DEQ Montana Department of Environmental Quality

BOARD OF ENVIRONMENTAL REVIEW
OCTOBER 16, 2026

AGENDA TABLE OF CONTENTS

AGENDA

MINUTES
August 14, 2026, Minutes pg 0001

CONTESTED CASE SUMMARIES pg 0007

CURRENT CONTESTED CASE UPDATES

II.C.2. BER 2020-05 WQ pg 0040
In the Matter of: Notice of Appeal and Request for Hearing by the Western Sugar Cooperative regarding Its Montana Pollutant Discharge Elimination System Permit No. MT0000281 Issued October 29, 2020

II.C.3. BER 2022-06 WQ pg 0326
In the Matter of: Appeal and Request for Hearing by Westmoreland Rosebud Mining LLC Regarding Issuance of MPDES Permit No. MT0032042, Colstrip, MT, (Rosebud Mine Area B Amendment 5)

II.C.5. BER 2026-02 SM and BER 2026-04 SM pg 0337
In the Matter of: Notice of Appeal and Request for Hearing by Westmoreland Absaloka Mining, LLC for Coal Surface Mine Permit C1985005, Noncompliance No. CN2026001

AND

In the Matter of: Notice of Appeal and Request for Contested Case Hearing by Westmoreland Absaloka Mining LLC regarding the Department of Environmental Quality's March 25, 2026, Notice of Violation

ACTION ITEMS

IV.a. BER 2022-05 SM pg 0367
In the matter of: Notice of Appeal and Request for Hearing Regarding Rosebud Mine Area B Amendment 5 Permit Number C1984003B

1. Motion to Designate Board Member Payne as Presiding Member for Evidentiary Hearing
2. MEIC's Request for Disqualify Pursuant to Mont. Code Ann. § 2-4-611(4) pg 0375
3. Evidentiary Hearing on Reasonableness of Westmoreland's Petition for Attorney Fees, Costs, and Expenses Pg 0691

BOARD OF ENVIRONMENTAL REVIEW
MEETING MINUTES

AUGUST 14, 2026

Call to Order

Chair Simpson called the meeting to order at 9:05 a.m.

Attendance

Board Members Present
Chair Dave Simpson; Board Members Julia Altemus, Allan Payne, Jennifer Rankosky, and Joe Smith.

Vice Chair Stacy Aguirre was not present.

Roll was called and a quorum was present.

Board Attorney Present
Dana Hupp, Board Counsel

DEQ Personnel Present

Board Secretary: Sandy Moisey Scherer
Director Sonja Nowakowski
DEQ Legal: Catherine Armstrong, Kirsten Bowers, Amanda Galvan, Aurora Goddard, Jeremiah Langston, Kurt Moser, and Nick Whitaker
DEQ Air, Energy and Mining: Josh Bridgeman, Beverly Faraday, Craig Henrikson, Eric Merchant, Barry Pemberton
DEQ Water Quality: Tatiana Davila, Katya Koepsel, Scott Patterson
DEQ Communications: Mae Vader

Other Parties Present
Cheryl Romsa — Cheryl Romsa Court Reporting
Jeff Oven, and Vicki Marquis – Crowley Fleck
Sarah Clerget, Andrea Grave, Matthew Dolphay, Matt Salzman, and Samuel Yemington – Holland & Hart
Tyler Stockton – Boone Karlberg
Todd Briggs – Westmoreland
Jason Mohr – Montana Legislative Services
Jenny Harbine, Shiloh Hernandez, Leo Killsback, and Lars Phillips – Earthjustice
Anne Hedges, and Derf Johnson – MEIC
Mathew Bain – Parsons Behle and Latimer
Jennifer Crow – Scheer Law
Wenona Lenberg – Montana Clean Water
Karen Boehler

I. ADMINISTRATIVE MATERIALS

Chair Simpson read a directive from the Lieutenant Governor's Office regarding the use of AI tools. The use of AI tools during virtual public meetings is not allowed by Board members or public participants pending State adoption of formal policies that address the concerns and issues surrounding these issues.

A. Review and Approve Minutes

A.1. The Board will vote on adopting the June 26, 2026, Meeting Minutes.

Board member Payne moved to APPROVE the June 26, 2026, meeting minutes. Board member Rankosky SECONDED. The motion PASSED unanimously.

There was no further board discussion or public comment.

A.2. Renewal of Board Counsel Hupp's Contract

Chair Simpson briefed the Board regarding Board Counsel Hupp's contract renewal. He thanked Deputy Director Fehr and Sam King of DEQ for working to get this contract completed.

There was no further board discussion or public comment.

II. CONTESTED CASE BRIEFINGS

a. Contested case summaries are on pages 7-37 of the meeting materials. Current case briefings are on the agenda.

There was no further board discussion or public comment.

b. New Contested Cases

1. In the Matter of the Appeal of: Montana Air Quality Permit No. 5537-00, NYDIG DFM Data Center, Richland County, MT, BER 2026-05 AQ

Chair Simpson noted that this is a new case before the Board. The Board intended to have a quick briefing from the parties but since the agenda went out, DEQ has filed a motion to dismiss for lack of subject matter jurisdiction. Briefing is not yet complete, so this will be addressed at the next meeting.

2. **In the Matter of the Appeal of: The Notice of Violation and Administrative Compliance Order for Violations of the Public Water Supply Laws at Red Rooster Bar by Angel Viren, BER 2026-06**

Chair Simpson noted that this appeal is about a notice of violation and administrative compliance order for violations of the public water supply laws at Red Rooster Bar in Shepherd, Montana, by Angel Viren.

Amanda Galvan of DEQ gave a short review of the matter, and Ms. Viren was not present at the meeting.

Chair Simpson said that the Board will defer any action until there is a clearer picture of whether or not Ms. Viren wishes to challenge the notice, as her filing was not entirely clear. This will be addressed at the next meeting.

c. Current Contested Case Updates

1. **In the Matter of: Notice of Appeal and Request for Hearing by MEIC and Sierra Club Regarding approval of Surface Mining Permit No. C2011003F, BER 2019-05 OC**

Board Counsel Hupp is working on the FoFCoL. The Board anticipates that it is going to schedule a Special Meeting this fall for Board discussion on the FoFCoL and the parties' exceptions thereto.

2. **In the Matter Of: Appeal and Request for Hearing by R & D Transit, LLC, BER 2026-03 SW**

On March 3, 2026, R & D Transit, LLC filed an appeal. On July 30, 2026, DEQ filed a Motion to Dismiss or, in the Alternative, Motion for More Definite Statement, along with a Brief in Support. The Motion to Dismiss is not fully briefed and will be addressed at the next meeting.

III. ACTION ITEMS

a. **In the Matter of: Appeal and Request for Hearing by Westmoreland Rosebud Mining LLC regarding Issuance of MPDES Permit No. MT0032042, Colstrip, MT, BER 2022-06 WQ (Rosebud Mine Area B Amendment 5)**

Chair Simpson asked the parties for an update. Kirsten Bowers of DEQ and Matthew Dolphay of Holland and Hart updated the Board regarding a settlement agreement.

Chair Simpson asked for an update at the October meeting, as the parties work towards settlement.

b. **In the Matter of: Appeal and Request for Hearing Regarding MDEQ's Decision on MAQP #5263-03, Calumet/Montana Renewables, BER 2026-01 AQ**

At the June 26, 2026, Board meeting, the Board granted MRL's Motion to Intervene and MRL's Motion to Dismiss.

Board member Payne motioned to APPROVE the proposed Final Agency Action and Order. Board member Rankosky SECONDED.

The motion PASSED unanimously.

c. **In the Matter of: The Notice of Appeal and Request for Hearing by Alpine Pacific Utilities regarding Issuance of MPDES Permit No. MTX000164, BER 2019-06 WQ**

At the June 26, 2026, Board meeting, the Board approved DEQ's Motion to Dismiss with Prejudice.

Board member Payne motioned to APPROVE the proposed Final Agency Action and Order. Board member Rankosky SECONDED.

The motion PASSED unanimously.

d. **In the Matter Of: The Notice of Appeal and Request for Hearing by Westmoreland Absaloka Mining, LLC for Coal Surface Mine Permit C1985005, Noncompliance No. CN2026001, BER 2026-02 SM**

AND

In the Matter Of: The Notice of Appeal and Request for Contested Case Hearing by Westmoreland Absaloka Mining LLC regarding the Department of Environmental Quality's March 25, 2026, Notice of Violation, BER 2026-04 SM

Chair Simpson asked the parties for comment. Vicki Marquis of Crowley Fleck and Amanda Galvan of DEQ provided an update.

Board member Payne motioned to DENY the proposed Order on the Motion to Stay, but to instead GRANT the parties a stay until the February meeting, giving them time to resolve the matter and directing them to report back to the Board at the February meeting. Board member Altemus SECONDED. Discussion ensued.

The motion PASSED unanimously.

e. **In the Matter of: Appeal and Request for Hearing Regarding Rosebud Mine Area B Amendment 5 Permit Number C1984003B, BER 2022-05 SM**

Chair Simpson asked Board Counsel Hupp for a summary of where the Board is procedurally. Board Counsel Hupp provided an update.

Tyler Stockton of Boone Karlberg and Samuel Yemington of Holland and Hart gave oral argument. Discussion ensued.

The Board took a break at 10:13 a.m., and reconvened at 10:25 a.m. Roll was called and Board member Smith did not rejoin the meeting. A quorum was present.

Board member Payne motioned to DENY the Motion to Stay Proceedings. Board member Altemus SECONDED. Discussion ensued.

The motion PASSED unanimously.

f. **In the Matter of: The Notice and Request for Hearing by Stillwater Mining Company Regarding Major Modification of MPDES Permit No. MT0026808, BER 2025-05 WQ**

Kurt Moser of DEQ and Jeff Oven of Crowley Fleck gave oral argument. Discussion ensued.

Board member Payne motioned to GRANT DEQ's Motion to Dismiss Issue "C" but with LEAVE for the Petitioner to AMEND the claim, to clarify the issue. Board member Rankosky SECONDED. Discussion ensued.

The motion PASSED unanimously.

IV. GENERAL PUBLIC COMMENT

No comments were received.

V. BOARD CHAIR UPDATE

1. Chair Simpson asked for the Board's input regarding including special meeting dates in the 2027 meeting calendar. The special meeting dates would be calendared in the intervening months between regular meetings.

2. Chair Simpson has reviewed the FY26 BER billing report and will provide his analysis at the October meeting.

3. Chair Simpson and Board Counsel Hupp will be reviewing the Board's policies and procedures and making proposed edits for the Board's review, including requiring briefs to contain a summary of the argument section at the beginning of each brief which summarizes the issues and relief requested.

VI. CLOSED/EXECUTIVE SESSION

a. Board member Rankosky MOVED to go into Executive Session. Board member Payne SECONDED.

The motion PASSED unanimously.

The Board left the regularly scheduled meeting at 11:46 a.m., to attend the Closed/Executive Session.

VII. ADJOURNMENT

The Board reconvened the regularly scheduled meeting at 12:16 p.m. Roll was taken and a quorum was present.

Board member Payne MOVED to adjourn the Board Meeting; Board member Rankosky SECONDED. The motion PASSED unanimously.

The meeting was adjourned at 12:17 P.M.

Board of Environmental Review August 14, 2026, minutes approved:

_____
DAVID SIMPSON
CHAIR
BOARD OF ENVIRONMENTAL REVIEW

_____
DATE

CONTESTED CASE SUMMARIES:

A. CONTESTED CASE UPDATES

1. Cases in Court.

a. Montana Environmental Information Center, and Sierra Club v. Montana Department of Environmental Quality, Montana Board of Environmental Review, and Western Energy Co. (DV-2019-34, Rosebud County, District Court).

In July 2019, MEIC and the Sierra Club filed a petition for judicial review of BER's decision to approve a permit to expand the Rosebud Mine. BER filed a motion to dismiss on the grounds that BER should not have been named in the petition since it was the deciding agency, not a party to the underlying contested case proceeding. Judge Bidegaray denied the motion on March 12, 2020. On October 27, 2021, Judge Bidegaray issued a decision in favor of the conservation groups. On January 28, 2022, the Court issued its Order on Remedy and vacated the permit, effective April 1, 2022. DEQ and the mine appealed to the Montana Supreme Court in three separate actions and filed motions requesting the vacatur be stayed pending the appeal. The cases were consolidated, and the Court stayed the vacatur pending resolution of the appeals.

On May 26, 2022, Ms. Christensen and Mr. Segrest filed a Notice of Appeal on behalf of the Board of Environmental Review. All appeals have now been consolidated into one case. With briefing completed, oral argument was heard before the Montana Supreme Court on April 3, 2023, and a decision is pending.

The Montana Supreme Court has issued an Opinion in this matter. A portion of the issues will be remanded back to the Board for decision. Once the remand is received, the Board will have to decide whether to hear the case itself or assign a hearing examiner for some or the totality of the case.

The Supreme Court has remanded this matter back to the District Court and the District Court is considering how to remand it back to the Board. This matter is pending remand from the District Court.

This case was decided by the Montana Supreme Court in November 2023, and remanded to the District Court on several points. To date the Board has not received a remand order from the District Court on three remaining issues: additional water quality parameters, cumulative hydrologic impacts of related permit applications (Area F), and impairment status of the East Fork of Armell's Creek.

b. Montana Department of Environmental Quality v. Montana Board of Environmental Review, Teck Coal Limited, and the Board of County Commissioners of Lincoln County, Case No. CDV 2023-21.

Montana Environmental Information Center, Clark Fork Coalition, Idaho Conservation League, Idaho Rivers United v. Montana Board of Environmental Review, Teck Coal Limited, and The Board of County Commissioners of Lincoln County, Lewis and Clark County, Cause No. DV-23-0366.

On January 9, 2023, DEQ filed a Petition for Judicial Review of the BER's Final Agency Action and Order (04/19/2022) and the BER's Order Denying DEQ's Motion to Alter or Amend (12/12/2022). The Petition pertains to the selenium standard for Lake Koocanusa. On March 28, 2023, the District Court granted the State's Unopposed Motion to Intervene. All Respondents, including the BER, filed answers to the Petition in March of 2023. BER, the State, and Teck Coal also filed counterclaims. On May 9, 2023, DEQ filed a Motion to Dismiss the Respondents' counterclaims. The District Court issued a scheduling order on May 11, 2023, setting the completion of discovery for August 28, 2023; the deadline for DEQ's Motion for Summary Judgment on November 3, 2023; and the deadline for Respondent's and Respondent-Intervenor's Responses and Cross Motions for Summary Judgment on December 8, 2023. On May 23, 2023, the BER, Teck Coal, and the State filed response briefs in opposition to DEQ's Motion to Dismiss. The DEQ filed its reply brief on June 6, 2023. The Motion to Dismiss is fully briefed and pending. The DEQ transmitted the Administrative Record on June 29, 2023.

On May 18, 2023, Montana Environmental Information Center, Clark Fork Coalition, Idaho Conservation League, and Idaho Rivers United filed a second lawsuit challenging the Board's Orders identified above. The Respondents, including the BER, answered the MEIC Complaint the week of July 17, 2023.

On June 9, 2023, the BER, Teck Coal, Lincoln County, and the State filed a Joint Motion to Consolidate Cases and For Scheduling Conference and/or Briefing on Record Issues, seeking to have the two lawsuits consolidated and a new case schedule. DEQ opposed that Motion and the Conservation Groups took no position. That Motion has been fully briefed and is awaiting a decision. On June 29, 2023, BER retained outside counsel, Dana Hupp of Worden Thane P.C., to represent it in these pending lawsuits. Ms. Hupp filed her notices of appearance the same day.

The aforementioned Motions are still pending before Judge Seeley and there are no scheduling orders in either case. On September 5, 2023, the Conservation Groups filed a Motion to Intervene in the lawsuit filed by DEQ. That Motion was unopposed. Judge Seely has not issued an order with respect to that Motion. The parties in the DEQ lawsuit have also exchanged initial discovery.

On October 6, 2023, the Court granted the Conservation Groups Motion to Intervene in the DEQ lawsuit.

On March 6, 2024, the Court granted Respondents' Motion to Consolidate Cases. In the same Order, the Court denied Respondents' request for a scheduling conference as premature. "[U]pon issuance of orders on the pending Motion to Dismiss and Motion to Strike, the Court will issue a new Stipulated Scheduling Order, pursuant to which the parties will propose new deadlines."

On March 7, 2024, the Court denied Respondent Teck Coal's Motion to Strike a Portion of the DEQ's Reply Brief in Support of its Motion to Dismiss. In its Motion to Strike, Teck argued that in DEQ's Reply Brief, for the first time, raised the question of "whether DEQ properly followed the explicit statutory remedy enacted by the Legislature to address the [Board's] determination that ARM 17.30.632(7)(a) is more stringent than comparable federal regulations or guidelines." (emphasis added.)

The Court denied Teck's Motion based upon its finding that the DEQ's Petition set forth the procedure the DEQ is to follow when the Board finds a State rule more stringent than a federal regulation or guideline and how the DEQ followed that procedure in this instance. The Court found that the "DEQ seeks to show that they, not BER, followed the correct procedure" and that, having raised the question at issue in its Petition, it is improper and unnecessary to strike the statement complained of in Teck's Motion.

On April 16, 2024, the Court granted DEQ's Motion to dismiss in part and denied it in part. The Court allowed the BER, State, and Teck Coal's counterclaims to proceed which were related to the "appropriate remedy." The Court dismissed the remainder of Teck Coal's counterclaims.

On May 17, 2024, the State filed a second Motion to consolidate with respect to a new lawsuit filed by MEIC and Earthworks (Cause No. CDV-25-2024-0250) against the AG's Office. In the new lawsuit, MEIC and Earthworks seek communications between the AG's office and Teck Coal. That Motion to consolidate is still being briefed.

On June 4, 2024, the Court issued a new scheduling order. Discovery in the case will continue this summer and the substantive briefing on the case is scheduled to occur this fall and winter.

On August 6, 2024, Intervenor-Respondent State of Montana filed a motion to withdraw from the case, which was granted by the Court on August 8, 2024.

On July 29, 2024, Teck Coal Limited provided notice to the parties that on July 17, 2024, Teck Coal Limited changed its name to EVR Operations Limited. The notice provided that the name changes is a result of the transaction where Teck Resources Limited, the ultimate parent company of Teck Coal Limited, sold a 77% interest in its Canadian steel making coal business to Glencore PLC.

In August 2024, the law firm of Schwabe, Williamson & Wyatt, P.C. and specifically, attorneys Ryen Godwin and Lindsay Thane, appeared in the

litigation as legal counsel for EVR Operations Limited. The Crowley Fleck PLLP law firm has withdrawn from its representation of EVR Operations Limited in this action.

Briefing of the substantive legal issues in this matter began in January 2025. Summary judgment briefing was concluded on May 9, 2025. Oral argument was held July 29 in Helena at 1:30 p.m. and a decision on summary judgment is pending.

On April 8, 2026, Judge Seeley issued an Order on Motions for Summary Judgment and Motion to Strike. The court concluded there are no genuine issues of material fact, and resolution of this issue involves construction of the applicable statues. Those statutes establish the BER's lack of authority to enter its April 2022 Order. Petitioners are entitled to summary judgment.

On May 1, 2026, at the Special Board Meeting, the Board decided to appeal the District Court decision to the Montana Supreme Court.

On June 18, 2026, the Board and EVR Operations filed a Notice of Appeal with the Montana Supreme Court.

On September 29, 2026, initial briefs were filed by the parties with the Montana Supreme Court.

NOTE: Any legal advice from BER counsel regarding this matter will be given in a closed session.

c. Montana Environmental Information Center v. Montana Department of Environmental Quality, Montana Board of Environmental Review, and Signal Peak Energy, LLC, DV-56-2022-0000722-JR.

This was an appeal from DEQ's approval of Signal Peak Energy, LLC's amendment application AM3 to the Bull Mountains Coal Mine #1 Permit No. C1993017. The Board issued a final order on June 16, 2022, upholding DEQ's approval. On July 21, 2022, MEIC filed a Petition for Review of Final Agency Action in Yellowstone County District Court. MEIC included the Board as a named party. Signal Peak Energy filed a Motion to Dismiss on August 12, 2022. At the August BER meeting the Board passed a motion to have Board counsel, Mike Russell, participate in the process as little as possible, but as appropriate preserving the Board's rights. On August 25, 2022, MEIC filed a response to the Motion to Dismiss. On September 8, 2022, Signal Peak filed a Reply in Support of the Motion to Dismiss and filed a Notice of Submittal on September 13, 2022. On October 14, 2022, Board counsel filed a Motion to Dismiss and Brief in Support. On October 17, 2022, SPE filed a Motion for Clarification or Order on Motion to Dismiss. MEIC filed a Response to BER's Motion to Dismiss on October 31, 2022. Counsel for the Board filed a Reply in Support of Motion to Dismiss on November 16, 2022. On December 19, 2022, Signal Peak Energy

filed a Motion for Judgment on the Pleadings, and MEIC filed their Response to SPE's Motion for Judgment on the Pleadings on January 27, 2023. Board counsel, Aislinn Brown, filed a Notice of Substitution of Counsel on January 31, 2023, replacing Michael Russell. On April 19, 2023, the Court issued an Order Staying BER's Motion to Dismiss in the interest of judicial economy pending the decision by the Montana Supreme Court in DA 22-0064, and ordered that BER shall remain a party to this judicial review process in the interim. The Court advised that BER may file a notice of non-participation. On May 2, 2023, Ms. Terisa Oomens filed a Notice of Appearance of Counsel and a Notice of Non-Participation on behalf of BER. A Scheduling Order was filed on May 12, 2023. Petitioners filed their Opening Brief on September 29, 2023. Oral argument is scheduled to occur on February 15, 2024, at 1:30 p.m.

