to investigate the validity of the initial selenium results. The new language explains some on the ground experience with plants and animals in current mine reclamation efforts. There is a discussion of possible data error in the lab results, and a useful explanation of how Wyoming's regulatory standard of 0.3 ppm was derived and why it could be applicable.

There is a plan to resample a portion of the soils from the original survey to verify that the former selenium data is valid or skewed in some way. Prior to permitting this validation will need to be conducted.

Appendix G; 3.3 Soil Laboratory Results

Response: Western Energy feels there was an analytical error causing the higher selenium results plans to re-sample 6-8 sites as close as possible to the prior sampling sites (adjacent undisturbed location) so that the same horizons can be represented and collect at least 20 samples per site. WECO will ensure that FW11 site is represented as it had the highest selenium previously reported. Samples will be sent to Inter-Mountain Labs and analyzed for hot-water extractable selenium. Sample material will be retained by WECO for additional analysis, if needed.

ARM 17.24.313(1): Please submit CAD data for Exhibit J-1 of Appendix J. Also, please submit raw field survey data for all surveyed cross-sections in Exhibit J-1 in MS Excel format.

Response: Please see Appendix J – the CAD drawing is attached to the appendices'. There is not a MS Excel spreadsheet that corresponds with Exhibit J-1, but points are located within the CAD drawing,

ARM 17.24.314(1): The narrative in the 4th paragraph on page 6 of Appendix J describes traps on each side of ephemeral drainages to “collect runoff from road embankment”. Pursuant to this regulation, the narrative must be “supported by appropriate maps”. Please show all trap locations on the appropriate exhibits.

Response: Standard trap design has been included in Appendix J Attachment J-A. Please also see the updated Exhibit D “Approximate Hydrological Control Plan” included in this submittal.

ARM 17.24.314(2)(a)and 639(28)(a): Water entering Pond 9 may be concentrated into a smaller area and at a greater velocity due to culvert HR-5. The application must indicate how the side slope of the pond will be protected against erosion.

Response: An updated Exhibit D Approximate Hydrological Control Plan and new pond designs have been updated and are included in this submittal.

ARM 17.24.314(2)(d): The monitoring plan presented in Appendix P (MQAP) is not adequate to meet the objectives present in Section 2.1. The monitoring plan must include monitoring stations to evaluate the impact of mining activity. These monitoring stations would be in addition to established baseline stations and informed by the mine plan, the hydrologic control plan, and the spatial distribution of potential pollutant sources and their pathways. For instance, monitoring the quantity and quality of water withheld in unlined sediment ponds and the alluvial conditions below sediment ponds, particularly when used to store or manage pit-pumped water, will inform evaluations of impacts from mining activity.

A greater number of monitoring locations and higher frequency of monitoring in some locations is needed to demonstrate protection of the hydrologic balance and prevention of material damage. Please consider the following comments when revising the Monitoring and Quality Assurance Plan.

Section 2.2.1 Stream Monitoring Design: The current downstream monitoring sites are generally not located downstream of all mining impacts and there are no monitoring sites on McClure Creek or Trail Creek. In particular, the locations of SW-90 and CG-100 are upstream from the haul road. These sites should be relocated downstream and a monitoring site should be established on McClure Creek and Trail Creek near the permit boundary. There is currently only an upstream monitoring site on Donley Creek. Upstream monitoring sites should be established on Black Hank Creek and Robbie Creek. All downstream monitoring sites should have continuous monitoring for flow, monthly manual flow/field parameter measurements, and quarterly (event based) monitoring for quality. The new upstream sites should have crest gauges and be monitored monthly for flow/field parameters and quarterly (event based) for water quality.

Response: Please see Appendix P; the MQAP was revised as per MDEQ comments.

