



Brian Schweitzer, Governor

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January 10, 2012

Ms. Dicki Peterson
Western Energy Company
Rosebud Coal Mine Area F
P.O. Box 99
Colstrip, MT 59323-0099

Permit ID: C2011003F
Revision Type: New Permit
Permitting Action: Deficiency
Subject: Round 1 Completeness Deficiency for Rosebud Coal Mine Area F

Dear Dicki:

The Department reviewed Western Energy Company's (Western) permit application for Area F dated November 2, 2011. The Department identified the following deficiencies that need to be addressed before the application can be ruled complete and adequacy review can begin.

17.24.303(1)(s). Western did not provide the certificate of liability insurance. Please provide.

17.24.303(1)(w). The public notice has cyde@mt.gov for a contact email address please change to deqcoal@mt.gov.

17.24.304(1)(B): Western does not have a minimum of one year of quarterly monitoring for ground water wells. The reports submitted include 09/2005, 05/2006, 08/2006, 09/2007, and 09/2008s. These reporting dates do not represent a complete year of quarterly monitoring. A complete year (e.g. four continuous quarters) of monitoring is required before the application can be ruled complete.

It was also noted that several wells do not have four complete reports and two monitoring wells have no ground water reports. Please provide a full year of quarterly sampling for all applicable wells as stated above.

17.24.304(1)(v): For the wildlife monitoring, please provide a map that shows the coverage of the proposed permit area plus an area around it.

17.24.305(2)(a): Maps containing P.E. Stamps and Notary Public Seals, such as Exhibit L1 Surface Ownership Map, are not adequately certified. The certifications appear to be scanned and affixed to the PDF electronically. While the Department will accept scanned copies of such certifications – either a scanned version of the original hardcopy document or in affidavit form – these maps are alterable as prepared (i.e., it is possible to delete the affixed certification). If Western can find a solution that prevents the affixed certification from being altered, the Department may accept this option. Otherwise, refer to the instructions regarding P.E. Stamps and Notary Public Seals in the Coal and Uranium Program's Submittal Guidelines.

17.24.305(1)(i): Exhibit W is missing. It appears, according to the explanation in Appendix N, that the map will be provided after the PMT is deemed acceptable by the Department; however, the cover letter suggests that Exhibit W is included. Please clarify.

17.24.313(1)(c): Since this is an application for a new surface mine permit, an initial estimation of the reclamation bond must be included. Please submit a detailed estimate of the cost of reclamation of the proposed operations that will be covered by a performance bond. Upon approval of the mine plan, facilities, PMT, revegetation plan, etc. the Department will require an updated calculation of the reclamation bond.

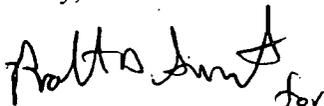
17.24.1125(1)-(3): Please provide the certificate of liability insurance.

Additional Suggestions and Comments for Submittal Standards:- Western's application was submitted in multiple folders with various pdf documents rather than a single pdf submittal with attachments and raw data as separate files. The electronic permit is not broken up into volumes that will allow for the permit to be easily and logically updated when revisions are approved. Right now the permit may not be large enough to warrant it being separated into volumes, but it would be easier if the table of contents was the main pdf with the subchapters broken out and attached. The maps should be attached, as well either to the main pdf or to the subchapter they pertain to. This should make it easier if/when the permit is put into separate volumes.

75-1-201(1)(b)(iv), MCA: In summary, states that an Environmental Impact Statement (EIS) is a detailed review that is required whenever an agency proposes a major action significantly affecting the quality of the human environment. Although, the application has not been determined to be administratively complete, the Department is going to require an EIS prior to issuance of this permit.

Please feel free to contact Bob Smith at 406-444-7444 if you have any questions.

Sincerely,



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Gene Hay, Office of Surface Mining

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