Pursuant to the Montana Supreme Court's Opinion in the AM4 matter, Judge Colette Davies granting BER's Motion to Dismiss on December 12, 2023, indicating the Court finds that BER was improperly named as a party for the purpose of judicial review and the relief sought by MEIC can be accomplished without naming BER as a party.

The parties completed briefing in January 2024, oral argument was held on February 15, 2024, and a decision is pending.

d. In the Matter of the Formal Appeal Challenging the Department of Environmental Quality's ("DEQ") Approval of Riverside Contracting's Opencut Mining Permit #3415 for the Marvin Rehbein Site Near Arlee in Lake County, Montana, BER 2023-02 OC, DV 25-18.

On May 3, 2023, Friends of the Jocko ("FotJ") and Jim Coefield, individually filed a formal appeal challenging the DEQ's approval of Riverside Contracting's Opencut Mining Permit #3415 for the Marvin Rehbein Site near Arlee in Lake County, Montana. The Board assigned this matter to ALSB at the June 9, 2023, meeting. On June 15, 2023, Terisa Oomens issued a Notice of Hearing Examiner. Hearing Examiner Oomens issued a Prehearing Order on June 15, 2023. Both DEQ and Friends of the Jocko filed their Preliminary Prehearing Statements on June 28, 2023. Riverside Contracting Inc. filed an Unopposed Petition to Intervene on July 28, 2023. A Scheduling Order was issued on June 29, 2023, ordering the parties to exchange Initial Disclosures on October 27, 2023, Discovery to be complete on March 15, 2024, and any Dispositive Motions filed on April 19, 2024. On July 31, 2023, the Hearing Examiner issued an Order Granting Riverside Intervention. On October 27, 2023, Petitioners filed their Initial Disclosures. On January 26, 2024, all involved parties filed their Expert Witness Disclosures.

On February 16, 2024, DEQ filed its Rebuttal Expert Disclosure. DEQ filed an Unopposed Motion for Stipulated Protective Order on March 1, 2024. The

Hearing Examiner issued an Order RE: Stipulated Protective Order on March 4, 2024.

On May 10, 2024, Riverside Contracting, DEQ and the Petitioners all filed a Motion for Summary Judgment with supporting brief and Statements of Undisputed Facts. The Petitioners also filed a Motion in *Limine* on May 10, 2024. On May 24, 2024, DEQ and Riverside Contracting filed their responses to Petitioners' Motion in *Limine*. On May 29, 2024, DEQ filed a Motion to Continue Summary Judgment Response and Reply Deadlines. The Hearing Examiner granted DEQ's Motion to Continue on May 30, 2024. On June 6, 2024, the Petitioners filed their Brief in Reply to Motion in *Limine*.

On June 14, 2024, DEQ and Riverside filed their Response to FotJ's Motion for Summary Judgment with Statements of Disputed Facts. FotJ filed their Response in Opposition to DEQ's Motion for Summary Judgment and a Statement of Disputed Facts on June 14, 2024. On June 28, 2024, both DEQ and FotJ filed their Reply briefs to the respective motions for summary judgment.

On November 11, 2024, the Hearing Examiner issued her Proposed Findings of Fact and Conclusions of Law and an Order on Exceptions. On November 22, 2024, all parties filed their exceptions to the Proposed FoFCoL. On December 6, 2024, DEQ and FotJ filed their responses to the exceptions to the Proposed FoFCoL.

The Board heard oral argument at the December 20, 2024, meeting and adopted the Hearing Examiner's Proposed Findings of Fact and Conclusions of Law dated November 8, 2024, with revisions. Chairman Simpson issued the Final Agency Action and Order of the Board of Environmental Review on December 26, 2024. Petitioners have filed a Petition for Judicial Review in the Twentieth Judicial District Court, Lake County against DEQ and Riverside Contracting.

On May 16, 2025, DEQ filed a Motion to Supplement the Administrative Record and a proposed Amended Administrative Record. Petitioner's Opening Brief was due June 13, 2025. Respondents' Response Brief was due August 1, 2025. Oral argument was scheduled for September 25, 2025, and a decision is pending.

On September 24, 2026, the District Court held that the Board erred in determining that the Notice of provisions of OMRA were complied with and reversed and remanded the matter to the agency for further proceedings consistent with the District Court's opinion.

2. Non-enforcement cases

   a. In the Matter of Westmoreland Resources, Inc.'s appeal of final MPDES permit No. MT0021229 issued by DEQ for the Absaloka Mine in Hardin, Big Horn County, MT, BER 2015-06 WQ.

On September 25, 2015, Westmoreland Resources, Inc. filed a notice of appeal and request for hearing. ALS was assigned as Hearing Examiner. The case was stayed pending a Montana Supreme Court decision, which was issued in September 2019. On April 24, 2020, the parties filed a Joint Motion for Stay indicating that they are working toward settlement of the case. That motion was granted on April 28, 2020, and the case was stayed until July 24, 2020. The parties filed a Joint Motion to Continue Stay on July 24, 2020, and September 9, 2020, which was granted on July 29, 2020, and September 9, 2020. On September 30, 2020, the parties filed a "Joint Motion to Remand and Suspension of Proceedings." The BER granted that Motion on October 9, 2020, and issued its Order granting remand on November 16, 2020. The parties filed a joint status report on June 30, 2021, stating that they continue to work through the settlement agreement provisions and updates to the permit renewal information. On January 11, 2023, Mr. Martin withdrew as counsel of record for Westmoreland. Westmoreland will continue to be represented by Holland and Hart LLP counsel. On May 31, 2023, Hearing Examiner Terisa Oomens issued a Notice of Change in Hearing Examiner.

On July 18, 2023, Hearing Examiner Oomens issued an Order Setting Status Conference, and a Status Conference was held on July 24, 2023. The parties agreed to provide an update to the Board at the August meeting with follow-up deadlines for the October meeting. On November 24, 2023, the parties submitted a First Amendment to Settlement Agreement, providing procedural background and mutually agreed task deadlines for end of year 2023 proceeding into 2024. Westmoreland was to provide DEQ with an updated renewal application by April 1, 2024.

By July 1, 2024, or within four months of receipt of the updated renewal application, DEQ shall prepare a draft permit. By August 1, 2024, or within four months of receipt of an updated renewal application that includes all additional information requested by DEQ in its response to Westmoreland's June 26, 2023, letter, whichever is later, DEQ shall prepare a draft permit.

On August 29, 2024, the parties filed an Amendment 2 to Settlement Agreement wherein the parties agreed that by December 3, 2024, or within 90 days of giving public notice of its tentative decision to issue the renewal of the permit, DEQ shall make a final permit decision and issue a response to public comments; within 30 days after the notice of the final permit decision and after any administrative or judicial appeal or challenge is resolved, Westmoreland will seek voluntary dismissal of the Appeal.

On January 31, 2025, the parties filed an Amendment 3 to Settlement Agreement. On February 24, 2025, the parties filed Amendment 4 to Settlement Agreement wherein due to substantive changes to the permit resulting from comments and information received during the public comment period on the draft renewal of the permit, DEQ deems a second public notice period that was to close March 5, 2025, was necessary to allow the public to review and comment on changes to the draft permit. To address all comments received during both public comment periods, it was necessary to extend the deadline for completion

of the final permit decision and responses to substantive public comments to June 1, 2025.

There has been no update after the extension of the above deadline to June 1, 2025.

Westmoreland filed a Notice of Appeal and Request for Hearing July 1, 2025. ALS was the Hearing Examiner, but ALS will discontinue services effective August 22, 2025. The Board will need to assume jurisdiction, and this is a new appeal in an old case.

The Board assumed jurisdiction August 22, 2025, until the next Board meeting October 24, 2025. On October 6, 2025, the board chair and counsel held a status conference with the parties; the parties plan to file a joint motion to stay formal proceedings in order to work toward a settlement.

On October 10, 2025, the parties filed a Joint Motion for Stay.

On October 24, 2025, the Board granted the Joint Motion to Stay. On October 31, 2025, Chair Simpson issued an Order Granting Joint Motion for Stay until June 1, 2026.

On June 1, 2026, DEQ and Westmoreland filed a Joint Status Report.

b. In the Matter of Notice of Appeal and Request for Hearing by MEIC and Sierra Club Regarding Approval of Surface Mining Permit No. C2011003F for Western Energy Company, BER 2019-05 OC.

On May 31, 2019, the BER appointed ALS to preside over the contested case for procedural purposes only. At the Board's August meeting, it voted to assign the case in its entirety to ALS. The parties cross moved for partial summary judgment, and Westmoreland also filed a Motion to Dismiss. On November 24, 2020, former Hearing Officer Clerget issued an order denying Westmoreland's Motion to Dismiss, denying Conservation Groups' Motion for Partial Summary Judgment, and granting Westmoreland's and DEQ's Motions for Partial Summary Judgment. Ms. Clerget held a status conference on December 4, 2020, at which the parties could not agree to bring the motions decision before the Board. Therefore, the case proceeded to a hearing on the one remaining issue. Former Hearing Examiner Clerget issued an Amended Scheduling Order on January 14, 2021. Hearing Examiner Jeffrey Doud took responsibility for this matter as a hearing officer as of January 20, 2021. A four-day hearing took place on June 2-4 and 21, 2021. The parties sought an extension of time to file their respective proposed finding of fact and conclusions of law which was granted. The parties were due to file their respective FoFCoLs on October 8, 2021, and their response briefs on November 12, 2021. Thereafter, DEQ sought an 80-day extension to file their response brief following Mr. Lucas' withdrawal from the matter and assignment of a new DEQ attorney. Petitioners opposed the extension. Hearing

Examiner Doud granted DEQ's request for an extension and ordered the parties to file their response briefs on January 31, 2022. On December 17, 2021, DEQ filed a Motion for Stay Pending Appeal of the AM4 Decision to the Montana Supreme Court and a Brief in Support. MEIC filed a response to the Motion for Stay on January 2, 2022, and DEQ filed their reply brief on January 13, 2022. That same day, DEQ filed a Motion for Extension of Time to File Response Findings of Fact and Conclusions of Law to Allow Hearing Examiner to Rule on DEQ's Motion for Stay and a Notice of Issue for DEQ's Motion to Stay of the Area F Permit Appeal Pending Appeal of AM4 Decision. On January 20, 2022, Michelle Dietrich issued a Notice of Assumption by Hearing Examiner and ordered that a new deadline for submittal of Response Findings of Fact and Conclusions of Law will be extended to 45 days after the Hearing Examiner decides DEQ's Motion to Stay the appeal pending the appeal of the AM4 decision. On February 28, 2022, Petitioners filed a Notice of Supplemental Authority. DEQ filed a Clarification of MEIC's Notice of Supplemental Authority.

On March 10, 2022, Patrick Risken filed a Notice of Assumption by Hearing Examiner and is preparing a decision on pending issues. On April 26, 2022, DEQ filed a Notice of Supplemental Authority with exhibit. Petitioners filed a Response to DEQ's Notice of Supplemental Authority on May 27, 2022. This matter has been stayed pending the outcome of the Montana Supreme Court's ruling regarding the AM4 decision. DEQ filed a Status Report on September 29, 2022, indicating there has been no change in the status of this matter. This matter was assigned to Rob Cameron as Hearing Examiner at the December 9, 2022, Board meeting. On March 24, 2023, DEQ filed a Status Report indicating the AM4 decision has been scheduled for oral argument before the Montana Supreme Court on April 3, 2023, and that the DEQ will continue to provide status updates commensurate with the Hearing Examiner's June 30, 2022, Order until a decision has been reached by the Montana Supreme Court. The AM4 matter is still pending decision by the Montana Supreme Court. On September 29, 2023, the DEQ filed a Status Report indicating there has been no change in the status of this matter and a decision is pending by the Montana Supreme Court. On November 22, 2023, DEQ submitted a Status Report indicating that the Montana Supreme Court has issued an Opinion in the AM4 matter.

On March 8, 2024, the Petitioners filed an Unopposed Motion to Lift Stay and Set a Briefing Deadline. The Hearing Examiner issued an Order Granting Motion to Lift Stay and Setting Briefing Scheduling on March 21, 2024, providing that responses to the proposed Findings of Fact and Conclusions of Law shall be filed and served on or before April 19, 2024.

On May 3, 2024, DEQ and Westmoreland filed their Joint Objections to Petitioners' Proposed Findings of Fact and Conclusions of Law and Petitioners filed their Response to WRM's and DEQ's Proposed Findings of Fact and Conclusions of Law.

This case has fully briefed motions and is pending decision by the Hearing Examiner.

The Board assumed jurisdiction of this case June 20, 2025, as Hearing Examiner Cameron is unable to continue. The parties have each filed a proposed FoFCoL, and subsequently filed exceptions. Remaining is preparation of the final proposed FoFCoL and exceptions before the case is ready for consideration before the board**.**

At the October 24, 2025, meeting the board will decide whether to retain jurisdiction or assign the case to a hearing examiner.

On October 24, 2025, the Board decided to appoint Dana Hupp as Successor Hearing Examiner. On November 10, 2025, DEQ and Respondent-Intervenors Westmoreland Rosebud Mining, LLC and the International Union of Operating Engineers, Local 400 filed a Joint Notice of Supplemental Authority. Petitioners filed an unopposed motion for extension of time to file their response brief until January 9, 2025. On December 15, 2025, Chair Simpson issued an Order Setting Briefing Schedule on Westmoreland/Local 400's Petition for Costs, Expenses, and Fees.

On December 4, 2025, Petitioners filed a Petition for Judicial Review and Complaint for Declaratory and Injunctive Relief (DV-25-49) with the 16th Judicial District, Rosebud County.

c. In the matter of the Notice of Appeal and Request for Hearing by Alpine Pacific Utilities Regarding Issuance of MPDES Permit No. MTX000164, BER 2019-06 WQ.

At the Board's October 9, 2020, meeting it voted to adopt the parties Stipulation and Request for Retention of Board Jurisdiction. On May 3, 2021, the parties filed an update with Hearing Examiner Lindsey Simon stating that pursuant to the Stipulation, Alpine had submitted the monitoring well plan to DEQ, that DEQ has approved the monitoring well installation plan, and that the monitoring well has been installed. On June 11, 2021, William Holahan took responsibility for this matter as a hearing examiner. On August 2, 2021, the parties filed a Joint Status Report with the Hearing Examiner. Alpine Pacific Utilities has not exercised its discretion under the Stipulation that would trigger reporting of additional activities at this time to the Board. The Board retains jurisdiction in case the stipulated terms are not implemented and approved by DEQ. Status reports are due every three months. The Board's jurisdiction extends at the latest to July 2024. The parties submitted a joint status report on November 1, 2021, advising of the progress they have made in this matter. This matter was reassigned to Madison Mattioli as Hearing Examiner as of February 14, 2022. The parties filed a Joint Status Report on February 24, 2022. A Joint Status Report was filed on May 24, 2022. On August 24, 2022, the parties filed a Joint Status Report. Matthew

Dolphay filed a Notice of Withdrawal of Counsel on August 29, 2022. Alpine Pacific Utilities continues to be represented by Victoria Marquis. A Joint Status Report was filed on November 23, 2022, indicating that Alpine continues pursuing the requested information to cure the deficiencies in the permit application and anticipates submitting a deficiency response in the next three months. The parties filed a Joint Status Report on November 23, 2022. On February 27, 2023, the parties filed a Joint Status Report. On March 14, 2023, Hearing Examiner Oomens filed a Notice of Change in Hearing Examiner. On May 31, 2023, the Parties filed a Joint Status Report indicating that Alpine submitted an updated application and non-degradation analysis to DEQ on February 21, 2023, to meet the requirement in paragraph 20 of the Board's Order adopting the Stipulation; DEQ reviewed Alpine's updated application and non-degradation analysis; DEQ sent Alpine a fee deficiency letter on March 3, 2023, and DEQ received the full amount on March 14, 2023; DEQ sent Alpine a second deficiency notice pertaining to deficiencies in Alpine's updated permit application on April 7, 2023; on May 1, 2023, Alpine responded to the notice of deficiency; after further discussions, Alpine resubmitted the application on May 24, 2023; DEQ is currently reviewing the May 1 and 24, 2023 submittals. On August 25, 2023, the parties filed a Joint Status Report indicating that Alpine applied to modify the existing MGWPCS permit to which DEQ sent Alpine a Notice of Deficiency; Alpine responded with an updated application on June 24, 2023; DEQ subsequently sent an email to Alpine on July 24, 2023, summarizing the remaining issues with Alpine's application and DEQ will follow up the email with a detailed NoD by the end of August 2023. The next joint status report is due on November 27, 2023.

On November 27, 2023, the parties filed a Joint Status Report indicating that Alpine and DEQ continue to work through issues related to Alpine's application. The parties met on November 8, 2023. Alpine is currently assembling information requested by DEQ and will submit to DEQ for review.

On February 27, 2024, the parties filed a Joint Status Report indicating that Alpine and DEQ continue to work through issues related to Alpine's application to modify the existing Montana Ground Water Pollution Control System. Alpine has investigated several avenues for collecting the requested data by DEQ. In January 2024, Alpine compiled and provided DEQ shallow aquifer test data from a nearby site. DEQ is currently reviewing the information.

On May 28, 2024, the parties filed a Joint Status Report indicating that Alpine has retained Christopher Scoones as legal counsel as the parties continue to work on issues related to Alpine's application. Alpine will report site specific aquifer characteristics and non-degradation analyses, and both parties will consider collected ground water data and analyses to estimate hydraulic conductivity, develop a mixing zone, and permit effluent limitations and conditions at each outfall. The next status report is due on August 28, 2024.

On September 4, 2024, the parties file a Joint Status Report. On December 4, 2024, the parties filed a Joint Status Report indicating that on November 16, 2024, DEQ received Alpine's updated permit application renewal and major modification of the permit. DEQ is currently processing the application and will determine whether the application is complete within 30 days of receipt. The next Joint Status Report is due on March 6, 2025.

On March 21, 2025, the parties filed a Joint Status Report and a First Amendment of the Second Stipulation and Request for Retention of Board Jurisdiction.

On June 9, 2025, the parties file a Joint Status Report indicating that on or before July 21, 2025, DEQ will make a tentative determination to renew or modify MTX000164 in accordance with the Montana Water Quality Act; on or before August 20, 2025, DEQ will give public notice of the tentative determination for 30 days; if a public hearing is not held DEQ will consider and respond to substantive public comments and make a final determination on or before October 20, 2025; within 30 days from final permit decision and not later than December 19, 2025, Alpine will move to dismiss this appeal. The next status report is due on September 8, 2025.

Because DOJ has closed the ALS Bureau, BER must assume jurisdiction.

The Board assumed jurisdiction August 22, 2025, until the next Board meeting October 24, 2025.

On September 16, 2025, the Board issued an Order Requesting a Status Report be filed by September 19, 2025. On September 19, 2025, the parties filed a Joint Status Report. The Board will decide at its meeting on October 24, 2025, how to proceed with this case.

On October 24, 2025, the Board decided to retain jurisdiction and no further action is necessary at this time. On January 16, 2026, Chair Simpson issued an Order Requesting Status Report prior to the February 20, 2026, meeting. On February 4, 2026. DEQ filed a Status Update, a Motion to Dismiss with Prejudice, and a proposed Order. On February 4, 2026, Petitioner filed a filed a letter objecting to some requirements included in the amended permit but did not file a new petition within the specified time frame.

On February 13, 2026, Alpine Pacific filed an Unopposed Motion for Extension of Time to Respond to DEQ's Motion to Dismiss, with a proposed Order. On February 17, 2026, Chair Simpson issued an Order Granting Unopposed Motion of Time to Respond to DEQ's Motion to Dismiss, giving Alpine Pacific until February 25, 2026, to respond. On February 25, 2026, Alpine Pacific filed a Response to DEQ's Motion to Dismiss. On March 11, 2026, DEQ filed a Reply in Support of Motion to Dismiss.

On June 11, 2026, Chair Simpson issued an Order Setting Oral Argument for the June Board meeting, which will occur on June 26, 2026.

At the June 26, 2026, Board meeting, the Board approved DEQ's Motion to Dismiss with Prejudice. At the August 14, 2026, the Board will review and take action on the proposed Final Agency Action and Order.

On August 14, 2026, the Board reviewed and approved the Final Agency Action and Order. Chair Simpson issued the Final Agency Action and Order on August 19, 2026.

d. In the Matter of: Notice of Appeal and Request for Hearing by the Western Sugar Cooperative regarding Its Montana Pollution Discharge Elimination System Permit No. MT0000281 Issued October 29, 2020

On August 21, 2026, Chair Simpson issued an Order Amending Board's May 3, 2024, Final Agency Action.