Section 2.2.2 Spring Monitoring Design: The spring monitoring design should be more focused on springs with the potential for impacts. Springs located up gradient of the mine (Springs 1, 4, 5, and 6) can have a reduced monitoring frequency of quarterly flow/level/field parameters and annual water quality. As discussed in comments on ARM 17.24.304(1)(e) additional effort should be taken to provide more quantitative monitoring of spring flow. As also noted in ARM 17.24.304(1)(e) comments, additional springs with the potential for impacts were identified in the spring inventory and during the wetlands survey. These springs should be added to the monitoring plan. Water quality monitoring should be conducted for Spring 2 at the same frequency as the other down gradient springs. The commitment to increase the frequency of water quality monitoring when mining approaches a spring needs to be made more specific. For example, relate the increase in monitoring at Spring 2 to the start of the box cut for cut FC-1.

Response: Please see Appendix P; the MQAP was modified to add additional springs as per the wetland survey report. Note that the spring sourcing Wetland A cannot be monitored, because the landowner denied access. As requested, spring monitoring will be focused on springs with the potential for impacts. Two upgradient springs with no potential for impact will be monitored at the same frequency to serve as baseline (Spring 4 and Spring 5). Two other upgradient springs were removed from the monitoring plan (Spring 1 and Spring 6), because they have no potential for being impacted and flow at their locations is not measurable. More specific time frames for increased monitoring frequency are included in the MQAP (Appendix P-B) for each spring that could potentially be impacted.

Section 2.2.3 Pond Monitoring Design: The ponds in the McClure and Trail creek drainages discussed in comments on ARM 17.24.304(1)(e) should be added to the monitoring plan. Ponds 1 and 6 are listed as inactive in Table 3, but Section 2.2.3 states these ponds are monitored for background. Please reconcile this inconsistency, and move Ponds 1 and 6 to Table A-1 if they are inactive.

Response: The pond in the McClure Creek drainage was added to the MQAP (Pond 8). One of the ponds in the Trail Creek drainage is accessible and was added to the monitoring plan (Pond 9). The other pond in the Trail Creek drainage cannot be monitored because the landowner denied permission.

Pond monitoring is now focused on ponds with the potential of mining impacts. Two ponds (Pond 3 and 7) are breached and were moved to the historical monitoring site section of the MQAP. Three

upstream ponds (Pond 1, 2 and 5) near the Area F permit boundary and with no potential for impacts will be monitored at the same frequency to serve as baseline. Pond 6 was removed from the monitoring plan, because it is upstream from planned mining activities and sufficient baseline data will be available from the other upstream ponds.

Section 2.2.4 Groundwater Monitoring Design: Additional monitoring well locations will be necessary to provide an adequate impact assessment of groundwater quantity and quality. Approximately half of the current monitoring wells will be destroyed by mining and must be replaced by wells outside the disturbance footprint at least one year prior to their destruction. These wells include WD-191, WD-192, WD-193, WD-194, WM-196, WM-197, WM-198, and WM-199. A full battery of wells should be installed north of the mine in Township 2 N, Range 38 E, Section 12 to monitor impacts in this area. This battery of wells must be installed at least one year prior to initiation of mining in Section 12. Monitoring well WD-190 is unusable due to a pump stuck in the well. This well should be immediately repaired and included in the monitoring plan or abandoned and replaced. Additional alluvial monitoring wells should be installed in the Black Hank, Donley, and Robbie creek drainages to monitor for potential impacts from mine drawdown, sediment pond leakage, and MPDES discharges to these creeks. At least one additional well in Robbie and Black Hank creek drainages and two additional wells in the Donley Creek drainage likely are necessary for this purpose. These wells must be installed at least one year prior to disturbance in their respective drainages. Installation of all these additional wells sooner rather than later would improve the available baseline data for these wells prior to any potential impacts from mining. The frequency of monitoring at many wells must also be increased. All alluvial wells should be monitored monthly for water levels and semi-annually for water quality. Bedrock wells located downgradient from the mine should be monitored for water quality annually.

Response: The MQAP now contains more specific recommendations on replacement wells for wells that will be disturbed by mining activities. Replacement wells will be installed downgradient from each disturbed well battery and outside the disturbance boundary at least one year prior to disturbance.

Text was included to indicate that a full battery of wells will be installed north of the mine in Township 2 N, Range 38 E, Section 12 at least one year prior to mining disturbance in Section 12. A replacement well for WD-190 (WD-213) is included in the MQAP.

Five additional alluvial wells (WA-230 through WA-234) were added to the monitoring plan. The location of these wells was determined based on the minimal requirements listed above, as well as the sizes of proposed sediment ponds, and their location with respect to the alluvium:

- WA-230: in Black Hank Creek down gradient from large (F-2, 40 ac-ft) sediment pond on mapped alluvium.
- WA-231: in Black Hank Creek down gradient from large (F-3, 40 ac-ft) sediment pond on mapped alluvium.
- WA-232: in Donley Creek down gradient from most downstream sediment pond (F-7, 18 ac-ft).
- WA-233: down gradient from largest sediment pond in Donley Creek drainage (F-13, 25 ac-ft) and down gradient from two tributary branches.
- WA-234: down gradient from largest sediment pond in the Robbie Creek drainage (F-18, 22 ac-ft), very near Spring 13.

The monitoring frequency of alluvial wells and other wells downgradient from mining was increased as specified. However, the water level monitoring frequency at WA-223 was kept at quarterly as this is a dry well.

Table 6 and Table 7: Reporting limits (RLs) given in the Department of Environmental Quality Circular DEQ-7 for several parameters have changed with a recent update of the circular. Please review RLs given in DEQ-7 and incorporate them into Tables 7 and 8. (i.e Oil and Grease, aluminum, cadmium, total phosphorus). Also, please change Electrical Conductivity to *Specific Conductivity* in both tables.

Response: The reporting limits for aluminum and cadmium were revised as requested and specified in circular DEQ-7. Similarly, the reporting limits for total phosphorus and total nitrogen were revised to meet DEQ-12A requirements. The oil and grease reporting limit of 1 mg/L specified in the AHR guidance document cannot currently be achieved by Inter-Mountain Laboratories, Inc. Per communications with the laboratory, the 3.11 mg/L reporting limit for oil and grease was determined by performing an MDL study and multiplier suggested by the EPA. This reporting limit is deemed sufficient for current monitoring purposes. Electrical conductivity was changed to specific conductivity in both tables.

ARM 17.24.314(2)(d): In Appendix P (MQAP), Section 3.0, the monitoring methods are not described in sufficient detail.

Section 3.1 Surface Water Field Data and Water Quality Sample Collection comments:

- The make and model of any field instrumentation or water quality meters must be provided. The MQAP may simply cite manufacturer's methods for calibration and operation of field meters.
- Thermo Scientific Nalgene Storm Water Samplers are not approved by the DEQ for use in collection of water quality data. These methods must be replaced with acceptable ones.
- For those samples already collected using this method, the MQAP and permit data submittal must acknowledge that these Nalgene samplers were modified from the manufacturers recommended operation and sample collection protocol. I.e. sampler housing caps were filled with silicon caulk, 5-gallon buckets were placed over the sampler housing, and bottles and apparatus were reused after contents were transferred to separate bottles for lab analysis.
- Per MQAP guidance from the DEQ, Sample IDs must be unique identifiers. Using the Site Id with no additional identifiers does not generate a unique Sample ID. Section 3.1.3 must be modified to acknowledge unique Sample IDs.

Response: Please see Appendix P - the MQAP was revised to address these comments.

Section 3.2 Surface Water Flow Measurement and Flow Calculation comments:

- Rating curves for each surface water station must be provided in Appendix C of the MQAP.
- Cite appropriate reference that describes protocol for manually measuring stream flow using a flow velocity meter.
- Appropriate methods to quantify spring flow must be used. See previous comment regarding the adequacy of spring flow quantification. See the following references to assist in developing and/or adopting a methodology to measure spring and seep flow:
 - Rantz, S.E. and others, 1982. Measurements and computation of streamflow: Volume 1. Measurement of Stage and Discharge. U.S. Geological Survey Water Supply Paper 2175. http://pubs.usgs.gov/wsp/wsp2175/pdf/WSP2175_vol1a.pdf

- Buchanan, T.J. and W.P. Somers, 1969. Techniques of water-resource investigations of the United States Geological Survey, discharge measurements at gauging stations. USGS Book 2, Chapter A8.