On October 1, 2026, Western Sugar Coop filed a Motion to Amend Settlement.

e. In the Matter of: Petitions of Teck Coal Limited and the Board of County Commissioners of Lincoln County, Montana, for Review of ARM 17.30.632(7)(A) Pursuant to Mont. Code Ann. Section 75-5-203 – Stringency Review of Rule Pertaining to Selenium Standard for Lake Koocanusa, BER 2021-04 and 08 WQ.

On June 30, 2021, and July 1, 2021, the Board received a request from Teck Coal Limited for the Board to review Montana Administrative Rule 17.30.632 to determine whether it is more stringent than the comparable federal guideline in violation of the Montana Water Quality Act. The Board issued a Public Notice on August 27, 2021, inviting comment on the process to evaluate the stringency of the rule. Comments on the process to be used were due on September 24, 2021. The Public Notice also invited response to the comments suggesting a process by September 28, 2021. The Board analyzed the comments and responses to comments regarding the process of evaluation at the special meeting on October 29, 2021. On October 29, 2021, the Board determined that a scheduling notice would be issued for submission of public comments and that the review will not be in a contested case format. On November 23, 2021, the scheduling notice was posted on the Board website. The record on the rule proceedings from 2020 was posted on December 15, 2021. Public comments and responses on the stringency review were filed and posted in January 2022

prior to the public meeting. The public comment meeting was held on January 31, 2022. Teck Coal, DEQ and MEIC and Earth Justice filed proposed decision documents on February 11, 2022. At the February 25, 2022, meeting, the Board deliberated on the rule-making record, public comments, meeting transcript and other filed documents; heard oral argument by certain interested parties; and by motions voted on by the Board decided various issues presented by the petitions. On April 8, 2022, the Board conducted further deliberations and considered and approved, with certain amendments, a proposed decision. The Board issued a Final Agency Decision on April 19, 2022. DEQ filed a Motion to Alter or Amend on May 17, 2022. On May 31, 2022, the Board of County Commissioners of Lincoln County and Teck Coal filed responses to DEQ's motion to alter or amend the Final Agency Decision. On June 14, 2022, DEQ filed a reply brief to its motion to alter or amend. A Joint Notice and Motion to Submit Final Agency Action to EPA was filed by Lincoln County and Teck Coal on July 20, 2022. On August 3, 2022, the DEQ filed a response to the Joint Notice and Motion to Submit Final Agency Decision and on August 17, 2022, the Petitioners filed their Reply in Support. At the October 14, 2022, Board meeting, the Board voted to deny DEQ's motion to alter or amend and direct Board Counsel, working with the Chairman, to draft a reasoned decision stating the basis for the Board's denial of the motion. The Board also voted to grant Lincoln County's and Teck Coal's joint Motion to submit the Final Agency Action to EPA and requested that Lincoln County and Teck Coal jointly file a proposed letter to the EPA transmitting the Board's order. On November 4, 2022, Lincoln County and Teck Coal jointly submitted a draft proposed letter to the EPA.

At the December 9, 2022, Board meeting the Board considered the draft decision and voted 5-2 to approve the decision. The Board also considered the draft letter to the EPA transmitting the Board's Final Agency Action and voted 5-2 to approve sending the letter and Final Agency Action to the EPA. On February 8, 2023, the Board received correspondence from Kathleen Becker, Regional Administrator for the EPA Region 8, indicating that the EPA will not begin considering the Board's request until the EPA has been notified by the State that the ongoing legal processes have concluded.

f. In the Matter of: Appeal and Request for Hearing by Valley Garden Land & Cattle LLC Regarding Issuance of Opencut Mining Permit #674, Amendment #3, BER 2022-04 OC.

On June 22, 2022, Valley Garden Land and Cattle LLC filed a Notice of Appeal and Request for Hearing challenging the Montana Department of Environmental Quality's ("DEQ") issuance of an Amendment to Open Cut Mining Permit to A. M. Welles, Inc., for expansion of an existing pit (known as "DSL Site") on Montana State Trust Lands between McAllister and Ennis, Madison County, Montana. On June 27, 2022, Chairman Ruffatto issued an Order re Informal Procedures. On June 30, 2022, Plaintiff's requested an informal conference to discuss the informal/formal procedure options. DEQ also filed a request for an informal

conference on July 14, 2022. An informal conference will be scheduled with the parties. The Board voted to appoint Mike Russell as Hearing Examiner in this matter on August 12, 2022. The Hearing Examiner ordered an informal conference on August 16, 2022. An Initial Procedural Order was issued on August 18, 2022. On September 7, 2022, A.M. Welles, Inc., filed an uncontested Motion to Intervene. The Hearing Examiner granted the Motion to Intervene on September 12, 2022, and issued a Scheduling Order on September 19, 2022. On December 5, 2022, DEQ filed a Motion to Vacate the Scheduling Order. This matter was assigned to Rob Cameron at the December 9, 2022, Board meeting. Hearing Examiner Cameron issued an Order Vacating the Scheduling Order on December 29, 2022. On January 3, 2023, an Order Setting Scheduling Conference was issued, setting the conference for January 19, 2023. The Hearing Examiner issued an Order on January 20, 2023, regarding the Administrative Record filed in this matter. The Hearing Examiner declined to order the removal of the subject documents from the record at this time. A Scheduling Order was issued on February 24, 2023, and the parties were ordered to exchange witness and exhibit lists by March 27, 2023. DEQ filed its list of hybrid witnesses with exhibits on March 27, 2023. On March 30, 2023, Intervenor A.M. Welles, Inc., filed a Notice to Adopt DEQ's Hybrid Witness Disclosures and Exhibits. The Hearing Examiner issued an Amended Scheduling Order on April 11, 2023. On May 23, 2023, Petitioner's filed their Expert Disclosure.

DEQ filed their Expert Witness Disclosures on May 30, 2023. Petitioners filed their Rebuttal Expert Witness Disclosures on June 6, 2023. On June 12, 2023, DEQ filed their Rebuttal Expert Witness Disclosures. Petitioners filed an Unopposed Motion to Amend Scheduling Order on June 13, 2023. On June 13, 2023, the Hearing Examiner issued an Order Extending Discovery Deadline granting Petitioner's request that the discovery deadline be extended to July 14, 2023. On September 8, 2023, the Petitioner filed a Motion to Limit Scope of Hearing/Motion in *Limine* with a Brief in Support. DEQ filed a Motion for Judicial Notice and a Motion for Hearing Examiner to Visit DSL Site on September 25, 2023. A.M. Welles, Inc., filed a Response in Opposition to Petitioner's Motion in *Limine* on September 25, 2023. On September 25, 2023, DEQ filed a Response to VGLLC's Motion to Limit Hearing Scope. Petitioner filed a Response to Motion for Judicial Notice on September 26, 2023. On September 27, 2023, Petitioners filed a Response to DEQ's Motion for Hearing Examiner to View the DSL Site. Petitioner filed a Motion for Summary Judgment on October 3, 2023, with a Brief in Support. On October 3, 2023, DEQ filed a Motion in *Limine* to prohibit VGLLC from referring to filed discovery as the administrative record and to prohibit VGLLC from referring to, or making a claim under, any other statute other than the Opencut Act in this contested case hearing with a Briefs in Support. DEQ also filed its Motion for Summary Judgment on October 3, 2023, with a Statement of Undisputed Facts. Petitioner filed an Unopposed Motion to Amend Scheduling Order and a Motion to Extend Deadline for Summary Judgment Briefing, and to Set a Hearing for Motions in *Limine* on October 6, 2023. The Hearing Examiner issued an Order Amending Scheduling Order on October 6,

2023, providing that parties file responses to summary judgment by November 6, 2023. Petitioner filed its Reply Brief in Support of Petitioner's Motion to Limit Scope of Hearing/Motion in *Limine*. On October 10, 2023, DEQ filed its Reply to VGLLC's Response to DEQ Motion to Take Judicial Notice.

On October 11, 2023, DEQ filed a Reply to VLGGC Response to DEQ Motion for Hearing Examiner to View DSL Site and Memorandum in Support. Petitioner filed a Combined Response in Opposition to DEQ's Motion in *Limine* in October 17, 2023. On October 23, 2023, A.M. Welles filed a Response in Opposition to Petitioner's Motion to Extend Deadline for Summary Judgment Briefing and to Set a Hearing for Motions in *Limine*. On the same day, DEQ filed a Response to Valley Garden's Motion to Suspend Briefing. On October 26, 2023, Valley Garden filed a Reply to Respondents' Response to Petitioner's Motion to Suspend Briefing as well as a Notice of Submittal. On October 30, 2023, the Hearing Examiner issued an Order Staying Summary Judgment Briefing. DEQ filed its Replies to Plaintiff's Combined Response to DEQ's Motions in *Limine* on November 3, 2023. On November 6, 2023, the Hearing Examiner issued an Order Setting Hearing for December 14, 2023, on the outstanding motions in *limine*.

On December 1, 2023, DEQ filed a Notice of Additional Authority. On December 11, 2023, the Hearing Examiner issued an Order Continuing Hearing due to illness. DEQ filed a Motion for Reconsideration and Vacatur of Suspension of Summary Judgment Briefing Pending Resolution of Motions in *Limine* with a Brief in Support. On December 27, 2023, Valley Garden filed a Brief in Opposition to DEQ's Motion for Reconsideration. DEQ filed a Reply to Valley Garden's Response to DEQ's Motion for Reconsideration on January 10, 2024. Valley Garden filed an Opposed Motion to Schedule Hearing on all Pending Motions on January 30, 2024.

On February 13, 2024, DEQ filed a Response to Valley Garden's Motion for Hearing. Valley Garden filed its Reply in Support of Motion to Schedule Hearing on all Pending Motions on February 21, 2024. On March 21, 2024, the Hearing Examiner issued an Order requiring the parties to file status reports on pending motion and setting a Status Conference for April 4, 2024. On March 29, 2024, both parties filed their Status Reports. DEQ filed a Notice of Supplemental Authority on April 4, 2024. On April 5, 2024, the Hearing Examiner issued and Order RE Valley Garden's Summary Judgment Brief requiring Valley Garden to resubmit its Motion for Summary Judgment and Statement of Undisputed Facts in compliance with the Initial Procedural Order on or before April 15, 2024.

On April 10, 2024, DEQ filed a Motion to Allow DEQ Opencut Scientist to Testify at Hearing on the Motion to Limit the Scope of Evidence. The same day VGLC filed its Motion for Summary Judgment. On April 11, 2024, the Hearing Examiner issued an Order for View of the DSL Site. Petitioner filed a Response to DEQ's Motion to Allow Testimony at the *Limine* Hearing on April 19, 2024. DEQ filed its Reply on Motion to Allow on April 24, 2024. On April 26, 2024, the Hearing

Examiner denied DEQ's motion to allow testimony. On May 7, 2024, DEQ filed a Notice of Supplemental Authority regarding the Montana Supreme Court's encouragement of "full presentation of evidence" at the contested case hearing. The Petitioners filed their Response to Notice of Supplemental Authority and Motion to Strike on May 10, 2024. DEQ filed its Response to VGLLC Objection to DEQ's Notice of Supplemental Authority and Motion to Strike on May 24, 2024. On September 10, 2024, DEQ filed a Notice of Supplemental Authority.

This case has summary judgments fully briefed and is pending a decision by the Hearing Examiner.

The Board assumed jurisdiction of this case June 20, 2025, as Hearing Examiner Cameron is unable to continue. It was also noted that this case is not pending a decision, as Motions *in Limine* are still pending.

The Board received audio and video of the April 24, 2024, hearing regarding the Valley Garden Motion *in Limine*. A transcript was completed by Laurie Crutcher, Court Reporter, on October 2, 2025.

On September 24, 2025, the Board issued an Order Requesting Status Report and Setting Status Conference. On September 26, 2025, Intervenor Defendant, A.M. Welles, Inc. filed an Unopposed Motion to Continue Status Conference. On September 29, 2025, the Board issued an Order Resetting Status Conference.

On October 1, 2025, DEQ and the Petitioner filed Status Reports. The board chair and counsel held a status conference with the parties on October 7, 2025. The Board will decide at its October 24, 2025, meeting how to proceed with the case.

At the October 24, 2025, meeting the Board decided to retain jurisdiction, issue an order lifting the stay on the pending cross-motions for summary judgment and set forth a briefing schedule and a date for hearing on the summary motions. On October 31, 2025, Chair Simpson issued an Order Lifting Stay on Pending Cross-Motions for Summary Judgment and Setting Briefing Schedule.

On December 19, 2025, the Petitioner filed a Response Brief in Opposition to DEQ's Motion for Summary Judgment, with Exhibits 7-11, and a Statement of Disputed Facts. On December 19, 2025, DEQ filed a Response to Motion for Summary Judgment, with Exhibits A-H, and a Statement of Disputed Facts. On January 6, 2026, DEQ filed a Notice of Errata. On January 30, 2026, DEQ filed a Reply Brief. On March 11, 2026, Chair Simpson issued an Order regarding Oral Argument, to be held March 20, 2026. On March 17, 2026, DEQ filed a Notice of Supplemental Authority.

The Board will hear oral argument, discuss, and potentially vote on the following motions at its March 20, 2026, Special Meeting:

1) Valley Garden's Motion to Limit the Scope of Hearing (Dkt. #s 37, 38, 49, 50, 51, 52, 71, and 113);

2) The DEQ's Motion for Summary Judgment (Dkt. #s 63, 64, 65, 125, 126, 129, and 131); and

3) Valley Garden's Motion for Summary Judgment (Dkt. #s 104, 105, 106, 127, 128, and 130.)

The Board heard oral argument during its special meeting March 20, 2026. The Board decided to grant DEQ's Summary Judgment motion with respect to notice, completeness and accuracy of issues at the June 26, 2026, meeting.

On June 11, 2026, Chair Simpson issued a Notice regarding Final Decision and Order of the Board. The draft of its Final Decision and Order in this matter with respect to the parties' cross-motions for summary judgment and motions in limine will be discussed and decided at the June 26, 2026, Board meeting.

On June 26, 2026, the Board voted to approve the proposed Final Decision and Order.

On July 17, 2026, Chair Simpson issued the Final Agency Action and Order.

f. In the Matter of: Appeal and Request for Hearing Regarding Rosebud Mine Area B Amendment 5 Permit Number C1984003B, BER 2022-05 SM.

On June 27, 2022, the Montana Environmental Information Center (MEIC) and Sierra Club filed a Notice of Appeal and Request for Hearing pursuant to Montana Code Annotated (MCA)§ 82-4-206(1)-(2), and Administrative Rule of Montana (ARM) 17.24.425(1), regarding Montana Department of Environmental Quality's May 27, 2022, approval of the Area B Amendment 5 (AMS) for the Rosebud Strip Mine, in Colstrip, Montana. Chairman Ruffatto issued an Order re Informal Procedures to the parties on July 8, 2022. A Joint Motion for Informal Conference was filed on July 13, 2022. On July 28, 2022, Westmoreland Rosebud Mining, LLC and International Union of Operating Engineers, Local 400 filed a Motion to Intervene. An informal conference was held on July 28, 2022, wherein the parties discussed the possibility of informal procedures, but ultimately decided this matter should be contested formally. The Board voted to appoint Mike Russell as the Hearing Examiner in this matter at the August 12, 2022, meeting. On August 15, 2022, the Petitioner's filed a response to WRM's motion to intervene. An Initial Procedural Order was issued on August 18, 2022. On August 29, 2022, WMR filed a reply in support of its Motion to Intervene. The Hearing Examiner granted the Motion to Intervene on September 12, 2022. The parties filed a Joint Motion for Case Management Order on September 16, 2022. A Scheduling Order was issued on September 19, 2022. An Amended Notice of Appeal and Request for Hearing was filed on November 7, 2022. Rob Cameron was assigned as the Hearing Examiner in this matter at the December 9, 2022,

Board meeting. On February 3, 2023, the parties filed a Joint Motion to Modify Scheduling Order. The Hearing Examiner issued an Amended Scheduling Order on February 6, 2023. On April 10, 2023, Westmoreland filed a Motion for Protective Order and Brief in Support. Petitioners filed a Motion for Extension to file a response brief on April 14, 2023, and the Hearing Examiner granted the Order the same day. On May 4, 2023, the Petitioners filed their Response to Intervenor-Respondents' Motion for Protective Order. On May 19, 2023, the parties jointly filed a Motion to Amend Scheduling Order. The Hearing Examiner issued an Amended Scheduling Order on May 22, 2023, providing that any dispositive motions, together with supporting briefs be filed on August 18, 2023. On May 22, 2023, Westmoreland filed their Reply in Support of Motion for Protective Order. Petitioners filed a Notice of Submission on May 23, 2023. On June 6, 2023, the Hearing Examiner issued an Order Re: Motion for Protective Order granting in part and denying in part. On June 21, 2023, the Hearing Examiner issued an Order Re: Site Inspection. The parties filed a Joint Motion and Brief in Support for Stipulated Protective Order on June 22, 2023. On June 28, 2023, the Hearing Examiner issued another Order Re: Site Inspection and Anderson Deposition. On July 10, 2023, Westmoreland Counsel filed a Motion for a Protective Order. Petitioners filed a Response to Motion for a Protective Order on July 26, 2023. The parties filed a Joint Reply in Support of Motion for Protective Order on August 14, 2023. On August 23, 2023, Petitioners, Westmoreland and International Union of Operating Engineers, Local 400, and DEQ all filed their Motions for Summary Judgment with Brief in Support and Statements of Undisputed Facts. The parties filed a Joint Motion for Extension of Dispositive Motion Response and Reply Briefing Deadlines on September 14, 2023, and the Hearing Examiner granted the Motion on September 18, 2023. On October 2, 2023, the Hearing Examiner issued an Order re Motion for Protective Order. Petitioner filed an Unopposed Motion for Extension on October 11, 2023. On October 11, 2023, the Hearing Examiner issued an Order Granting the Motion for Extension providing that the response briefs on Summary Judgment are due on October 18, 2023, and the reply briefs are due on November 8, 2023.

On October 18, 2023, Petitioners' Response to Respondents' Motions for Summary Judgment along with a Statement of Stipulated Facts. DEQ filed its Brief in Opposition to Petitioners' Motion for Summary Judgment, and WRM filed its Response Brief to Petitioners' Summary Judgment Motion on October 18, 2023. DEQ and WRM filed a Joint Motion to Strike on October 18, 2023, with a brief in support and a Joint Statement of Disputed Facts. On October 31, 2023, Petitioners filed an Unopposed Motion for Extension of Time. The Hearing Examiner granted the Motion for Extension on the same day. On November 6, 2023, Petitioners filed a Response to Motion to Strike. On November 17, 2023, DEQ and WRM filed a Joint Motion for Extension of Deadline to Reply in Support of Joint Motion to Strike. The Hearing Examiner granted the joint motion for extension on November 20, 2023. On November 28, 2023, DEQ and WRM filed their Joint Reply in Support of Motion to Strike.

On December 21, 2023, WRM and IUO filed their Reply in Support of Summary Judgment. DEQ also filed their Reply Brief in Support of Summary Judgment on December 21, 2023. Petitioners filed their Combined Reply to DEQ and WRM's Response Briefs in Support of Motion for Summary Judgment on December 21, 2023, along with a Supplemental Statement of Disputed Facts.

On February 10, 2025, the parties provided the Hearing Examiner with their proposed orders regarding the summary judgment motions.

On May 23, 2025, the Hearing Examiner issued an Order on Motion for Summary Judgment, denying the Conservation Groups Motion for Summary Judgment, granting DEQ's, and granting and denying in part Westmoreland/Local 400's Motion. He proposed Judgment be entered in favor of DEQ and Westmoreland/Local 400, the Conservation Groups' challenge be dismissed and DEQ's approval of AM5 be affirmed.

On May 30, 2025, the parties filed a Joint Motion for Clarification and Briefing Schedule requesting the Hearing Examiner to clarify that pursuant to § 2-4-621(1)-(3), any exceptions to the Order must be made to the Board of Environmental Review prior to seeking judicial review and further requested that an exception briefing schedule be ordered.

On June 6, 2025, the Hearing Examiner granted the parties' requests and ordered that the parties may file exceptions to the proposed Order with the Board of Environmental Review by July 25, 2025, and responses to the exceptions must be filed by August 29, 2025.

The Board assumed jurisdiction of this case June 20, 2025, as Hearing Examiner Cameron is unable to continue.

On July 17, 2025, the Conservation Groups filed a Partially Unopposed Motion for Extension of Time to File Exceptions to the Order. On July 18. 2025, Westmoreland/Local 400's filed a Response in Opposition to MEIC's Motion for Extension. On July 21, 2025, Chair Simpson issued an Order Granting the Motion for Extension of Time to File Exceptions to the Order. This case is expected to come before the Board at the October 24 meeting.

On August 29, 2025, the Conservation Groups filed Final Exceptions. On August 29, 2025, Westmoreland and Local 400 filed Exceptions to Recommended Order on Motions for Summary Judgment. On August 29, 2025, DEQ filed Exceptions to Proposed FoFCoL.

On October 3, 2025, Westmoreland/Local 400's filed a Response in Opposition to Petitioners' Exceptions to Proposed Order on Summary Judgment. On the same day, the Conservation Groups filed a Combined Response to Exceptions to Proposed Order on Summary Judgment. This case is on the October 24, 2025, BER meeting agenda for a final decision.