Response: Rating curves are now included in Appendix P-D of the MQAP. A reference describing the protocol for manually measuring stream flow using a flow velocity meter was added. For spring flow measurements, the protocol using a portable weir plate described in Chapter 8 of the Rantz, S.E. et al. (1982) will be adhered to. The MQAP was modified to include a reference to this method.

Section 3.3 Groundwater Monitoring comments:

- Neither Section 3.3 nor the referenced 'Field Services Sampling Procedure' in Appendix D contains specific procedures for the collections of water level or quality data from monitoring wells. These procedures should be sufficiently detailed that a qualified third party could reasonably replicate the monitoring methods based on the MQAP alone. Procedures for water level measurements should describe what type of water level measurement devices are used, how water level measurements are taken, including what measuring point is used. Water quality sampling procedures should describe the types of equipment used for well purging, sample collection, and field parameter measurements. The well purging procedures should include the requirements for purge rate, purge volumes, and field parameter stability as appropriate. The sample collection procedures should include descriptions of the equipment used for sample collection, how filtering of dissolved fraction samples is handled, and how sample bottles are filled.
- For both surface water and groundwater field monitoring methods and protocols, it is recommended that approved and documented methods (USGS, EPA, ASTM or other...) be used and incorporated by reference. Where deviations from these methods are proposed, it is recommended that WECO document any deviations from approved methods in the MQAP.

Response: The standard operating procedures used by IML for groundwater monitoring are now included in the MQAP. A more detailed description of surface water monitoring activities is included in Appendix P-B of the MQAP. References to standard procedures for surface water and spring flow measurements were included in the MQAP.

ARM 17.24.314(2)(d): Appendix P, Figure P-2 does not show the locations of monitoring wells WD-191 and WD-192. Please include these wells on Figure P-2.

Response: The MQAP was revised to address these comments.

ARM 17.24.314(3): The discussions of probable hydrologic consequences for surface water and groundwater users in Appendix O, Sections 3.1.3 and 3.2.3, remains too general. The PHC should analyze specific impacts to each water user identified in the inventories in Appendix B. This analysis should consider both water quantity and quality, and be quantitative whenever possible.

Response: Tables presenting an impact assessment for all inventoried surface and groundwater users have been added to Appendix O.

ARM 17.24.314(3): Appendix O, Section 4.1, only discusses probable hydrologic consequences to monitored springs. Numerous other springs were identified in the spring inventory in Appendix B, some of which could be affected by mining related impacts. Please include an analysis of the probable hydrologic consequences for all springs identified in the spring inventory in Appendix B. This analysis should include both water quantity and quality, and be quantitative whenever possible.

Response: A table presenting an impact assessment for all inventoried springs was added to Appendix O. The discussion was expanded to include all monitored springs.

ARM 17.24.314(3): Appendix O, Figure O-3, is out of date. Please update this figure to show the current status of mining. Please also exclude proposed mining which has not been permitted from this figure.

Response: Figure O-3 has been updated to reflect mining status as of 9/30/2015.

ARM 17.24.314(3): Appendix O, Figure O-4, has many years of mining colored in nearly indistinguishable shades of green. These similar colors cause confusion as to the timing of mining, particularly from 2031 through 2034, where similar colors are assigned to adjacent years. Please use a color scheme with more unique colors (such as in Appendix I-B, Figure I-3) to clarify this figure.

Response: The coloring associated with the years of the mine plan has been adjusted. The colors are based on five year periods. For example 2015 to 2019 are provided in shades of red. 2020 to 2024 reflect shades of blue, 2025 to 2029 green and 2030 to 2034 yellow.

ARM 17.24.314(3): Appendix O, Section 5.0, is pending a decision on alluvial valley floors. This section must be completed before final review of the PHC can be completed.

Response: The PHC indicates AVF as pending.

ARM 17.24.314(3): Appendix I-A and I-B: Please include copies of all MODFLOW input and output files for the calibrated steady state model and the transient mine dewatering and recovery models for DEQ review.