On October 24, 2025, the Board decided to accept the proposed FoFCoL in favor of DEQ, Westmoreland and Operating Engineers Local 400. It was also decided to accept DEQ's Exceptions, reject the Petitioners' Exceptions, reject the Intervenors' Exceptions regarding Petitioners' standing, and accept the remaining exceptions of the Intervenor's Exceptions corrections as long as it doesn't conflict with DEQ's Exceptions. On November 4, 2025, Chair Simpson issued the Final Agency Action and Order of the Board of Environmental Review. On November 17, 2025, Intervenor-Respondents Westmoreland Rosebud Mining LLC and International Union of Operating Engineers, Local 400 filed a Notice of Withdrawal and Substitution of Counsel. On December 9, 2025, Petitioners filed an Unopposed Motion for Extension of Time, with proposed Order. On December 15, 2025, Chair Simpson issued an Order Setting Briefing Schedule on Westmoreland/Local 400's Petition for Costs, Expenses, and Fees. On December 17, 2025, Petitioners filed a Notice of Appearance of Robert Farris-Olsen. On January 9, 2026, Petitioners filed a Response to Petition for Costs, Expenses, and Fees.

On February 13, 2026, Westmoreland and Operating Engineers Local 400 filed a Reply in Support of Petition for Costs, Expenses, and Fees. On February 18, 2026, MEIC filed a Motion to Strike. On February 19, 2026, Westmoreland and Operating Engineers Local 400 filed a Response in Opposition to Conservation Groups' Motion to Strike. On February 19, 2025, MEIC filed a Reply in Support of Motion to Strike. At the February 20, 2026, Board meeting, the Board delegated to the Chair the resolution of the pending Motion to Strike.

On February 23, 2026, Chair Simpson issued an Order Denying Motion to Strike in Part and Granting It in Part.

On March 17, 2026, MEIC filed an Unopposed Motion for Extension of Time to File Sur-reply to Petition for Costs, Expenses, and Fees. On March 18, 2026, Chair Simpson issued an Order Granting Unopposed Motion for Extension of Time, until March 25, 2026. On March 25, 2026, MEIC filed a Sur-reply to Petition for Costs, Expenses, and Fees.

On April 15, 2026, MEIC filed a Notice of Supplemental Authority and Request to Take Judicial Notice, and a Motion to Assign Hearing Examiner.

On April 16, 2026, Westmoreland and Operating Engineers Local 400 filed a Response in Opposition to Notice of Supplemental Authority and Request to Take Judicial Notice, and a Response in Opposition to Petitioners' Motion to Assign Hearing Examiner. On April 16, 2026, MEIC filed a Combined Reply in Support of Notice of Supplemental Authority and Motion to Assign Hearing Examiner.

The Board heard oral argument regarding Westmoreland's Petition for Costs, Expenses, and Fees on May 15, 2026. The Board decided to accept the filing of Judicial Notice but strike the legal argument for Claim 2. The Board Denied the motion to appoint a hearing examiner based on timeliness. Also, the Board voted that Westmoreland had made substantial contributions to the Board's Final Order, Petitioners had acted in bad faith, and that Petitioners had acted in a harassing and embarrassing manner.

On May 21, 2026, Chair Simpson issued an Order Setting Scheduling Conference for June 5, 2026.

On May 29, 2026, Westmoreland filed a Notice of Submission of Proposed Scheduling Order. On May 29, 2026, the Conservation Groups filed a Notice of Submission of Proposed Scheduling Order, and a proposed Scheduling Order. On June 4, 2026, the Conservation Groups filed a Notice of Appearance and Substitution of Counsel.

On June 10, 2026, Chair Simpson issued a Scheduling Order (Hearing on Amount of Attorney Fees, Costs, and Expenses).

On June 18, 2026, the Conservation Groups filed a Motion to Stay Proceedings and Brief in Support. The Conservation Groups have filed a Petition for Immediate Review Pursuant to § 2-4-701, MCA and Uniform Declaratory Judgment Act, § 27-8-101 with the 16th Judicial District Court on June 15, 2026.

On July 6, 2026, Westmoreland filed a Response in Opposition to Motion to Stay Proceedings and Request for Hearing. On July 23, 2026, the Conservation Groups filed a Reply in Support of Motion to Stay Proceedings and Brief in Support. On July 28, 2026, Chair Simpson issued an Order Setting Oral Argument for the August Board Meeting.

On July 28, 2026, the Conservation Groups filed an Amended Complaint and Petition (1) For Immediate Review Pursuant to § 2-4-701, MCA; (2) Declaratory Judgment; and (3) Injunctive Relief and Writ of Prohibition.

At the August 14, 2026, Board meeting, the Board voted to deny the motion to stay proceedings.

The Conservation Groups filed a Writ of Supervisory Control and Petition for Writ of Prohibition over the Sixteenth Judicial District (DV-44-2026-27) with the Montana Supreme Court on August 21, 2026.

On August 26, 2026, the Montana Supreme Court ordered that the petition for writ of supervisory control was denied and dismissed without prejudice, and the petition for writ of prohibition is dismissed without prejudice.

On September 4, 2026, Westmoreland filed a Motion *in Limine* to Exclude Evidence on Decided Issues. On September 4, 2026, the Conservation Groups filed Motions in Limine, and a Brief in Support of their Motions *in Limine*.

On September 16, 2026, the Conservation Groups filed a Pre-Hearing Brief, Final Witness and Exhibit Lists, and a Proposed Findings of Fact Conclusions of Law.

On September 17, 2026, Westmoreland filed via the File Transfer System a copy of the email filing and email failure notices (the filing September 16, 2026, exceeded State email parameters and was rejected), a Pre-Hearing

Brief, Proposed Findings of Fact and Conclusions of Law, a Final Witness and Exhibit List, and Submittal of Updated Fee Information.

On September 21, 2026, Westmoreland filed a Response to Motions in Limine. On September 21, 2026, the Conservation Groups filed a Response to Westmoreland's Motion in Limine.

On September 24, 2026, the Conservation Groups' filed a Declaration of Anne Hedges.

On September 28, 2026, Westmoreland filed a Response to Conservation Groups' Pre-Hearing Brief. On September 28, 2026, the Conservation Groups' filed a Response to Westmoreland's Pre-Hearing Brief and Objections to Westmoreland's Witness and Exhibit List.

On September 30, 2026, Westmoreland filed a Supplemental Brief, Decision-Making Tree, and a Summary of Fees, Costs and Expenses. On September 30, 2026, the Conservation Groups' filed their Summary Documents.

On October 6, 2026, the Conservation Groups' filed a Supplemental Brief re MCA § 25-10-712.

On October 7, 2026, a Declaration of David Simpson was filed.

g. In the Matter of: Appeal and Request for Hearing by Westmoreland Rosebud Mining LLC Regarding Issuance of MPDES Permit No. MT0032042, Colstrip, MT, BER 2022-06 WQ

On September 9, 2022, Westmoreland Rosebud Mining LLC filed a Notice of Appeal and Request for Hearing regarding the issuance of MPDES Permit No. MT0032042. On October 14, 2022, the Board moved to assign this matter to Mike Russell as Hearing Examiner to preside over the contested case. This matter was reassigned to Rob Cameron at the December 9, 2022, Board meeting. A Prehearing Order was issued on February 6, 2023. The parties filed a Joint Motion to Stay on February 10, 2023. The parties also filed a Stipulation for Final Agency Decision on February 10, 2023. On February 14, 2023, Hearing Examiner Cameron granted the Parties' Joint Motion to Stay pending the Board's final determination of the Parties' proposed Stipulation. At the February 24, 2023, BER meeting the Board approved the proposed Stipulation and passed the Final Agency Action. The Board then requested that Board Counsel issue an Order to the parties requiring responses to the Board Member questions at the April 7, 2023, meeting. The parties subsequently filed their Joint Responses to BER Order on March 24, 2023. The Board heard from the parties regarding the settlement agreement at the April 7, 2023, meeting. The Board motioned and passed that the parties update the Board at each Board meeting. On May 31, 2023, the parties provided an update stating, "Under the terms of the Stipulation,

DEQ and Westmoreland will compile and obtain data necessary to determine the nonanthropogenic condition of EC and SAR in state waters receiving discharges authorized under MPDES Permit No. MT0032042 ("Receiving Waters"). DEQ prepared a draft Quality Assurance Project Plan (QAPP) and Westmoreland provided comments on the QAPP. DEQ and Westmoreland are currently in the process of finalizing the QAPP, which will describe analytical methods and approaches for developing site specific EC and SAR standards for the Receiving Waters."

For the August 11, 2023, BER meeting, the parties provide the following update to the BER related to DEQ and Westmoreland's progress under the Stipulation and the BER's Final Agency Action in the above-named case: "Under the terms of the Stipulation, DEQ and Westmoreland are compiling existing data necessary to determine the nonanthropogenic condition of EC and SAR in state waters receiving discharges authorized under MPDES Permit No. MT0032042 ("Receiving Waters"). DEQ prepared a draft Quality Assurance Project Plan (QAPP) and Westmoreland provided comments on the QAPP. DEQ plans to finalize the QAPP by August 31, 2023. The QAPP will describe analytical methods and approaches for developing site specific EC and SAR standards for the Receiving Waters. After the QAPP is finalized, the work to compile and evaluate data, to determine whether additional data collection is required, and to develop NAS standards will proceed in accordance with BER's Final Agency Decision."

For the October 20, 2023, meeting DEQ submitted the following update: Under the terms of the Stipulation, DEQ and Westmoreland are compiling and obtaining data necessary to determine the nonanthropogenic condition of EC and SAR in state waters receiving discharges authorized under MPDES Permit No. MT0032042 ("Receiving Waters"). On August 31, 2023, DEQ and Westmoreland finalized the "Quality Assurance Project Plan (QAPP) for Identifying Nonanthropogenic Water Quality Criteria for Electrical Conductivity (EC) and Sodium Adsorption Ratio (SAR) for Specified Tributaries of Rosebud Creek" which describes analytical methods and approaches for developing EC and SAR nonanthropogenic standards for the Receiving Waters.

Since finalizing the QAPP, and in accordance with the Stipulation, Paragraph 21(c), DEQ and Westmoreland have compiled existing water quality data. DEQ Standards and Modeling Section completed its data compilation consulting the national Water Quality Portal, Montana's MT-eWQX (EQuIS) database, DEQ's Coal program, and DEQ's MPDES program. Westmoreland compiled and submitted its data.

In accordance with the Stipulation, Paragraph 21(d), DEQ is now in the process of evaluating the compiled existing data. Within 30 days of receiving all the data, or by October 30, 2023, DEQ will make a written determination whether ambient EC and SAR concentrations in the Receiving Waters exceed the applicable water quality criteria in ARM 17.30.670(4) for EC and SAR. If, in accordance with the Stipulation, Paragraph 21(e), DEQ determines additional data is required to conclude ambient EC and SAR concentrations in the Receiving Waters exceed

the criteria in ARM 17.30.670(4), or to properly develop nonanthropogenic standards for EC and SAR for the Receiving Waters, Westmoreland and DEQ will develop a Sampling and Analysis Plan (SAP) to fill the data gaps within 45 days of DEQ's determination that additional data is required. Westmoreland will be responsible for obtaining additional data in accordance with the SAP.

On November 22, 2023, DEQ counsel, Ms. Bowers provided an update indicating that DEQ and Westmoreland finalized the Quality Assurance Project Plan (QAPP) in accordance with the Stipulation paragraph 21(c). Since finalizing the QAPP, DEQ and Westmoreland have compiled existing water quality data. In accordance with Stipulation paragraph 21(d), DEQ evaluated the compiled existing data and made a written determination. In accordance with Stipulation paragraph 21(e), DEQ determined additional data is required to properly develop nonanthropogenic standards (NAS) for EC and SAR for the Receiving Water. By November 29, 2023, DEQ will determine whether NAS sources alone cause EC and SAR to exceed the standards in the Receiving Waters pursuant to Stipulation paragraph 21(f). By December 15, 2023, Westmoreland and DEQ will develop a Sampling and Analysis Plan (SAP) to fill the data gaps. DEQ and Westmoreland continue to consult on topics related to completing the next steps under the Stipulation including those described in Stipulation paragraph 21(g).

On February 2, 2024, Kirsten Bowers sent the following update: "After determining that additional data are required to properly develop nonanthropogenic standards for EC and SAR for the Receiving Waters, DEQ and Westmoreland developed a Sampling and Analysis Plan (SAP) (finalized on 12/15/23; minor edits made on 12/22), in accordance with the Stipulation Paragraph 21(e). Westmoreland will be responsible for obtaining additional data in accordance with the SAP. The SAP specifies that site visits for the purposes of sampling must occur every month for twelve months. Sampling will begin in February 2024 and end in January 2025 or, alternately, "If sampling does not begin by February 2024, 12 months of sampling from the actual beginning date must be completed."

On April 4, 2024, Kirsten Bowers sent the follow up update: "DEQ and Westmoreland are proceeding with data collection to develop nonanthropogenic standards for electrical conductivity (EC) and sodium adsorption ratio (SAR) for the Receiving Waters. Westmoreland began collecting data in February in accordance with the Sampling and Analysis Plan (SAP) developed by the parties pursuant to the Stipulation, Paragraph 21(e). The SAP specifies that site visits for the purposes of sampling must occur every month for twelve months.

At its February 16, 2024, meeting, Board Chair Simpson asked if DEQ reviewed and considered historic data collected by the Peabody Big Sky Mine in the Rosebud Creek drainage. DEQ is considering all available data, including previously collected historical data from the Big Sky Mine, in its evaluation of nonanthropogenic conditions for EC and SAR in the receiving waters of Lee Coulee and Richard Coulee. This data includes a range of years from 1984 to 2022 for the receiving waters of Lee Coulee, and a range of 1973 to 2022 for receiving waters of Richard Coulee."

On April 3, 2026, DEQ and Westmoreland provided a joint status update.

On June 11, 2026, Chair Simpson issued an Order Requesting Status Update at the June Board Meeting.

On June 25, 2026, Westmoreland filed a Notice of Appearance of Counsel.

At the June 26, 2026, Board meeting, Counsel for the parties gave an update regarding the settlement agreement.

On July 28, 2026, Chair Simpson issued an Order Requesting Status Update at the August Board Meeting.

At the August 14, 2026, Board meeting, Counsel for the parties gave a status update. Chair Simpson asked the parties to provide an update at the October Board meeting, as they are working towards settlement.

On October 2, 2026, Westmoreland filed a status report.

h. In the Matter of: Notice of Appeal and Request for Hearing by Gateway Conservation Alliance Regarding Issuance of Opencut Mining Permit No. 3462, Case No. BER 2024-03 OC.

On March 29, 2024, Gateway Conservation Alliance filed a Notice of Appeal and Request for Hearing regarding the issuance of Opencut Mining Permit No. 3462 to TMC Inc., asking the Board to set aside the permit as being unlawful.

At the April 19, 2024, meeting the Board voted to consolidate these matters and have the consolidated case heard before the full Board. On May 16, 2024, DEQ filed a Preliminary Prehearing Statement. On May 16, 2024, TMC, Inc., filed an Unopposed Motion to Intervene and a Preliminary Prehearing Statement. On May 16, 2024, Chair Simpson dismissed Petitioners Bilotti and Seth upon request. Chair Simpson also granted TMC's motion to intervene the same day and issued an Order Vacating Scheduling Conference & Requesting Scheduling. Gateway Conservation Alliance filed its Preliminary Prehearing Statement on May 16, 2024.

On May 15, 2024, GCA filed its Preliminary Hearing Statement. Petitioners filed a Motion to Limit Evidence on June 28, 2024, with a brief in support. On July 19, 2024, DEQ filed an Unopposed Motion to Extend Response Deadline to Petitioners' Motion *in Limine.* Chair Simpson granted DEQ's Motion for Extension on July 23, 2024. On August 2, 2024, DEQ filed its Response in Opposition to GCA's Motion *in Limine* and TMC filed its Opposition to Appellant's Motion *in Limine* to Limit Evidence. On August 8, 2024, GCA filed a Motion for Stay and Brief in Support. On August 9, 2024, GCA filed its Reply Brief in Support of Motion to Limit Evidence. Chair Simpson issued an Order Setting Oral Argument on August 9, 2024, setting oral argument for the August 23, 2024, Board meeting. On August 13, 2024, DEQ filed its Response to Motion for Stay.

At the August 23, 2024, meeting, the Board heard oral argument from the parties on the pending Motion to Limit Evidence.

On September 9, 2024, the Board Chair issued an Order on Motion in *Limine* denying GCA's motion. Also on September 9, 2024, the Board Chair issued an Order on Motion to Stay, granting the unopposed motion to stay the proceedings. The parties are directed to file a status report within 30 days of issuance of a decision from the Montana District Court.

On October 15, 2025, the Montana 18th Judicial District, Gallatin County, issued an Order re Motion to Dismiss Facial Constitutional Claim (DV-2024-838A). The Order stated that the Plaintiff failed to exhaust administrative remedies. On November 14, 2025, DEQ filed a Notice of Substitution of Counsel. On November 14, 2025, DEQ filed a Joint Status Report and GCA will be appealing Judge Ohman's decision to the Montana Supreme Court.

i. In the Matter of: Appeal and Request for Hearing by Gallatin County Community Coalition Regarding Issuance of Opencut Mining Permit #3561, Case No. BER 2024-04 OC

On July 26, 2024, Gallatin County Community Coalition filed a Notice of Appeal and Request for Hearing regarding DEQ's issuance of Open Cut Mining Permit #3561 to Concrete Materials of Montana, Inc., for a new gravel permit located in Gallatin County, Montana. At the August 23, 2024, meeting, the Board decided to hear the case itself.

On September 9, 2024, the Board Chair issued a Prehearing Order. On September 20, 2024, GCCC filed an Unopposed Motion for Stay with a Brief in Support. On October 10, 2024, the Board Chair issued an Order on Motion for Stay granting the Petitioner's Motion. The parties are directed to file a status report within 30 days of issuance of a decision from the Montana District Court.

On November 14, 2025, DEQ filed a Joint Status Report and GCA will be appealing Judge Ohman's decision to the Montana Supreme Court.

j. In the Matter of: Decker Coal Company's Request for Hearing Regarding Permit C1987001C (West Decker Mine), BER 2025-01 SM.

On February 13, 2025, Decker Coal Company ("DCC") filed a Request for Hearing on DEQ's January 29, 2025, Order to Revise Permit. On February 28, 2025, DCC filed an Amended Request for Hearing to revise the caption to keep the east and west mine issues in separate contested cases. On April 9, 2025, Decker filed a Motion for Temporary Relief with a Brief in Support. DEQ filed a

Brief in Opposition on April 21, 2025. Decker filed its Reply Brief in Support on April 25, 2025.

On June 20, 2025, the Board issued a Stay until the December 2025 Board meeting, as the parties are working towards a resolution.

On November 26, 2025, DEQ and Decker Coal filed separate Status Reports. On December 9, 2025, Chair Simpson issued an Order Extending Stay, until the Board's February 20, 2026, meeting.

On February 25, 2026, Chair Simpson issued an Order Extending Stay, until the Board's June 2026 meeting.

On June 4, 2026, DEQ filed a Status Report, with an attached Resolution of Order to Revise the Permit to West Decker Mine. On June 4, 2026, Decker Coal filed a Status Report.

On June 11, 2026, Chair Simpson issued an Order Requesting Status Update for the June Board meeting, which will be held June 26, 2026.

At the June 26, 2026, Board meeting, the Board heard from the parties that this matter has been fully and finally resolved to both parties' satisfaction, and all obligations have been completed.

On June 30, 2026, Chair Simpson issued a Board Order of Dismissal.

k. In the Matter of: The Notice of Appeal and Request for Hearing by Westmoreland Absaloka Mining LLC regarding Minor Revision 311 for Coal Surface Mine Permit C1985005, BER 2025-04 SM

On October 24, 2025, the Board tabled the discussion about this case and whether the Board has jurisdiction in this matter.

On October 24, 2025, Westmoreland filed a Response Opposing DEQ's Motion to Dismiss, Oral Argument Requested (with Exhibits N-W). On November 7, 2025, DEQ filed a Reply in Support to Dismiss Westmoreland's Request for Hearing and Petition for Declaratory Ruling. On January 21, 2026, Westmoreland filed a Notice. On January 28, 2026, Chair Simpson issued an Order Setting Oral Argument at the February 20 meeting on DEQ's Motion to Dismiss; the Board will decide whether or not to grant this motion.

On February 6, 2026, Westmoreland filed a Motion to Consolidate this case with BER 2026-02 SM, and a Brief in Support of the Motion to Consolidate. On February 9, 2026, Chair Simpson issued an Order Requesting Supplemental Legal Authority, to be submitted no later than February 11, 2026, to ensure sufficient time for the additional information to be included in the Board meeting

packet. On February 11, 2026, Westmoreland filed a Supplemental Briefing on Legal Authority. On February 11, 2026, DEQ filed a Supplemental Brief. On February 19, 2026, Westmoreland filed a Notice of Bond Submittal Under Protest and Request for Bond Reduction. At the Board's February 20, 2026, meeting, it heard oral arguments on the DEQ's motion to dismiss. The Board voted that it did not have jurisdiction to hear Westmoreland's appeal and consequently, to grant the DEQ's motion to dismiss. The Board's meeting packet for the March 20, 2026, special meeting contains a draft final order for this matter entitled "Final Agency Action and Order of the Board of Environmental Review," which includes findings of fact and conclusions of law related to the DEQ's motion to dismiss. The Board will have the opportunity to discuss and modify the draft order at the March 20, 2026, special meeting. The Board will ultimately need to vote to approve the language in the proposed order as drafted or as may be amended at the meeting.

At the March 20, 2026, meeting, the Board voted to approve the language in the proposed order as drafted.

On March 24, 2026, the Board issued a Final Agency Action and Order of the Board of Environmental Review, Granting DEQ's Motion to Dismiss and Denying Westmoreland's Motion to Consolidate.

The Board has been notified that Westmoreland appealed the Board's decision to District Court.

I. In the Matter of: Appeal and Request for Hearing by Stillwater Mining Company regarding Major Modification of MPDES Permit No. MT0026808, BER 2025-05 WQ

On December 19, 2025, Stillwater Mining Company filed an appeal and request for hearing regarding a major modification of MPDES Permit No. MT0026808. The Board can decide to hear the case itself or assign a hearing examiner for some or the totality of the case. On February 20, 2026, the Board decided to retain jurisdiction.

On February 24, 2026, Chair Simpson issued an Initial Procedural Order. On February 25, 2026, DEQ filed a Notice of Appearance. On March 10, 2026, the parties filed a Stipulated Scheduling Order. On March 20, 2026, Stillwater Mining filed an Initial Prehearing Statement. On March 20, 2026, DEQ filed an Initial Prehearing Statement. On March 25, 2026, Chair Simpson issued a Scheduling Order.

On May 13, 2026, Stillwater Mining filed an Unopposed Motion to Amend Scheduling Order, and proposed Order. On May 18, 2026, Chair Simpson issued an Order Granting Unopposed Motion to Amend Scheduling Order. On May 18, 2026, DEQ filed a Motion to Dismiss and Brief in Support to Dismiss Stillwater Mining's Appeal Issue "C". On June 1, 2026, Stillwater Mining filed its Response

to DEQ's Motion to Dismiss, Oral Argument Requested. On June 12, 2026, DEQ filed a Reply Brief in Support of Motion to Dismiss Stillwater Mining Company's Appeal Issue "C".

On June 29, 2026, DEQ filed an Unopposed Motion for Extension to Time to Respond to Stillwater Mining Company's First Set of Discovery Requests. On June 30, 2026, Chair Simpson issued an Order Granting DEQ's Unopposed Motion for Extension.

On July 10, 2026, Stillwater Mining filed a Disclosure of Expert Witnesses, with exhibits.

On July 28, 2026, Chair Simpson issued an Order Setting Oral Argument for the August Board Meeting.

On August 10, 2026, Stillwater Mining Company filed a Rebuttal Expert Disclosure Statement.

On August 14, 2026, oral argument was held before the Board. On August 19, 2026, Chair Simpson issued an Order Granting DEQ's Motion to Dismiss Appeal Issue C and Granting Stillwater Leave to Amend Notice of Appeal.

On September 4, 2026, Stillwater Mining filed an Amended Notice of Appeal and Request for Hearing.

On September 18, 2026, DEQ filed a Motion to Dismiss Stillwater Mining Company's Appeal Issue "C" from Amended Notice of Appeal, and a Brief in Support of the Motion to Dismiss.

On October 2, 2026, Stillwater Mining filed their Response to DEQ's Second Motion to Dismiss.

On October 6, 2026, a Joint Stipulated Motion to Withdraw Inadvertently Filed Expert Disclosure Materials from the Contested Case was filed.

m. In the Matter Of: Appeal and Request for Hearing Regarding MDEQ's Decision on MAQP #5263-03, BER 2026-01 AQ

On January 14, 2026, the Board received a request for a hearing from Angela Otero with respect to the DEQ's December 15, 2025, decision to approve Montana Air Quality Permit #5263-03. The permit applicant was Montana Renewables LLC for the MRL Great Falls Renewable Fuels Plant.

Under the Clean Air Act, if the DEQ approves or denies an application for an operating permit, or the renewal, modification, or amendment of a permit, any

person that participated in the public comment process may request a hearing from the board, subject to two conditions: (1) the request must be filed within 30 days after the department renders its decision; and (2) the request must include an affidavit setting forth grounds for the request. Mont. Code. Ann. § 75-2-218(5).

Ms. Otero participated in public comment and timely submitted her request for a hearing. However, her request was not accompanied by a sworn affidavit or declaration in lieu of an affidavit. Mont. Code. Ann. § 1-6-105(1)(a). Her request acknowledges this deficiency.

The Board can decide to hear the case itself, assign a hearing examiner for some or the totality of the case, or reject the petition as incomplete.

On February 20, 2026, the Board decided to retain jurisdiction through the initial steps on this moving forward, to try to clarify the issues, so that the Board can make a more informed decision.

On March 17, 2026, Montana Renewables, LLC filed a Limited Appearance and Motion to Intervene, as well as a Motion to Dismiss. On March 23, 2026, Ms. Otero filed a General Affidavit.

On April 16, 2026, Chair Simpson issued an Order Setting Deadline for MRL's Reply Briefs. To ensure that MRL is not prejudiced, the Board will provide MRL until May 1, 2026, to file optional reply briefs in support of its Motions.

On May 1, 2026, MRL filed a Combined Reply in Support of Its Motion to Intervene and Dismiss.

On June 11, 2026, Chair Simpson issued an Order Setting Oral Argument for the June Board Meeting, which will be held June 26, 2026.

At the June 26, 2026, Board meeting, oral argument was held. The Board granted MRL's Motion to Intervene. The Board granted the Motion to Dismiss this appeal.

At the August 14, 2026, Board meeting, the Board reviewed and approved the Final Agency Action and Order.

On August 19, 2026, Chair Simpson issued the Final Agency Action and Order.

n. In the Matter of: The Notice of Appeal and Request for Hearing by Westmoreland Absaloka Mining, LLC for Coal Surface Mine Permit C1985005, Noncompliance No. CN2026001, BER 2026-02 SM

On February 6, 2026, the Board received a Notice of Appeal and Request for Hearing by Westmoreland Absaloka Mining, LLC.

At the Board's February 20, 2026, meeting, the Board decided to table this matter until the April meeting.

On February 24, 2026, Chair Simpson issued an Order Setting Deadline for Responsive Pleading. On March 12, 2026, DEQ filed a Motion for Partial Dismissal and to Limit the Scope of Westmoreland's Notice of Appeal and Request for Formal Hearing. On March 26, 2026, Westmoreland filed a Response Opposing DEQ's Motion for Partial Dismissal and to Limit the Scope of Westmoreland's Notice of Appeal and Request for Hearing.

On April 9, 2026. DEQ filed a Reply in Support of its Partial Motion to Dismiss and to Limit the Scope of Westmoreland's Notice of Appeal and Request for Hearing. On April 17, 2026, Westmoreland filed a Motion to Strike DEQ's Reply Brief, in Whole or in Part, or Allow Sur-Reply Brief. On April 17, 2026, DEQ filed a Response to Westmoreland's Motion to Strike or Allow Sur-Reply. On April 20, 2026, DEQ filed a Proposed Revised Reply Brief in Support of Its Partial Motion to Dismiss and to Limit the Scope of Westmoreland's Notice of Appeal and Request for Hearing. On April 21, 2026, Chair Simpson issued an Order Denying in Part and Granting in Part Westmoreland's Motion to Strike or Allow Sur-Reply Brief. This Order notes that DEQ's brief filed April 9, 2026 (#5) is struck from the record. On April 21, 2026, DEQ filed a Revised Reply in Support of Its Partial Motion to Dismiss and to Limit the Scope of Westmoreland's Notice of Appeal and Request for Hearing. On May 7, 2026, DEQ filed a Motion to Stay and Brief in Support for BER 2026-02 SM and 2026-04 SM. On May 21, 2026, Westmoreland filed its Response to DEQ's Motion to Stay Proceedings.

On June 4, 2026, DEQ filed a Reply in Support of Motion to Stay Proceedings.

On August 4, 2026, a Joint Proposed Order on Motion to Stay was filed by the parties.

On August 14, 2026, the Board voted to stay the proceedings until its February 2027 meeting for the purpose of giving the parties the opportunity to try and settle these matters. The parties shall file a joint status update for inclusion in the Board's February 2027 meeting packet.

On October 2, 2026, Westmoreland filed a Reclamation Report and Affidavit of Kenneth Wooley.

o. In the Matter of: The Notice of Appeal and Request for Hearing by R & D Transit, LLC, BER 2026-03 SW

On March 3, 2026, Counsel for R & D Transit LLC filed a Notice of Appeal and Request for Hearing.

On June 11, 2026, Chair Simpson issued an Order Requesting Status Update at the June Board Meeting.

On June 15, 2026. Counsel for R & D Transit LLC filed a Status Update and Request to Reset Appearance.

On July 28, 2026, Chair Simpson issued an Order Requesting Status Update at the August Board Meeting. On July 30, 2026, DEQ filed a Motion to Dismiss or, in the Alternative, Motion for More Definite Statement, and a Brief in Support.

On September 30, 2026, DEQ filed a Notice of Issue.

p. In the Matter of: The Notice of Appeal and Request for Contested Case Hearing by Westmoreland Absaloka Mining LLC regarding the Department of Environmental Quality's March 25, 2026, Notice of Violation, BER 2026-04 SM

On April 24, 2026, Westmoreland Absaloka Mining LLC filed a Notice of Appeal and Request for Contested Case Hearing regarding a Notice of Violation. On May 7, 2026. DEQ filed a Motion to Stay Proceedings and Brief in Support. On May 21, 2026, Westmoreland filed its Response to DEQ's Motion to Stay Proceedings.

On June 4, 2026, DEQ filed a Reply in Support of Motion to Stay Proceedings. On August 4, 2026, a Joint Proposed Order on Motion to Stay was filed by the parties.

On August 14, 2026, the Board voted to stay the proceedings until its February 2027 meeting for the purpose of giving the parties the opportunity to try and settle these matters. The parties shall file a joint status update for inclusion in the Board's February 2027 meeting packet.

On October 2, 2026, Westmoreland filed a Reclamation Report and Affidavit of Kenneth Wooley.

Victoria A. Marquis
CROWLEY FLECK PLLP
500 Transwestern Plaza II
P. O. Box 2529
Billings, MT 59103-2529
Phone: (406) 252-3441
vmarquis@crowleyfleck.com

Attorney for The Western Sugar Cooperative

Electronically Filed with the
Montana Board of Environmental Review
10/1/26 at 5:00 PM
By: *Sandy Moisey Scherer*
Docket No: BER 2020-05 WQ

BEFORE THE BOARD OF ENVIRONMENTAL REVIEW
OF THE STATE OF MONTANA

IN THE MATTER OF: NOTICE OF APPEAL AND REQUEST FOR HEARING BY THE WESTERN SUGAR COOPERATIVE REGARDING ITS MONTANA DISCHARGE ELIMINATION SYSTEM PERMIT NO. MT0000281 ISSUED OCTOBER 29, 2020.	Case No. BER 2020-05 WQ (dismissed on May 3, 2024) **MOTION FOR SECOND AMENDMENT OF THE BOARDS' MAY 3, 2024 FINAL AGENCY ACTION**

The Western Sugar Cooperative ("Western") respectfully moves the Board to amend its May 3, 2024 Final Agency Action to allow Western until April 1, 2027 to complete and submit the required modeling and associated groundwater investigation and permit application to the Department of Environmental Quality ("DEQ"). Counsel for Western reached out to counsel for DEQ and was informed that DEQ opposes this motion.

By Settlement Agreement signed by both Western and DEQ on March 20, 2024, the parties agreed to a timeline by which Western would supplement its

MPDES permit renewal application with a water balance, the results of a fate and transport study and a functional equivalent analysis, requests for mixing zones (if appropriate), a proposed compliance schedule (as needed), and a request for intake credits (as desired). The Settlement Agreement also provided that Western may, at its discretion, submit a separate Montana Groundwater Pollution Control System ("MGWPCS") permit application.

By letter dated February 19, 2026 from Western to DEQ, Western requested a 14-month extension, as advised by its consultant (Hydrometrics), to submit its supplemental renewal application, including the complex models required as a result of the Settlement Agreement. Ex. 1, attached. In that letter, Western explained the extensive work put into the installation of new monitoring wells, execution of an extensive monitoring program, completion of a dye tracer test for the surface water discharge, and initial site characterization work. Western explained that the models were not able to be calibrated and therefore would not be useful without additional work. Western also explained the need for additional site characterization to better understand groundwater geochemistry, non-point source contributions, and other site characteristics that impact permitting. Ex. 1, p. 1-2 and its Attachment A. Additionally, water management improvements were detailed in the letter. Ex. 1, p. 2.

The Settlement Agreement required Western to complete complex models: a Groundwater Flow/Fate and Transport Model and a Geochemical Model. Western explained that after working with a reputable national consultant for nearly two years, the resulting models could not be calibrated and would not provide accurate data sufficient to support any analysis or supplemental renewal application. Western hired a second consulting firm (Hydrometrics) to review the already-completed work.

Ultimately, Hydrometrics recommended, and Western agreed that "work on the current numerical groundwater model should be paused while a detailed assessment of data gaps is performed and a revised site conceptual model is completed." Ex. 1, p. 3. Hydrometrics also recommended collection of six more months of sampling to refine the non-point source characterization and incorporate it into the model (an onerous task not originally envisioned in the Settlement Agreement but deemed necessary by Western and its consultant). Ex. 1, p. 3. To allow sufficient time for consultant review and analysis, report writing, review and finalization, the consultant recommended a 14-month extension (until July 1, 2027) for submission of the complete permit package.

DEQ responded to the February 19, 2026, letter by offering a six-month extension until November 1, 2026, eight months less than the consultant estimated

was required to complete the permit package. Despite Western's efforts to have a direct dialogue with DEQ, DEQ would neither discuss the technical details with Western directly nor extend the deadline beyond six months, providing no reason for its denial of the requested 14-month extension. The only agreement that could be reached with DEQ was for a six-month extension. Hence a Joint Notice of Modification was filed with the Board on April 6, 2026, explaining that "[d]espite Western Sugar's best efforts, the modeling work to date has not yielded accurate or reliable Models" and that "Western Sugar worked diligently with its existing consultant and hired an additional consultant who recommended pausing the work" to ensure the models will meet the required calibration targets. Ex. 2 (*Joint Notice of First Modification to Settlement Agreement*), p. 4. As counsel for Western told the Board at their May 15, 2026, meeting, Western proposed a 14-month extension to DEQ, but DEQ only offered a six-month extension. Bd. Mtg. Trans. 16:1-11 (May 15, 2026). The Board approved the six-month extension.

Despite Western and its consultant diligently working towards preparing a completed permit package by the November 1, 2026 deadline, it is not possible for the MGWPCS permit application to be complete by that deadline due to the need for additional work to develop a defensible groundwater fate and transport model. Thus, Western again reached out to DEQ legal and technical staff on

and September 29, respectively, to discuss further modification of the deadlines. Western explained that it had made great progress and was poised to present DEQ with everything required by the November 1, 2026 deadline, except the MGWPCS permit application. Based on the need to complete the modeling and then develop the MGWPCS permit package, Western only requested until April 1, 2027, to submit the MGWPCS permit and supporting information – which is still *three months earlier* than anticipated in Western's original February 2026 request.

Western requires the extension because, as previewed in Western's February 19, 2026, request, the complexity of the geochemistry in groundwater at the site requires that the conceptual site model be updated based on the most recent data review. Once finalized, the Fate and Transport Model showed a need to further evaluate and reassess the conceptual site model, specifically to address the geochemistry of the groundwater on site and to accurately characterize non-point sources. Ex. 3 (Aff. G. Bryce). Moving forward without following the appropriate scientific steps will yield an inaccurate and misleading groundwater model. *Id*. DEQ denied Western's request without explanation.

Western is now compelled to bring its request to this Board. The only requested modification to the Board's *Order Amending Board's May 3, 2024, Final Agency Action* (August 21, 2026) is the following sentence, providing

additional time only for submission of the MGWPCS permit application:

> The request and application for a MGWPCS permit contemplated in paragraph 6.g. of the *Final Agency Action and Order of the Board of Environmental Review* (May 3, 2024) and paragraph 5.g. of the partis' Settlement Agreement will be submitted to DEQ by April 1, 2027.

Western will timely submit its supplement to the MPDES Permit Renewal by November 1st, 2026 and continue doing everything it can to present DEQ with an accurate MGWPCS permit package, informed by scientifically defensible models, as quickly as possible.

DATED this 1st day of October, 2026.

/s/ Victoria A. Marquis
VICTORIA A. MARQUIS
Crowley Fleck PLLP

Attorney for The Western Sugar Cooperative

CERTIFICATE OF SERVICE

I hereby certify that this 1st day of October, 2026, I caused to be served a true and correct copy of the foregoing document and any attachments to all parties or their counsel of record as set forth below:

[ ] U.S. Mail	Sandy Moisey Scherer, Board Secretary
[ ] FedEx	Board of Environmental Review
[ ] Hand-Delivery	1520 E. Sixth Avenue
[**x**] Email	P.O. Box 200901
[ ] Sharefile	Helena, MT 59620-0901
	deqbersecretary@mt.gov

[ ] U.S. Mail	Rob Cameron, Hearing Examiner
[ ] FedEx	Jackson, Murdo & Grant, P.C.
[ ] Hand-Delivery	203 North Ewing
[**x**] Email	Helena, MT 59601
[ ] Sharefile	rcameron@jmgattorneys.com
	ehagen2@mt.gov
	kreed@jmgattorneys.com
	MSchneckloth@jmgattorneys.com

[ ] U.S. Mail	Kurt R. Moser
[ ] FedEx	Montana Department of Environmental
[ ] Hand-Delivery	Quality 1520 East Sixth Avenue
[**x**] Email	P.O. Box 200901
[ ] Sharefile	Helena, MT 59620
	kmoser2@mt.gov
	catherine.armstrong2@mt.gov

[ ] U.S. Mail	Jon Kenning, Bureau Chief
[ ] FedEx	Water Protection Bureau
[ ] Hand-Delivery	1520 East Sixth Avenue
[**x**] Email	P.O. Box 200901
[ ] Sharefile	Helena, MT 59620
	jkenning@mt.gov

/s/ Victoria A. Marquis
VICTORIA A. MARQUIS
Crowley Fleck PLLP

Western Sugar Cooperative
(Grower Owned)

7555 E. Hampden Ave., Suite 520
Denver, Colorado 80231
Telephone: (303) 830-3939

February 19, 2026

SENT VIA E-MAIL

Montana Department of Environmental Quality
Water Quality Bureau
ATTN: Dr. Alanna Shaw, MPDES Section Supervisor
P.O. Box 200901
Helena, MT 59620-0901
Alanna.Shaw2@mt.gov

RE: Request for Extension Timelines in Items 5 through 7 of the Settlement Agreement in Board of Environmental Review Case No. BER 2020-05 WQ (the "Settlement Agreement").

Dear Dr. Shaw,

As you are aware, the Western Sugar Cooperative (WSC) located at 3020 State Avenue in Billings, Montana (the "Site") has been diligently working on completing the scope of work set forth in the Settlement Studies Work Plan[1] ("Work Plan") to develop a supplement to WSC's May 15, 2014 Renewal Application for the MPDES Permit, No. MT0000281 (the "Application Supplement") by May 1, 2026, as required in Exhibit A of the Settlement Agreement. As discussed below, WSC has completed most of the studies and analyses as committed by the Work Plan; however, additional time is required to complete the models due to certain data gaps and unforeseen complexities introduced by the scope of the Work Plan. Therefore, in accordance with paragraph 18 of the Settlement Agreement, WSC is requesting an extension of the Application Supplement deadline to allow for the development of a scientifically defensible groundwater flow/fate and transport model and geochemical analysis that can satisfy the requirements of the Work Plan, and which will be utilized in the assessment of the Maui Factors for the functional equivalent analysis (FEA). This letter provides a summary of the field work, analyses, and modeling efforts completed to date, an explanation of the additional resources WSC has contracted to assist in the modeling efforts, and the basis for this extension request.

Below is a summary of the Work Plan activities completed to date, along with the additional efforts WSC has taken to gather data crucial to developing the Application Supplement.

SUMMARY OF WORK COMPLETED

WSC has completed the field activities required in the Work Plan, with minor exceptions due to field conditions. The completed field activities report is attached hereto as Attachment A. A summary of activities is listed below:

- Installation of monitoring wells MW-14, MW-15, MW-16, and MW-17.
- Incorporation of existing monitoring well MW-13 (upgradient, city-owned well) into the monitoring program as a background well per Form GW-2 instructions.
- Aquifer Characterization:
  - Slug tests at MW-2, MW-5, MW-15, MW-16, MW-17 and OBS-1; and
  - Step/Pumping tests on EXT-1 and MW-14.

[1] Barr 2024. Settlement Studies Work Plan, Fate & Transport Study and Mixing Zone Analysis, Western Sugar Cooperative Billings Facility, Billings Montana. Barr Engineering Co., Revised August 2024.

EXHIBIT 1
0047

- Completion of the Dye Tracer Test.
- Additional Receiving Water Characterization through continued monitoring of the expanded parameter list in the Work Plan and additional monitoring at MW-13.
- Additional Outfall Characterization.