Response: Copies of MODFLOW input and output files are included with this submittal.

ARM 17.24.314(3): In Appendix I-A, Attachment GM-A, all targets derived from Big Sky Mine monitoring wells had their values estimated from hydrographs. The values for these targets would be more accurate using actual measured water levels. DEQ possesses the full record of water levels measured at the Big Sky Mine, and can provide this data upon request.

Response: Note that the specific targets values related to the Big Sky Mine will be modified in a pending update to the Rosebud Mine Model. The change in these targets will not substantively affect the model calibration results, or model application results, especially as it pertains to Area F.

ARM 17.24.314(3): Appendix I-B, Section 2.3, states the maximum extent of the five foot drawdown in the Rosebud coal during mining contour occurs in 2034, as displayed in Figure I-5.

Section 2.4 describes expansion of the five foot drawdown contour postmining as displayed in Figure I-11. Neither of these figures captures the maximum extent and magnitude of drawdown due to mining. This same comment also applies to the McKay coal drawdown shown in Figures I-8 and I-12. Please consider including figures showing the maximum drawdown at any time. The maximum drawdown contours would also be useful to display in the PHC in Appendix O, Figure O- 6A.

Response: Section 2.3 describes the maximum drawdown during the mining phase. Figure I-11 and I-12 were replaced with a composite figure showing the maximum drawdown during the 2015-2084 time period. This period includes both the mine phase and the postmining phase. The narrative was updated accordingly.

ARM 17.24.314(3): In reviewing the digital drawdown data (see map below) provided for the Area F model (Appendix I-B), DEQ noted that the model predicts no drawdown from the majority of mining conducted between Robbie and Donley Creeks. Additionally, the simulated mine discharges in Appendix I-B, Table I-2 and Table I-3, show little to no water being removed by the drains simulating the mine cuts during the period this area is being mined (2022-2026). It appears that the model is simulating a lack of water in the Rosebud coal in this area in the premine condition, but this cannot be verified without evaluating the model datasets. Water level monitoring at wells WR- 236 and WR-237 show saturated thicknesses of approximately one to seven feet, but these wells are located near the coal crop and saturated thickness would be expected to increase away from the crop line. Please provide a detailed explanation for the lack of drawdown in this area.

Response:

There are several factors involved that contribute to the simulated low level of drawdown in the area between WR-236 and WR-237. These include, but are not necessarily limited to the following:

- The steady-state groundwater model under-predicts groundwater levels at WR-236 and WR-237. The calibration could be adjusted at the expense of grossly over-predicting water levels at WR-239 and WR-234. Hence, some balancing is required, i.e., over-prediction versus under-prediction.
- The Rosebud coal outcrops through much of the area between WR-236 and WR-237. Hence, it is likely that substantial portions of this area between these two wells is either unsaturated or only partially saturated.
- There is likely very limited recharge area between two significant drainages.

In summary, it is likely that the model does under-predict drawdown in this area probably on the order of few feet up to about ten feet. It is not clear that the model data sets will provide any insights on the degree of under-prediction. Rather, it is simply a matter of parameterization and, in effect, a balancing between over-predicting and under-predicting at two adjacent areas of the model which is very common in modeling.

ARM 17.24.314(3): Appendix I-B, Table I-4, shows much less predicted change in drain flux for Robbie Creek than for the other creeks. The lower value for Robbie Creek appears to be at least partially an artifact of the reach length measured, and the use of a percent change, and may not be indicative of lesser mine impacts. The Robbie Creek drain reach extends over four miles down

gradient from the mine, while the Black Hank Creek and Donley Creek drain reaches extend less than two miles below the mine. Please use a drain reach for Robbie Creek which is similar in extent to the other two creeks. Please also include the actual drain flux numbers in addition to the percent change values in Table I-4.

Response: As per previous discussions with DEQ, rather than providing a percent change, the actual simulated discharge volumetric rate is presented in Table I-4.