In addition to the work required by the Work Plan and detailed in the field activities report, WSC has also collected flow data to evaluate the Site water balance in accordance with the Settlement Agreement requirements. Based on the data collected to date, WSC has a better understanding of the water quality and flow rates of discharges to the various ponds and receiving waters, including groundwater beneath the Site.

WATER MANAGEMENT IMPROVEMENTS

WSC has made continued progress to improve water management and water quality at the Site, with BOD loads at Outfall 001 being well below the applicable Technical Based Effluent Limits (TBEL) throughout the duration of the 2025/26 beet campaign, to-date. Additionally, Outfall 001 discharge has continued to meet the TBEL limits for TSS, temperature, and pH. Although there have been exceedances of the Fecal Coliform and E-Coli limits, WSC continues to optimize its use of peracetic acid (PAA) to treat bacteria in the discharge. PAA optimization efforts will continue throughout the remainder of the current campaign with such learnings being used to refine the final details of a treatment operation and maintenance (O&M) plan that can attain reliable compliance with the E. coli and Fecal Coliform limits going forward. As noted in recent Discharge Monitoring Report (DMR) submittals[2], WSC has demonstrated that PAA addition creates positive interference with total residual chlorine (TRC) testing, which has resulted in overstated concentrations and thus non-compliance with the Site's TRC limits during the campaign. WSC has communicated that it would like to work with the Department to find an alternative sample location for TRC monitoring or eliminate the monitoring requirement altogether, as there are no sources that utilize chlorine in wastewater streams that discharge at Outfall 001. Ultimately, WSC plans to address the false non-compliance of TRC due to interference through a formal request for the removal of monitoring requirements in its Application Supplement based on no potential.

GROUNDWATER FLOW/FATE AND TRANSPORT MODEL

WSC contracted with Barr Engineering (Barr) in 2024 to develop the Work Plan and, subsequently, deliver the groundwater flow/fate and transport model in accordance therewith. Model development began in 2025 following the completion of the 2024/25 campaign. Refinement of the model continued throughout the 2025/26 campaign, alongside the collection of additional data in campaign year two (2), as required by the Settlement Agreement. Starting on July 1, 2025, WSC engaged in reoccurring weekly, and sometimes bi-weekly, meetings with the Barr modeling team to monitor progress and to ensure the work stayed on the required timeline to meet necessary deadlines.

The numerical model was developed in parallel to ongoing data collection and development of the site conceptual model (SCM). Therefore, the numerical model needed to be dynamic, capable of accepting changes based on real-time data collection, which ultimately resulted in an overly complex model. This complexity resulted in long run-times of the model and extended efforts in post processing, which limited the ability to calibrate the model to flow and transport observations. Once the complexities of the model were realized, WSC was advised that the project team would require significantly more resources than originally envisioned to meet the Application Supplement deadline. Consequently, WSC increased the budget to include local expertise at Hydrometrics, Inc. in July 2025 and also requested that Barr add team members to expedite progress with the model.

Weekly meetings with the modeling team persisted throughout the 2025/26 campaign. Although some improvements in the model were realized as a result, as the campaign continued, it still failed to meet sufficient calibration targets to be a useful tool in the FEA and mixing zone analysis, as required by the Work Plan. The inability for a model to meet the calibration targets is not unusual in circumstances where model construction,

[2] October 24, 2025, and December 17, 2025, Supplemental Information for Discharge Monitoring Reports.

data collection, and an understanding of the groundwater system are happening concurrent with one another. To solve any site-specific groundwater problem, the hydrogeologist must assemble and analyze relevant field data and articulate important aspects of the groundwater system. The synthesis of what is known about the site is a conceptual model (SCM) (Kresic and Mikszewski, 2013)[3]. Unfortunately, the basic principle of first developing a SCM, which is dependent upon data collection, prior to the development of a numerical model, was not possible within the timeline set by the Settlement Agreement. The Settlement Agreement, executed in March 2024, did not account for this potential problem – requiring data collection persisting over two (2) subsequent campaigns, from September 2024 through March 2026, leaving little time for SCM completion prior to numerical model development and an in-depth analysis to inform the Application Supplement by May 1, 2026.
Typical modeling workflow charts indicate that if the model cannot meet calibration targets after continued evaluation of parameters in the model, it is important to reassess the model design and/or conceptual model[4]. Considering the model's inability to meet calibration targets, WSC has been advised that work on the current numerical groundwater model should be paused while a detailed assessment of data gaps is performed and a revised SCM completed.

GEOCHEMICAL MODEL

Like the groundwater flow/fate and transport model, the geochemical model has been developed in parallel to data collection over the last two (2) campaigns. The initial analysis of geochemistry at the Site indicates that the non-point sources may influence the water chemistry of the discharge and groundwater system; however, the need to characterize potential non-point sources was overlooked in the scope of the Work Plan. Potential influences that need to be assessed include both attenuation of select non-conservative constituents (e.g., select metals) and leaching of conservative constituents (e.g., salts). Non-point source characterization will assist in discerning point source discharge contributions from contributions of the non-point sources, which is a necessary component of the Application Supplement to ensure proper permitting. As discussed above, characterization of the non-point sources will allow for a better understanding of the geochemical model, which the Work Plan describes as needed for an FEA. Additional data collection and analysis will take a minimum of six (6) months to complete prior to incorporating it into the modeling analyses.

BASIS FOR EXTENSION REQUEST

WSC has diligently completed the required field activities and data collection in the Work Plan and Settlement Agreement, fulfilling many important obligations. However, the lack of informed timing considerations and sequencing needs related to the development of an SCM followed by the numerical model at the time the Settlement Agreement was developed has led to a timeline that, unbeknownst to WSC, was nearly impossible to achieve. Additional data collection is needed to understand the influence that various non-point sources have on the groundwater system and the overall SCM to complete the geochemical analysis that is ultimately required by the Work Plan for a FEA and mixing zone analysis.

Considering that an additional six (6) months is required to complete the non-point source characterization, WSC's newly retained experts have advised WSC to continue to evaluate and optimize water management practices to improve water quality of the discharges at the Site during the 2026/27 beet campaign, and that it would be advantageous to collect additional sampling data during this time. The additional data collection and analysis are estimated to take approximately six (6) months to complete, based on beet campaign duration. Once completed, the data will then be used, along with a review of the existing data, to develop a revised SCM, develop geochemical assessment/model and groundwater flow/fate and transport model. These efforts are expected to take up to another six (6) months to complete. Lastly, WSC believes it would benefit the discharge permits to include data from the 2026/27 campaign, including data resulting from water management optimization, in the

[3] Anderson, Woessner, and Hunt, 2015. Applied Groundwater Modeling, Simulation of Flow and Advective Transport, Second Edition. Section 2.2. Elsevier Inc., 2015, 2002.
[4] Anderson, Woessner, and Hunt, 2015. Applied Groundwater Modeling, Simulation of Flow and Advective Transport, Second Edition. Figure 1-1. Elsevier Inc., 2015, 2002.

discharge permit application(s). Based on these timelines, WSC proposes that the timeline for submitting the required Application Supplement be extended to July 1, 2027, which should allow time to complete the additional work and provide a scientifically defensible model and accurate analysis of the FEA, mixing zones, and discharge permit(s).

Additional time will provide for a more stepwise approach for model development that more closely aligns with fundamental principles of groundwater modeling. This approach will allow for the SCM and numerical model to follow the principle of parsimony, which implies that the SCM and numerical model be developed to only include processes that are important to address the objectives of the model with sufficient complexity to represent relevant system behavior[5]. Starting simple and adding complexity only as needed typically allows for numerical models to be more readily calibrated and meet the objectives of the analyses.

WSC appreciates the Department taking the time to consider this extension request. If you have questions, we are happy to answer them or meet with your team. Due to the fast-approaching Application Supplement deadline, we respectfully ask that you please provide your feedback within two (2) weeks of receiving this letter.

Sincerely,



Chelsea Villalba
Environmental Director
The Western Sugar Cooperative

EC: Susan Bawden, Enforcement Specialist – MTDEQ
Heather Luther, General Council – WSC
Joe Bladecki, Factory Manager – WSC
Amy Hui, Environmental Manager – WSC
Vicki Marquis, Attorney – Crowley and Fleck
Greg Bryce, Consultant – Hydrometrics

[5] Ibid-2

ATTACHMENT A

Field Activities Report

Settlement Studies Field Activities Report

Western Sugar Cooperative Billings Facility, Billings, Montana

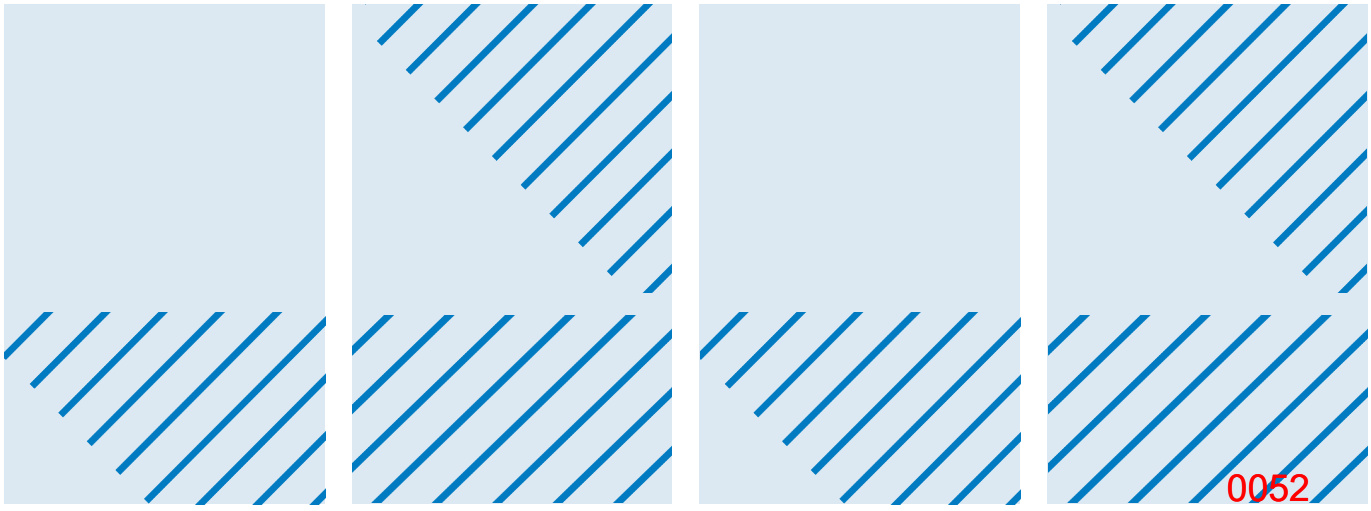
Prepared for
The Western Sugar Cooperative

Prepared by
Barr Engineering Co.

February 2026

1001 Diamond Ridge, Suite 1100
Jefferson City, MO 65109
573.638.5000

barr.com



Settlement Studies Field Activities Report

Western Sugar Cooperative Billings Facility, Billings, Montana

February 2026

Contents

1 Introduction 1
2 Field Activities Summary 2
2.1 Monitoring Well Installation and Development 2
2.2 Groundwater and Surface Water Monitoring 4
2.3 Aquifer Testing 5
2.3.1 Step and Constant-Rate Pumping Tests 5
2.3.2 Pumping Test Solutions 6
2.3.3 Slug Tests 7
2.3.4 Slug Test Solutions 1
2.4 Dye Trace Study 1
3 Deviations from Work Plan Summary 8
3.1 Dye Trace Study 8
3.2 Monitoring Well Installations 8
3.3 Aquifer Testing 9

Tables

Table 1	Coordinates for New Monitoring Wells Included in Settlement Agreement Investigation Activities1,2.
Table 2	Analytical Parameter List for Monthly Surface Water and Groundwater Monitoring.
Table 3	Pumping Test Information
Table 4	Background ACS and Grab Sample Locations
Table 5	Surface Water ACS Locations
Table 6	Dye Trace Study Field Activities from June 2 through July 28, 2025

Figures

Figure 1	Site Map

Appendices

Appendix A	Well Installation Field Notes
Appendix B	Well Survey, January 2025
Appendix C	Monitoring Well Completion Logs
Appendix D	Potentiometric Surface Maps
Appendix E	EXT-1 Pumping Test Results
Appendix F	Aquifer Testing: AQTESOLV Results
Appendix G	Dye Trace Study Field Inspections
Appendix H	Dye Trace Study Results
Appendix I	Notifications Provided to MTDEQ

Abbreviations

ACS	activated carbon samplers
ARM	Administrative Rules of Montana
ASTM	American Society for Testing and Materials
bgs	below ground surface
BTOC	below top of casing
EPA	Environmental Protection Agency
FEA	Function Equivalent Analysis
feet	ft
ft^2/day	square feet per day
GWPCS	Groundwater Pollution Control System
gpm	gallons per minute
MPDES	Montana Pollutant Discharge Elimination System
msl	mean sea level
MTDEQ	Montana Department of Environmental Quality
NPDES	National Pollutant Discharge Elimination System
ORP	oxidation reduction potential
ppb	parts per billion
PVC	polyvinyl chloride
SCOTUS	Supreme Court of the United States
TOC	top of well casing
WSC	Wester Sugar Cooperative

1 Introduction

The Western Sugar Cooperative (WSC) entered into an agreement with the Montana Department of Environmental Quality (MTDEQ), effective March 20, 2024, and as approved by the Board of Environmental Review, to resolve WSC's appeal of its Montana Pollutant Discharge Elimination System (MPDES) Permit No. MT0000281 (the "Permit") issued on October 29, 2020 (case No. BER 2020-05 WQ) (the "Settlement Agreement"). The Settlement Agreement requires WSC to: 1) design and implement a Fate & Transport Study, and to include a Mixing Zone Analysis ("Settlement Studies"); and 2) supplement its May 15, 2014 MPDES Permit Renewal Application for its Billings Montana Facility (the "Site").

WSC's intent in conducting a Fate & Transport Study and a Mixing Zone Analysis is to ultimately inform a Function Equivalent Analysis (FEA) to determine impacts to the underlying groundwater quality from unlined wastewater ponds to assist in determining whether discharges to groundwater that occur at the Site are functionally equivalent to direct discharges to surface water that would require an National Pollutant Discharge Elimination System (NPDES) permit, or whether those discharges are not equivalent and should be regulated under a Groundwater Pollution Control System (GWPCS) permit instead.

The following interim report summarizes field activities that have been completed as of the date of this report, as outlined in Sections 3.2 (Monitoring Well Installation and Groundwater Monitoring), 3.4 (Aquifer Testing), and 3.7 (Dye Trace Study) of the Work Plan. As a result of field activities performed, preliminary conclusions for Maui Factors 1 and 2 have been determined and are provided herein. Any deviations from the Work Plan that were encountered during the implementation of field activities are summarized in Section 4.

2 Field Activities Summary

The goal of the field activities was to characterize the hydrogeology and geology underlying the Site and collect data that will be used to inform the groundwater flow and geochemical models developed for the Fate & Transport Study, and ultimately the FEA. Field activities conducted at the Site include:

- The installation of four monitoring wells to evaluate groundwater downgradient of on-site Mud Ponds, Condenser Ponds, and the Yegen Drain;
- The completion of slug tests and pumping tests (step-rate and constant-rate) in monitoring wells to evaluate hydraulic conductivity, transmissivity, and storativity of the Yellowstone River Valley aquifer; and
- The completion of a dye trace test within and downgradient of Condenser Pond 2 to evaluate the degree of connectivity, if any, between the Condenser Ponds, underlying groundwater, and the Yegen Drain.

The above activities were completed in Fall 2024, Spring 2025, and Winter 2026, as further described in the sections below.

2.1 Monitoring Well Installation and Development

The installation of four monitoring wells, MW-14 to MW-17, was completed on August 26 and 27, 2024 (MW-14) and September 16 and 17, 2024 (MW-15 to MW-17) (Figure 1). Installation and development of MW-14 was completed by American Drilling and overseen by Tetra Tech. Installation and development of MW-15, MW-16, and MW-17 was completed by Haz-Tech Drilling and overseen by Tetra Tech. Prior to work on-site, Barr Engineering Co. (Barr) assisted with identifying the placement and depths of the new wells. Barr was in communication with Tetra Tech while installation and development work was ongoing. Field notes collected during boring advancement, well installation, and well development can be found in Appendix A, and a brief summary of field activities is provided below.

Monitoring wells were installed at locations proposed in the Work Plan. As noted in the Work Plan, MW-13 is a pre-existing irrigation water supply well on the eastern side of Wilson Park, located immediately south of the Site. MW-14 was installed between the aerator/condenser ponds and Yegen Drain to provide representative groundwater samples immediately upgradient of the Yegen Drain and downgradient of the ponds. MW-15 was installed on the north side of the Yegen Drain, immediately downgradient from MW-14, to provide representative groundwater samples for the area between the Yegen Drain and the Site boundary. MW-16 was installed east of Sugar Avenue, directly downgradient of the ponds, to provide representative samples of groundwater that is flowing off-site. MW-17 was installed between the northernmost mud finger pond and the Yegen Drain to provide representative groundwater samples immediately upgradient of the Yegen Drain and downgradient of the Mud Ponds. Coordinates for monitoring well locations MW-13 through MW-17 are included in Table 1 below. A copy of the survey completed by Sanbell in January 2025 is included in Appendix B. A summary of well completion details is included in Appendix C.

Table 1 Coordinates for New Monitoring Wells Included in Settlement Agreement Investigation Activities1,2.

Well Location	Latitude[3]	Longitude[3]	Riser Elevation (ft amsl)[4]

0057

MW-13	45.761044	-108.500943	3127.97
MW-14	45.766686	-108.495952	3127.31
MW-15	45.766803	-108.495336	3125.39
MW-16	45.769136	-108.493392	3120.52
MW-17	45.766331	-108.49779	3134.54

Notes:
1 Table includes coordinates for one pre-existing monitoring well located on Billings city property south-adjoining to the Site (deemed MW-13) and monitoring wells installed in the fall of 2024 (MW-14 through MW-17).
2 Coordinates and polyvinyl chloride (PVC) riser elevations based on Sanbell survey data, completed January 2025.
3 Latitude and longitude are reported in units of decimal degrees.
4 Elevations for monitoring wells MW-13 and MW-14 were not measured from the top of a PVC riser but instead from the top of the steel casing.

Installation of MW-14 occurred on August 26, 2024, and was completed by American Drilling using an air rotary drilling rig. Subsurface materials encountered during installation included silty clay from 0 to 10 feet below ground surface (ft bgs), and sands and gravels from 10 ft bgs to 28 ft bgs. The boring was terminated upon encountering shale bedrock (Niobrara) at 28 ft bgs. The well was completed with an eight-inch stainless steel casing and a five-foot 0.060 inch slotted stainless steel telescopic well screen (installed with a k-packer at the top) set from 22.2 ft bgs to 27.2 ft bgs, and capped with a welded steel cap. Due to the use of a telescoping screen and k-packer, a sand filter pack was not installed in MW-14. The well was sealed with 3/8” bentonite chips to ground surface. No secondary seal or surface seals were installed at MW-14. The static water level at the time of drilling was 10.53 ft bgs. The well was developed via air lift at a rate of approximately 40 gallons per minute (gpm) on August 26 and 27, 2024.

Installation of MW-15, MW-16, and MW-17 occurred between September 16 and 17, 2024, and was completed by Haz-Tech drilling using hollow stem auger methods. Installation of MW-17 was completed on September 16, 2024. The MW-17 boring was completed to a depth of 40 ft bgs. Subsurface materials encountered during drilling of the MW-17 boring included silty sand fill from 0 to 11 ft bgs, fill gravel from 11 to 12 ft bgs, lean clay from 12 to 16 ft bgs, and sandy gravel from 16 to 40 ft bgs. The surface of the shale bedrock was encountered at 40 ft bgs. The well was constructed with a six-inch protective steel casing, two-inch schedule 40 PVC riser pipe and a 20-foot, 0.010 inch slotted PVC screen set from 19 to 39 ft bgs. A sand filter pack containing 10/20 sand was installed from the boring terminus to 18 ft bgs. A bentonite seal containing 1/4" pellets was installed from 18 to 14 ft bgs. A secondary seal containing 3/8” bentonite chips was installed from 14 to 3 ft bgs. A concrete seal was installed from 3 ft bgs to ground surface, and the seal was 1.5’ in diameter at ground surface. The static water level at the time of installation was 17 ft bgs.

Installations of MW-15 and MW-16 were completed on September 17, 2024. The MW-15 boring was completed to a depth of 30 ft bgs. Subsurface materials encountered during drilling of the MW-15 boring included fine sand and silt from 0 to 1 ft bgs, lean clay fill from 1 to 9 ft bgs, sandy gravel from 9 to 25 ft bgs, and shale bedrock from 25 to 30 ft bgs. MW-15 was constructed with a six-inch protective steel casing, two-inch schedule 40 PVC riser pipe, and a ten-foot, 0.010 inch slotted PVC screen set from 15 to 25 ft bgs. A filter pack containing 10/20 sand was installed from boring terminus to 14.5’ bgs. A bentonite seal consisting of 1/4" pellets was installed from 14.5 to 8.0 ft bgs. A secondary seal consisting of 3/8” bentonite chips was installed from 8 to 3 ft bgs. A concrete seal was installed from 3 ft bgs to ground surface, and the seal was 1.5’ in diameter at ground surface. The static water level at the time of installation was 10 ft bgs. The MW-16 boring was completed to a depth of 23 ft bgs. Subsurface materials encountered during drilling included silty sand fill from 0 to 10 ft bgs, and sandy gravel from 10 to 23 ft

0058

bgs. Shale bedrock was encountered at 23 ft bgs. MW-16 was constructed with a six-inch protective steel casing, two-inch schedule 40 PVC riser pipe, and a ten-foot, 0.010 inch slotted PVC screen set from 13 to 23 ft bgs. A filter pack consisting of 10/20 sand was installed from boring terminus to 11 ft bgs. A bentonite seal consisting of 1/4" pellets was installed from 11 to 9 ft bgs. A secondary seal consisting of 3/8” bentonite chips was installed from 9 to 3 ft bgs. A concrete seal was installed from 3 ft bgs to ground surface, and the seal was 1.5’ in diameter at ground surface. The static water level at the time of installation was 8 ft bgs. Well development for MW-15, MW-16, and MW-17 was completed after installation of the monitoring wells.

Boring logs for MW-13, MW-14, MW-15, MW-16, and MW-17 are included in Appendix C.

2.2 Groundwater and Surface Water Monitoring

Following the installation of monitoring wells MW-14 through MW-17, groundwater sampling was conducted on a monthly frequency starting in October 2024 at the following locations:

- Energy Labs
- EXT-1
- MW-2
- MW-5
- MW-6
- MW-8
- MW-10
- MW-12A
- MW-13
- MW-14
- MW-15
- MW-16
- MW-17
- OBS-1

Monitoring wells MW-3 and MW-4 were sampled on a quarterly frequency beginning in November 2024.

Outfall locations were also sampled on a monthly frequency at the following locations:

- Outfall 004A (Decant Pond)
- Outfall 005 (Ash Pond)
- Outfall 006 (Condenser Pond)
- Outfall 007 (Aerator Pond)

Surface water and groundwater sampling was completed by Tetra Tech. Technical assistance was provided by Barr regarding sampling protocol and sampling parameters. During surface water and groundwater sampling, the following field parameters were conducted using a multiparameter sonde (YSI DSSPro or similar): pH, temperature, specific conductance, oxidation-reduction potential (ORP), and dissolved oxygen. Surface water samples were collected in laboratory-furnished containers. Groundwater samples were collected via peristaltic pump using low-flow methods. Surface water and groundwater samples were submitted to Energy Labs in Billings, Montana via a chain of custody for the parameters outlined in Table 2.

Table 2 Analytical Parameter List for Monthly Surface Water and Groundwater Monitoring.

General Parameters
Biochemical Oxygen Demand (5-day)
Nitrogen, ammonia, as N
Nitrogen, nitrate + nitrite, as N
Solids, total suspended
Microbiological Parameters
Bacteria, coliform fecal
Metals
Arsenic (total and dissolved)

Static water levels were collected in each well prior to sampling. These static water levels were used to develop potentiometric surface maps for each month of monitoring from October 2025 to December 2025. These potentiometric surface maps are included in Appendix D. Sampling results and findings from the monthly monitoring program will be discussed under a separate cover.

2.3 Aquifer Testing

Barr completed aquifer testing from October 14 to 18, 2024, and included the following:

- One-step pumping test on MW-14;
- One constant-rate pumping test on MW-14; and
- Pneumatic and physical slug pumping tests were conducted on select wells throughout the site.

After initial aquifer testing was completed by Barr in 2024, Hydrometrics conducted a pump test on EXT-1, which was completed on January 12 and 13, 2026. Because the work was not completed by Barr directly, a discussion of the results is not included in the body of this report; however, a separate report detailing the pump test at EXT-1 was prepared by Hydrometrics and has been included herein under Appendix E for completeness.

The purpose of aquifer testing routines was to characterize groundwater flow conditions by determining aquifer hydraulic properties. The resulting data supports the evaluation of contaminant migration pathways, the development of groundwater flow and transport models for the site and inform several of the Maui factors pertinent to the Functional Equivalent Analysis.

2.3.1 Step and Constant-Rate Pumping Tests

A step test was conducted on MW-14 on October 14, 2024. The purpose of the step test was to identify a pumping rate to be used during the constant-rate pumping test. Prior to starting the step test, a static water level measurement was collected at MW-14 to represent water level conditions in the aquifer prior to pumping. Static water level in MW-14 prior to the step test was measured to be 8.81 ft from the top of the well casing (TOC). Next, pressure transducers were installed in MW-4, MW-5, MW-14, and MW-15, at a depth of 2 to 3 ft above the bottom of the well screen in each well. Monitoring wells MW-4, MW-5, and MW-15 served as observation wells during both the step and constant-rate pumping tests. Pressure transducers were vented to account for barometric pressure at the site and were set to collect water level measurements at a rate of one measurement every 30 seconds. Pump discharge from MW-14 during both pumping tests was directed to Condenser Pond 2 to be incorporated into Outfall 001 discharge.

The step test occurred over three hours, during which three pumping rates were tested: 55 gpm, 128 gpm, and 231 gpm. For each pumping rate, the water level in MW-14 was allowed to equilibrate prior to increasing the pumping rate. Due to the rapid equilibration of water levels in the aquifer at the highest pumping rate used during the step test (231 gpm), a pumping rate of 240 gpm was chosen for the constant-rate test.

A constant-rate pumping test was conducted on MW-14 on October 15, 2024. Prior to initiating the constant-rate test, the static water level was measured in MW-14 to ensure that water levels in the aquifer recovered to at least 95 percent of pre-pumping conditions. A recovery of 95 percent of pre-pumping conditions was calculated to be approximately 9.25 ft TOC. Static water level at MW-14 was measured to be 8.78 ft below top of casing (BTOC) prior to the start of the constant rate test. Water was pumped from MW-14 at a goal rate of 240 gpm for 12 hours. During the constant rate test, the pumping rate was routinely monitored to track variability. The pumping rate achieved by the submersible pump ranged from 213 to 240 gpm, a variability of about 11 percent. The same pressure transducers installed in MW-4, MW-5, MW-14, and MW-15 were present to monitor aquifer response during the constant-rate test. After completion of the constant-rate test and recovery of the water table, pressure transducers were removed from MW-4, MW-5, MW-14, and MW-15 and data from these transducers was downloaded for later processing in AQTESOLV.

Table 3 Pumping Test Information

Well Name	Well Diameter	Total Depth	Screen Interval	Depth to Water (BTOC)	Approximate Distance from Pumping Well
MW-14	8	28.0	22.2-27.2	8.81	NA
MW-15	2	25.0	15.0-25.0	7.72	170

No inclement weather conditions that would interfere with the quality of the data collected were observed during the conduct of the step and constant-rate pumping tests.

An additional pumping test was completed on well EXT-1 in January 2026. Results of the EXT-1 pumping test are provided in Appendix E.

2.3.2 Pumping Test Solutions

Evaluation of the pumping test data was completed using AQTESOLV Pro 4.5 software by hydroSOLVE, Inc. As mentioned above, prior to beginning the pumping test, water levels in both the pumping and observation wells were measured. Background water levels were collected for several days to observe natural groundwater fluctuations.

A pumping solution for the saturated interval thickness (approximately 18.54 feet) was developed in AQTESOLV for both a confined and unconfined aquifer. Therefore, the pumping data was evaluated in AQTESOLV using both the Theis solution (reference) and Papadopoulos and Cooper (reference) solution for an unconfined aquifer with fully or partially penetrating wells.

Based on the aquifer pumping testing and the data analysis performed the following observations were made:

0061

- Pumping rates of groundwater for the duration of the pumping test ranged from approximately 213 gpm to 240 gpm.

- Analysis of the pumping test data indicates an estimated transmissivity range of approximately 10,930 to 13,630 square feet per day (ft^2/day) and an estimated hydraulic conductivity range of approximately 590 to 735 (ft/day).

The Theis pumping solutions provided estimates of the ability of the aquifer to transmit water through the entire saturated interval, or transmissivity. The transmissivity estimated for each of the intervals is presented graphically in Appendix F.

2.3.3 Slug Tests

Slug tests were conducted to obtain data for aquifer hydrogeologic parameters estimation (e.g., hydraulic conductivity) which is necessary for building the proposed three-dimensional groundwater flow model. Slug tests were conducted on-site on October 16 and 17, 2025. Slug tests, either physical or pneumatic, were performed at the following well locations:

- MW-2
- MW-5
- MW-15
- MW-16
- MW-17
- OBS-1

Prior to performing slug tests, static water level measurements were collected at each well location. Pressure transducers with onboard data loggers were then installed to known depths (typically 2 to 3 feet above the bottom of the well screen) and programmed to collect time and water level data pairs at a rate of one measurement per 250 milliseconds.

Slug tests were performed with a pneumatic system at MW-5, MW-15, MW-16, MW-17, and OBS-1. The pneumatic slug test unit was sealed onto the top of the monitoring well and the well above the water column was pressurized. The pressurization of the well column forced water from the well into the aquifer. The water level dropped until the water head is equal to the increased air pressure within the well column. Once the pressure was released, the water equilibrated to the pre-pressurization water level. The data from each slug test was downloaded to a laptop computer for evaluation with AQTESOLV.

Due to the size of the well (5” diameter casing) not being compatible with the pneumatic slug apparatus, physical slug tests were performed at MW-2.

Slug tests were performed in general accordance with ASTM D-4044. At least three slug tests were performed at each well location to ensure quality data was collected. Following the completion of three slug tests, the data from each slug test was downloaded to a laptop computer for evaluation with AQTESOLV. Adequate water displacement was not achieved during slug tests at MW-2 and MW-5, therefore, slug test results from these locations were not used. A summary of AQTESOLV results from monitoring wells MW-15, MW-16, MW-17, and OBS-1 and program run notes are included in Appendix F.

0062

2.3.4 Slug Test Solutions

Evaluation of the pumping test data was completed using AQTESOLV Pro 4.5 software by hydroSOLVE, Inc. As mentioned above, slug tests were performed in several wells. The Bouwer-Rice slug test solutions provided estimates of the hydraulic conductivity for the sand and gravel aquifer at the Site. Analysis of the slug test data indicates the hydraulic conductivity for the Site ranges from 0.9 ft/day at MW-17 to 378 ft/day at MW-15. The hydraulic conductivities estimated for each of the wells are presented graphically and summarized in Appendix F.

2.4 Dye Trace Study

The following section summarizes field activities conducted on-site by Tetra Tech field staff, who were supported remotely by Barr staff.

The dye trace test was scheduled to be completed in June of 2025, as this is within the 'wet' time of the year at the Site, when groundwater elevations are historically higher and have greater potential to intersect the Yegen Drain. Prior to conducting the dye trace test, a notification was submitted to MTDEQ on May 1, 2025 via Montana's File Transfer Service.

On May 27, 2025, one week prior to dye introduction, background activated carbon samplers (ACS) were placed at three locations: one in the Yegen Drain near the western property boundary, one in MW-15, one in the off-site Yegen Drain at a downgradient location. ACS served as background samples for the detection of Rhodamine WT dye prior to dye introduction. On the day of dye introduction, the background ACS were retrieved, and a grab water sample was collected from each location. Coordinate locations for Background ACS samples, the dates when they were installed and collected, and the results are outlined in Table 4 below.

Table 4 Background ACS and Grab Sample Locations

Location	Latitude	Longitude	Date Installed	Date Collected	Residence Time of Collected ACS	Result
Yegen Drain, Western Edge of Property (on-property)	45.763614°	-108.504358°	May 27, 2025	June 2, 2025	7 days	No Dye Detected
MW-15	45.766733°	-108.495220°	May 27, 2025	June 2, 2025	7 days	No Dye Detected
Yegen Drain, Near the intersection of S 27th Street and State Avenue/Belknap Avenue (off-property)	45.769895°	-108.491658°	May 27, 2025	June 2, 2025	7 days	No Dye Detected

On June 2, 2025, powdered Rhodamine WT dye was introduced to Condenser Pond 2, which represented the start of the dye trace test. Dye was introduced to the pond at the southwest corner, upgradient in reference to groundwater flow direction. Approximately 2.25 to 2.75 kilograms of powdered Rhodamine WT dye containing 75 percent dye equivalent and 25 percent diluent were added directly to

the introduction point. The day of dye introduction was designated Day 0 of the dye trace test. To maintain head pressure on the dye trace water in the condenser pond, both water and dye were added to bring the pond levels and concentrations back to the starting conditions of the test. The addition of water and Rhodamine WT dye into the pond during the test occurred on July 2, approximately halfway through the test.

Throughout the dye trace test, ACS were placed at six locations 100 feet apart along the thalweg of the Yegen Drain on WSC's property, north of Condenser Pond 2, to serve as initial detection points of Rhodamine WT dye entering the Yegen Drain. Coordinates for these locations, along with the initial ACS installation date, are included in Table 2 below. These locations are also shown on Figure 1.

Table 5 Surface Water ACS Locations

Point ID	Latitude	Longitude	Date of First ACS Installation
ACS-1	45.7667993°	-108.4964970°	June 9, 2025 (Day 7)
ACS-2	45.7667883°	-108.4960600°	June 2, 2025 (Day 0)
ACS-3	45.7667811°	-108.4956585°	June 2, 2025 (Day 0)
ACS-4	45.7666821°	-108.4953249°	June 2, 2025 (Day 0)
ACS-5	45.7664804°	-108.4950490°	June 9, 2025 (Day 7)
ACS-6	45.7662858°	-108.4947730°	June 9, 2025 (Day 7)

ACS were first installed at on-site Yegen Drain monitoring locations ACS-2, ACS-3, and ACS-4 on Day 0 (June 2, 2025). These ACS were then collected (with paired grab water samples) and replaced with new ACS once every 24 hours from Day 0 to Day 4 (June 6, 2025) of the dye trace test. ACS placed at locations ACS-2, ACS-3, and ACS-4 on Day 4 were collected and replaced on Day 7 (June 9, 2025). ACS were first installed at on-site Yegen Drain monitoring locations ACS-1, ACS-5, and ACS-6 on Day 7. After Day 7, ACS were collected (with paired grab water samples) from all six on-site Yegen Drain monitoring locations and replaced with new ACS approximately once every three days until the final collection at these locations was completed on July 28, 2025 (Day 56 of the test).

During the dye trace test, an ACS was also placed in MW-15 (latitude: 45.766733°, longitude: -108.495220°). This monitoring point acted as a downgradient end point in the event that no dye is detected in groundwater entering the Yegen Drain. An ACS was installed in MW-15 on Day 7 (June 9, 2025), which was collected (with a paired grab water sample) and replaced with new ACS on approximately every 15 days until final collection at this location was completed on July 28, 2025 (Day 56 of tests).

Water level and rhodamine dye concentration were monitored in Condenser Pond 2 throughout the test. Water levels in Condenser Pond 2 were tracked using a staff gauge. Grab water samples were collected from Condenser Pond 2 daily from Days 0 through 4, and approximately weekly afterward until completion of the test on Day 56 (July 28, 2025). To ensure that sufficient water was present in Condenser Pond 2 to drive potential seepage, and to ensure that rhodamine WT dye concentrations were sufficiently high, additional water was pumped into Condenser Pond 2 and additional rhodamine dye was introduced to the Pond from July 1 to July 2, 2025. The water stage in Condenser Pond 2 was raised from approximately 0.65 ft above Pond bottom on July 1, 2025 to 2 ft above Pond bottom on July 2, 2025. A

summary of water stage and rhodamine WT dye concentration in Condenser Pond 2 throughout the dye trace test is included in Table 6 below.

A summary of field activities conducted between May 27 and July 28, 2025, is included in Table 6 below. Visual observations, along with documentation of field activities, were performed at the time ACS and grab samples were collected, completed forms for each collection event are attached in Appendix G.

0065

Table 6 Dye Trace Study Field Activities from June 2 through July 28, 2025

Date	Days from Test Start	ACS Samples Collected	Residence Time of Collected ACS	Condenser Pond 2 Water Stage (ft above Pond bottom)	Rhodamine WT Dye Concentration (ppb[1])
June 2, 2025	**DYE INTRODUCED TO CONDENSER POND 2**			1.68	362
June 3, 2025	1	ACS-2, ACS-3, ACS-4	1 day	1.64	350
June 4, 2025	2	ACS-2, ACS-3, ACS-4	1 day	NR	326
June 5, 2025	3	ACS-2, ACS-3, ACS-4	1 day	NR	284
June 6, 2025	4	ACS-2, ACS-3, ACS-4	1 day	1.44	272
June 9, 2025	7	ACS-1, ACS-2, ACS-3, ACS-4, ACS-5, ACS-6	3 days		
June 12, 2025	10	ACS-1, ACS-2, ACS-3, ACS-4, ACS-5, ACS-6	3 days		
June 16, 2025	14	ACS-1, ACS-2, ACS-3, ACS-4, ACS-5, ACS-6	4 days	NR	157
June 18, 2025	16	ACS-1, ACS-2, ACS-3, ACS-4, ACS-5, ACS-6	2 days	0.94	131
June 20, 2025	18	ACS-1, ACS-2, ACS-3, ACS-4, ACS-5, ACS-6	2 days		
June 24, 2025	22	ACS-1, ACS-2, ACS-3, ACS-4, ACS-5, ACS-6, MW-15	4 days (ACS-1 to ACS-6); 15 days (MW-15)	0.82	103

0066

Date	Days from Test Start	ACS Samples Collected	Residence Time of Collected ACS	Condenser Pond 2 Water Stage (ft above Pond bottom)	Rhodamine WT Dye Concentration (ppb[1])
June 27, 2024	25	ACS-1, ACS-2, ACS-3, ACS-4, ACS-5, ACS-6	3 days		
June 30, 2025	28	ACS-1, ACS-2, ACS-3, ACS-4, ACS-5, ACS-6	3 days	0.65	96.7
July 2, 2025	**DYE AND WATER ADDED TO CONDENSER POND 2**				
July 3, 2025	31	ACS-1, ACS-2, ACS-3, ACS-4, ACS-5, ACS-6	3 days	2	269
July 7, 2025	35	ACS-1, ACS-2, ACS-3, ACS-4, ACS-5, ACS-6	4 days	NR	228
July 9, 2025	37	ACS-1, ACS-2, ACS-3, ACS-4, ACS-5, ACS-6, MW-15	2 days (ACS-1 to ACS-6); 15 days (MW-15)	NR	210
July 11, 2025	39	ACS-1, ACS-2, ACS-3, ACS-4, ACS-5, ACS-6	2 days		
July 15, 2025	43	ACS-1, ACS-2, ACS-3, ACS-4, ACS-5, ACS-6	4 days		
July 18, 2025	46	ACS-1, ACS-2, ACS-3, ACS-4, ACS-5, ACS-6	3 days		
July 21, 2025	49	ACS-1, ACS-2, ACS-3, ACS-4, ACS-5, ACS-6	3 days	NR	131
July 24, 2025	52	ACS-1, ACS-2, ACS-3, ACS-4, ACS-5, ACS-6, MW-15	3 days (ACS-1 to ACS-6); 15 days (MW-15)		

0067

Date	Days from Test Start	ACS Samples Collected	Residence Time of Collected ACS	Condenser Pond 2 Water Stage (ft above Pond bottom)	Rhodamine WT Dye Concentration (ppb[1])
July 28, 2025	56	ACS-1, ACS-2, ACS-3, ACS-4, ACS-5, ACS-6, MW-15	4 days (all samples)	NR	135

NR – Not recorded
1 – ppb = parts per billion

0068

All ACS and grab samples were submitted well within allowable hold times to Ozark Laboratories in Protem, MO for analysis of Rhodamine WT dye. Laboratory analytical results for samples collected during the dye trace test are included in Appendix H. Rhodamine WT was detected in Condenser Pond 2 grab samples at concentrations ranging from 96.7 ppb to 362 ppb, with concentrations generally decreasing over time. No Rhodamine WT dye was detected in any of the other ACS or grab samples collected between June 3 and July 28, 2025.

Due to no dye detection in the Yegen Drain or downgradient groundwaters 56 days after dye introduction to Condenser Pond 2, the Dye Trace Study was retired in compliance with the Dye Trace Study Work Plan. The lack of detection of Rhodamine WT dye in the Yegen Drain or in downgradient groundwaters suggests no, or insignificant, connection between these features and Condenser Pond 2.

3 Deviations from Work Plan Summary

3.1 Dye Trace Study

The Dye Trace Study was conducted in accordance with the Dye Trace Study Work Plan submitted May 1, 2025 specifications; however, there were deviations in the plan that was executed in comparison to following the originally envisioned work presented in the Work Plan in August 2024:

- Dye Trace Study was successful at determining whether discharges from WSC's ponds reached the Yegen Drain, which is the first evaluation that the Environmental Protection Agency (EPA) guidance recommended in its November 2023 draft guidance for NPDES permitting.
- The Work Plan proposed to conduct the Dye Trace Study during September/October 2024, a month in which the Site would be actively processing and discharging wastewater. It was proposed that to reduce potential dye interference in the ACS placed at the bottom of the Yegen Drain from dye that would inevitably discharge from Outfall 001, the discharge from the pond would be temporarily rerouted to the eastern edge of the property boundary during the dye trace testing. The discharge was rerouted prior to the 2024/2025 campaign, but due to backflow from the discharge at Outfall 001, the test was delayed until Outfall 001 was no longer discharging. On September 25, 2024 a notification was sent to the MTDEQ indicating the Dye Trace Study would be delayed until spring (the notification is included in Appendix I). Regardless, the test was performed at a time that would represent high groundwater elevations, and efforts were made to represent full pond conditions, as described in Section 2.4.