ARM 17.24.315: Exhibit D and Table J-10 depict drainage areas greater than 10 acres of disturbance with only traps being used as final sediment control (Traps 4, 5, 12, 15, 18, 20) and Attachment J-A includes an explanation of standard trap designs. Appendix J, page 14 limits the use of traps, for final sediment control, to 10 acres of disturbance. The discrepancy on Page 14 of Appendix J must be addressed.

Response: Please see Appendix J – The standard trap design has been included as Attachment J-A. Also see Exhibit D “Approximate Hydrological Control Plan” included in this submittal.

ARM 17.24.315(1): The application is missing a number of pond designs. Please submit designs for Ponds F-1, F-2, F-8, F-16, F-19, F-20, F-21, F-22 and F-23.

Response: Please see folder 22 Pond Designs. Designs for ponds F-1 through F-30 are included.

ARM 17.24.315(1)(a)(v): Western must populate Table J-9 in Appendix J with information on proposed ponds and other water impoundments. Pond design information has already been submitted in the “22 Pond Design” section of the application.

Response: Please see Appendix J Protection of the Hydrologic Balance. Table J-9 has been updated and the pond designs are included in this submittal.

ARM 17.24.321(1)(a) and 605(2): The hydrologic control plan remains under review until the deficiencies in the PMT plan are resolved.

Response: An updated Exhibit D Approximate Hydrological Control Plan and new pond designs have been updated and are included in this submittal.

ARM 17.24.321(1)(c): As depicted on Exhibit O, the placement of culverts F-HR-2, F-HR-4, F-HR-8, and F-HR-14 indicate an alteration or relocation of the natural drainage way is needed. Any alteration or relocation of the natural drainage way must be approved prior to construction through the submittal of detailed plans. Detailed plans must, at a minimum, include a plan view of alterations, cross sections, complete hydraulic calculations for the altered channel, and erosion control if needed.

Response: Please refer to Exhibit O1 “Phase I – Area F Haulroad Construction Drawings” which is included in this submittal. Please see Exhibit O CAD drawing for information pertaining to Exhibit O1.

ARM 17.24.322(2)(a): The lithologic and geophysical logs for many boreholes, including several used to prepare the geologic cross-sections in Exhibits Q2 and Q3, were not included in Appendix K. Borings shown on Exhibit Q1 but not included in Appendix K are: F062405, F062406, F062407,

F062408, F062410, F062411, F062413, F062414, F062502, F062503, F062801, F062802, F062901, F062902, F062903, F063001, F063002, F063003, F063004, F063006, F063101, F063201, F063202, F063203, F063301, F063302, F063303, F063304, F063305, F063306, F063307, F063308, F063309, F063310, and F063311. Please ensure the logs for all borings are included in Appendix K.

Response: The boreholes listed in the deficiency are now included in Appendix K. Also the information from the 2014 drilling has also been included in Appendix K.

ARM 17.24.322(2)(b): Exhibit M shows coal in the east of the Rosebud coal crop in Township 2 N, Range 38 E, Section 12 in the category “coal not mined due to high stripping ratio.” This area should be categorized as “coal not mined due to poor quality” similar to other areas beyond the coal crop.

Response: Please see Exhibit M. The Rosebud coal crop in T2N, R38E, Section 12 has been revised to coal not mined due to poor quality, adjacent to the other areas beyond the coal crop.

ARM 17.24.325: Appendix Q, Alluvial Valley Floors, must not include interpretation of what constitutes an alluvial valley floor. An alluvial valley floor determination will be conducted by DEQ in accordance with ARM 17.24.325.

Response: Please see updated Appendix Q included in this submittal.

ARM17.24.325(2)(a): Alluvial Valley Floors: The materials submitted with Appendix Q are not adequate to make an AVF determination. ARM 17.24.325(2)(i-vi) specifies the type of information that must be submitted to the DEQ for AVF determination. Given the hydrogeologic setting of Area F, information required under ARM 17.24.325 may not require new data collection, but may be obtained through existing information sources (aerial photographs, NRCS, DNRC, etc).

Response: Please see updated Appendix Q included in this submittal.

ARM 17.24.325(2)(a)(i): While a general map of alluvial streamlaid deposits is presented in Appendix Q (Figure Q-1), the map is not of sufficient detail. Recent aerial photographs show that alluvial deposits are more extensive than those shown in Figure Q-1. Please provide a more detailed map showing the location of all alluvial streamlaid deposits, floodplains and terraces. Mapping of these features using existing aerial photographs would provide sufficiently detailed information to meet the intent of this rule.

Response: Please see updated Appendix Q included in this submittal.

ARM 17.24.325(2)(a)(ii): Aerial photos and land use maps indicate the presence of agriculture activities, however, no map of these activities is provided. Please provide a map of all lands in the area subject to agricultural activities, showing which different types of agricultural lands, such as flood irrigation lands, croplands, and undeveloped rangelands exist. Mapping of these features using existing aerial photographs and land-use maps would provide sufficiently detailed information to meet the intent of this rule. In addition to mapping of agricultural activity, the applicant must provide a description of the vegetation type and productivity associated with mapped agricultural lands and undeveloped rangelands.

Response: Please see updated Appendix Q included in this submittal.

ARM 17.24.325(2)(a)(iii): Please provide mapping of all lands that are currently or were historically flood irrigated, showing the location of each diversion structure, ditch, dam and related reservoir, irrigated land, and topography of those lands. If no flood irrigation is present, provide documentation that existing structures are not used for flood irrigation.

Response: Please see updated Appendix Q included in this submittal.

ARM 17.24.325(2)(a)(iv): Please provide documentation that areas are, or are not, subirrigated, based on alluvial monitoring data from an appropriate growing season period (May-September), and referring to specific alluvial wells and locations (Appendix Q only presents alluvial well levels from December 2012). Where appropriate, please provide representative water quality, soil and vegetation data.

Response: Please see updated Appendix Q included in this submittal.

ARM 17.24.325(2)(a)(v): Please provide documentation that areas identified are, or are not, flood irrigable based on representative sampling of streamflow water quality, water yield, soils measurements, and topographic characteristics.

Response: Please see updated Appendix Q included in this submittal.

ARM 17.24.325(2)(a)(vi): Please provide analysis of a series of aerial photographs, including color infrared imagery from a time of year to show any late summer and fall differences between upland and valley floor vegetative growth.

Response: Please see updated Appendix Q included in this submittal.

ARM 17.24.602: Relocation of the county road in Township 2 N, Range 39 E, Section 19 creates additional disturbance immediately upgradient of Wetland E, Wetland F081, and Spring 2, and may cause unnecessary disturbance to the hydrologic balance. It appears the county road could be maintained in its current location with minimal changes to the mine plan. Please consider revising the mine plan to maintain the original county road alignment in Section 19.

Response: WECO has reviewed the current realignment designed for the county road and the proximity to mining activities expected in the area. Leaving the county road in place in section 19 would result in an inadequate buffer (< 100 feet) between the coal haulage route and the county road. The planned disturbance boundary crosses the current county road alignment in several locations in section 19. Close proximity of Boxcut FC-1 prevents movement/realignment of the haul road, and a planned substation location in the southwest corner of section 20 will mean that cable will be routed across the county road and electrical crews will need access through the area. The northern alignment allows for the most buffer between mining activities and the travelling public.

The planned county road realignment provides a disturbance buffer of greater than 100 feet from Wetland E and greater than 300 feet from F081.

ARM 17.24.634(1)(i) The postmine stream channel that is highlighted below, located in Sections 28 and 33, should be deleted from Exhibit B, Post Mine Topography Map. This stream channel does not exhibit characteristics that will blend with the undisturbed drainage system below the area to be reclaimed.

Response: This stream channel has been deleted.

WECO is working diligently to produce a quality product, if you have any questions or you find something amiss, please contact me at (406) 748-5124.

Sincerely,



Dicki Peterson
Permit Coordinator
Western Energy Company
Rosebud Mine – Area F
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Enclosures:

cc: Daniel Munoz
Rusty Batie