3.2 Monitoring Well Installations

The Work Plan states that monitoring wells were to be installed within the proposed borings in a manner that conforms to Administrative Rules of Montana (ARM) 36.21.8 Monitoring Well Construction Standards. The Work Plan provided the following specifications for well boring completion and well installation:

- Well screens composed of two-inch schedule 40 slotted PVC well screen (with the exception of MW-14, which was to be installed with eight-inch, schedule 40 PVC slotted screen);
- Riser pipe composed of two-inch schedule 40 slotted PVC (with the exception of MW-14, which was to be installed with eight inch schedule 40 PVC riser pipe);
- Wells were to be installed so that the bottom of the well screen is set to the top of the Niobrara Shale;
- A sand pack was to be installed in the annular space to a depth of two feet above the top of the well screen;
- A bentonite seal at least five feet in thickness was to be installed above the sand pack;
- Bentonite slurry grout was to be placed above the sand pack, and full-strength grout was to be placed from a depth of three ft bgs to ground surface; and
- Wells were to be completed with protective steel casings, surface completion, and protective posts.

The monitoring wells were installed within the proposed borings in a manner conforming to Work Plan specifications, with the following exceptions:

- MW-14 was constructed using eight-inch stainless steel riser pipe and a telescoping stainless steel screen, rather than eight-inch schedule 40 PVC riser pipe and slotted screen, as specified in the work plan. In addition, a sand pack was not installed in MW-14 due to the use of a telescoping stainless steel screen and k-packer (replacing the sand pack).
- MW-17 was installed with a 20 foot, 0.010 slotted, two-inch PVC screen instead of the proposed ten-foot screen. A longer screen was installed in this well so that a larger screened interval was open to the aquifer, thereby potentially increasing recharge. This change was made due to encountering significant amounts of fine-grained material (silty sand fill from 0 to 11 ft bgs and lean clay from 12 to 16 ft bgs) during drilling.

3.3 Aquifer Testing

The Work Plan provided the following specifications for aquifer testing:

- *Slug tests:*
    - Slug tests were to be performed in general conformance with American Society for Testing and Materials (ASTM) D-4044.
    - Slug tests were to be conducted on newly installed monitoring wells (MW-15, MW-16, and MW-17), MW-4, and MW-5.
    - Static water levels were to be collected prior to conducting slug tests.
    - Slug tests were to be performed with a pneumatic slug test unit.
    - To assess multiple well displacements, at least three slug tests were to be performed at each well location.
    - Water level in the well during slug tests was to be recorded using a pressure transducer with an onboard data logger.

- *Pumping tests:*
    - Pumping tests were to be performed in general conformance with the following: ASTM D-4034, ASTM D-4050, and ASTM D-5920.
    - Pumping tests were to be performed at EXT-1 and MW-14. Observation wells during the EXT-1 pumping test were to be OBS-1 and MW-8, and observation wells during the MW-14 pumping test were to be MW-15 and MW-5. An additional transducer was to be placed in MW-4 to record water level changes in response to hydraulic stress applied during the pumping test(s).
    - Prior to conducting the pumping test(s), a round of water level measurements was to be measured to establish baseline conditions.
    - Each pumping test was to include one step test and one constant-rate test.
    - For the step pumping test, at least two pumping rates would be evaluated. Results from the step pumping test would be used to determine the pumping rate for the constant-rate test.
    - The constant-rate pumping test was to be conducted for 12 hours.
    - Pumping rate was to be monitored during the constant-rate pumping test to track rate variability.
    - Following completion of the step pumping tests, water levels in MW-14 would be allowed to recover to at least 95 percent of pre-pumping conditions prior to conducting the constant rate test (up to three days in duration).

0071

    - Data on precipitation, barometric pressure, and water levels at the Site was to be collected throughout the testing period.

Aquifer tests were performed in accordance with Work Plan specifications, with the following exceptions:

- Barr did not perform pumping tests at EXT-1 due to the difficulty of discharging the pumped groundwater generated during the pumping test to a suitable location.
- In lieu of performing a pumping test on EXT-1, an additional slug test was performed on OBS-1 to account for hydraulic properties in this area of the aquifer.
- An additional slug test was performed on MW-2 to evaluate aquifer characteristics on the southern portion of the site.
- Physical slugs were used to perform slug tests on MW-2. This was due to the monitoring well size (composed of five-inch steel casing) being incompatible with the pneumatic slug apparatus (which could only accommodate well diameters of up to four inches in diameter).
- Slug tests were not performed at MW-4 due to its well diameter being incompatible with the pneumatic slug apparatus (five-inch well diameter). Slug tests from MW-5 were used to represent aquifer characteristics on the eastern side of the property.

After initial aquifer testing was completed by Barr in 2024, Hydrometrics conducted a pump test on EXT-1, which was completed on January 12 and 13, 2026. Because the work was not completed by Barr directly, a discussion of the results is not included in the body of this report; however, a separate report detailing the pump test at EXT-1 was prepared by Hydrometrics and has been included herein under Appendix E for completeness.

Figures

Figures

Figure 1 – Site Map



Property Boundary
Municipal Boundary
County Boundary
Section Boundary
Yegan Drain
Activated Carbon Sample
Dye Injection Point
Monitoring Well Location
ACS Monitoring Well Location
NPDES Outfall Location

Note:
ACS - Activated Carbon Sample
BTF - Beet Flume Topsoil
CCR - Coal Combustion Residue
PCC - Precipitated Calcium Carbonate

Imagery Source: USDA NAIP (2023)

0 300 600
Feet

Site Map
Western Sugar Cooperative
Billings, Montana

FIGURE 1

BARR

0075

Barr Footer: ArcGISPro 3.3, 2025-03-25 14:46 File: I:\Projects\26\55\1002\Maps\Reports\Work Plan 2024\WSC Billings Work Plan 2024 Figures\WSC Billings Work Plan 2024 Figures.aprx Layout: Fig01 Site Map and Proposed Dye Trace Sampling Locations User: CRD2

Appendices

Appendix A

Well Installation Field Notes

PROJECT: NUMBER: _____
NAME: WESTERN SUGAR COOP
BILLINGS MT

DRILL TYPE: SOIL: AIR ROTARY
ROCK: _____
DRILLED BY: AMERICAN DRILLING
LOGGED BY: P. LEMIRE
REMARKS: _____

MONITORING WELL/BORING NO. MW-14
SHEET 1 OF 1
LOCATION: _____

ELEVATION: TOP OF HOLE: _____ (ft)
GROUNDWATER: 10.5 BGS
DATE: STARTED: 8/26/24 COMPLETED: 8/26/24

DEPTH (ft.)	LEGEND	CLASSIFICATION AND DESCRIPTION	SAMPLE SYMBOL	PENET. RESIST. (BLOWS/ft.)	FIELD SCREENING RESULTS: SAMPLE RECOVERY LENGTH	PID HEADSPACE	ODOR	STAINING
0.0		0-10 DAYLIGHT BOREHOLE; SILTY CLAY 0-8 FT						
5.0		8-20 GRAVEL; sand; gray, black; wet						
		20-28 GRAVEL; a.a.						
10.0		28.0 SHALE; gray-black						
		INSTALLED TELESCOPE SS SCREEN W/ K-PACKER; SCREEN OPENING LENGTH = 5.0 FT (0.060 SLOT)						
15.0								
20.0								
25.0								
30.0								

CAL = CALIFORNIA
SS = SPLIT SPOON
ST = SHELBY TUBE
DB = DISTURBED BULK /BAG SAMPLE

CON = CONTINUOUS SAMPLE
CORE = CORE SAMPLE
CA = SAMPLE SUBMITTED FOR CHEMICAL ANALYSIS
"-" = NOT ANALYZED

NS = NO SHEEN
SS = SLIGHT SHEEN
MS = MODERATE SHEEN
HS = HEAVY SHEEN
__ = _____

DEPTH TO BOTTOM OF BORING 28.0 FT

TetraTech

PROJECT: NUMBER: _____
NAME: WESTERN SUGAR COOP
BILLINGS, MT

DRILL TYPE: SOIL: AIR ROTARY
ROCK: _____
DRILLED BY: AMERICAN DRILLING
LOGGED BY: P. LEMIRE
REMARKS: _____

MONITORING WELL NO. MW-14
SHEET 1 OF 1
LOCATION: _____

DATE: HOLE STARTED: 8/26/24
COMPLETED: 8/26/24

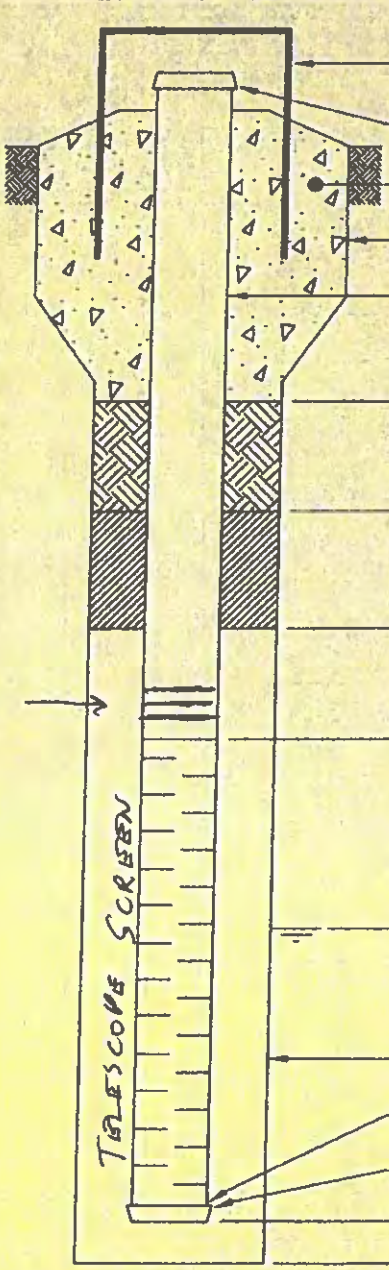
ELEVATIONS

Top of Protective Casing _____

Top of PVC Casing _____

Top of Ground Surface _____

STICKUP = 1.8 FT



Groundwater _____

Bottom of Well Screen _____

Bottom of Boring _____

Protective Casing Type: 8-INCH STEEL
Water Tight PVC Cap Type: ALUMINUM CAP
Surface Seal Type: NONE
Surface Seal Dia.: NONE
~~PVC~~ Casing Type: 8-INCH STEEL (0.25-INCH WALL)
Depth to Top of Secondary Seal: NONE
Secondary Seal Type: _____
Depth to Top of Bentonite Seal: 0.0 FT
Bentonite Seal Type: 3/8 CHIPS
Depth to Top of Filter Pack: NONE
Filter Pack Type: _____
Depth to Top of Well Screen: 22.2 FT
~~PVC~~ Well Screen Type: STAINLESS STEEL CONTINUOUS SLOT (0.060 SLOT) (7.5-INCH OD/6.75-INCH ID)
Depth to Initial Static Water Level: 12.33 FT BTOC (Date 8/27/24)
Boring Diameter: 8-INCH
Depth to bottom of screen: 27.2 FT
~~PVC~~ Cap Type: WELDED STEEL ¾-INCH
Depth to Bottom of ~~PVC Cap~~ SCREEN: 27.2 FT
Depth to Bottom of Boring: 28.0 FT

NOT TO SCALE

NOTE: ALL DEPTHS ARE TO BE REFERENCED FROM GROUND SURFACE.

MAT/B-64-PA/WELL-11.DWG

TETRATECH

REPORT OF: PAUL LEMIRE

Time: _____ AM PM to _____ AM PM _____ Total Hours Mileage: _____ Total Round Trip

To: _____ Job No.: _____ Date: 8/26/24

_____ Daily Report No.: _____ Sheet _____ of _____

_____ Invoice No.: _____

Project: WESTERN SUGAR COOP

0845 ARRIVE ON SITE; MEET W/ SHELBY SLEAFORD (WSC). AMERICAN DRILLING ONSITE TO DRILL 8-INCH BOREHOLE NORTH OF PONDS AND WEST OF OUTFALL BLDG (SOUTH END OF YEGEN DRAIN); YEGEN DRAIN IS DRY

0915 START DRILLING BOREHOLE W/ VERSA DRILL AIR ROTARY RIG; BOTTOM DRIVE W/ 4-INCH DRILL PIPE

- BOREHOLE DAYLIGHTED TO 8 FT BGS; NO UTILITIES IN BOREHOLE; DISCHARGE WATER TO FLOW OVERLAND TOWARD YEGEN DRAIN
- USE 8-INCH STEEL 0.25-INCH WALL CASING TO HOLD HOLE OPEN
- SCREEN; STAINLESS STEEL, 6.3 FT LENGTH; 7.5-INCH OD; 6.75-INCH ID; 0.060 SLOT; 5.0 FT SCREEN; TELESCOPE SCREEN
- DRILL TO SHALE; LARGE GRAVEL AND SAND AT BASE OF ALLUVIUM; SHALE AT 28.0 FT; SET 8-INCH CASING AT 27.5 FT TO INSTALL SCREEN
- DEVELOP WELL W/ AIR LIFT; WATER PRODUCED VERY SANDY. fine grain; black

Copies: _____

_____

Field Observer: _____

Approved By: _____

n:\env\forms\Tt report of 2007

0080

TETRA TECH

REPORT OF: PAUL LEMIRE

Time: _____ AM PM to _____ AM PM _____ Total Hours Mileage: _____ Total Round Trip

To: _____ Job No.: _____ Date: 8/27/24

_____ Daily Report No.: _____ Sheet _____ of _____

_____ Invoice No.: _____

Project: WESTERN SUGAR WELL INSTALL

0900 ONSITE FOR WELL DEVELOPMENT; PRODUCED WATER ~ 40 gpm with air lift; black fine-grain sand

1400 FINISHED DEVOPING; SAND FREE;
STATIC WATER LEVEL; 12.33 FT BTOC
STICKUP = 1.8 FT
DEPTH OF WELL = 29.0 FT BTOC

Copies: _____

_____

Field Observer: _____

Approved By: _____

n\env\forms\TT report of 2007

0081

TETRA TECH

CLIENT WSC Billings DATE 9/16/24 - 9/17/24

JOB TITLE MW Installation JOB NUMBER

SUBJECT BY SHEET of

0730 - Arrive on site
- Meet w Haztech Paul Bray & Sterling, & Shelby Sleaford (WSC)
- Discuss well locations
- Drive on site to determine where/how to set Drilling Rig
- Locate and Knife Boreholes

0800 - Set up on MW-17
- 1200 Complete Drilling MW-17
- Haltech starts to install MW

1330 - Depart from site

9/17/24
0730 - ~~Depart~~ Arrive on site; Haztech set up on MW-15
0930 - ~~0930~~ Haztech completes MW-15 Boring; Start Monitoring Well Install
1000 - Travel to MW-17; start well development
1200 - Arrive @ MW-16; start boring
- Complete MW-16 - start MW installation
1600 - Depart from site

0082

PROJECT: NUMBER: _____

NAME: _____

_____

DRILL TYPE: SOIL: _____

ROCK: _____

DRILLED BY: _____

LOGGED BY: _____

REMARKS: _____

MONITORING WELL NO. MW-15

SHEET 1 OF 1

LOCATION: _____

_____

_____

DATE: HOLE STARTED: _____

COMPLETED: _____

ELEVATIONS

Top of Protective Casing _____

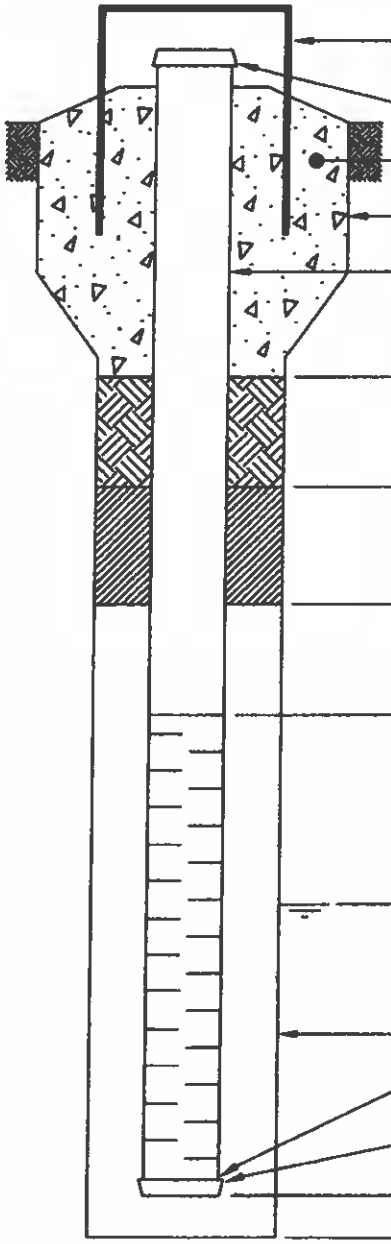
Top of PVC Casing _____

Top of Ground Surface _____

Groundwater _____

Bottom of Well Screen _____

Bottom of Boring _____



Protective Casing Type: STEEL STICK UP

Water Tight PVC Cap Type: PRESSURE CAP

Surface Seal Type: CONCRETE

Surface Seal Dia.: 1.5'

PVC Casing Type: 2" SCH 40 PVC

Depth to Top of Secondary Seal: 3.0'

Secondary Seal Type: 3/8 CHIPS

Depth to Top of Bentonite Seal: 8.0'

Bentonite Seal Type: 1/4 PELLETS

Depth to Top of Filter Pack: 14.5'

Filter Pack Type: 10/20 SILICA SAND

Depth to Top of Well Screen: 15.0'

PVC Well Screen Type: 0.010 SLOT 2" SCH 40 PVC

Depth to Initial Static Water Level: 10.00'

(Date 9/17/14)

Boring Diameter: 6"

Depth to bottom of screen: 25.0'

PVC Cap Type: THREADED - 2" SCH 40 PVC

Depth to Bottom of PVC Cap: 25.0'

Depth to Bottom of Boring: 30.0'

NOT TO SCALE

NOTE: ALL DEPTHS ARE TO BE REFERENCED FROM GROUND SURFACE.

W17/5-04-99/DRILL-2A.DWG

PROJECT: NUMBER: _____
NAME: _____

DRILL TYPE: SOIL: _____
ROCK: _____
DRILLED BY: _____
LOGGED BY: _____
REMARKS: _____

MONITORING WELL/BORING NO. MW-15
SHEET ___ OF ___
LOCATION: _____

ELEVATION: TOP OF HOLE: _____
(ft) GROUNDWATER: 10' bgs
DATE: STARTED: _____ COMPLETED: _____

DEPTH (ft.)	LEGEND	CLASSIFICATION AND DESCRIPTION	SAMPLE SYMBOL	PENET. RESIST. (BLOWS/ft.)	FIELD SCREENING RESULTS: SAMPLE RECOVERY LENGTH	PID HEADSPACE	ODOR	STAINING
0.0		0-1 BLACK, fill DRY FINE SAND+SILT						
		1-9 FILL LEAN CLAY BROWN MOIST						
		* AVE KNIFE FROM 0-10' BGS						
5.0								
10.0		9- SANDY GRAVEL, MOIST						
		20						
15.0								
20.0								
25.0		STONE/BEDROCK BLACK SOFT						
30.0								

CAL = CALIFORNIA
SS = SPLIT SPOON
ST = SHELBY TUBE
DB = DISTURBED BULK /BAG SAMPLE

CON = CONTINUOUS SAMPLE
CORE = CORE SAMPLE
CA = SAMPLE SUBMITTED FOR CHEMICAL ANALYSIS
"-" = NOT ANALYZED

NS = NO SHEEN
SS = SLIGHT SHEEN
MS = MODERATE SHEEN
HS = HEAVY SHEEN
__ = _____

DEPTH TO BOTTOM OF BORING: 30

TETRA TECH

PROJECT: NUMBER: _____
NAME: _____

DRILL TYPE: SOIL: _____
ROCK: _____
DRILLED BY: _____
LOGGED BY: _____
REMARKS: _____

MONITORING WELL/BORING NO. MW-17
SHEET ___ OF ___
LOCATION: _____

ELEVATION: TOP OF HOLE: _____ (ft)
GROUNDWATER: 12.2 TOC 9/17/24
DATE: STARTED: _____ COMPLETED: _____

DEPTH (ft.)	LEGEND	CLASSIFICATION AND DESCRIPTION	SAMPLE SYMBOL	PENET. RESIST. (BLOWS/ft.)	FIELD SCREENING RESULTS: SAMPLE RECOVERY LENGTH	PID HEADSPACE	ODOR	STAINING
0.0		0.0-11 FILL - SILTY SAND DRY						
		- AIR KNIFE FROM 0-10' BGS						
5.0								
10.0		11-12 - FILL GRAVEL LIKELY OLD [illegible]						
		12-16 LEAN CLAY, D. BROWN, MOIST FINE SAND (UNIFIED) <10%						
15.0								
		16- SANDY GRAVEL BROWN, MOIST						
		18						
		18-40 SAA SATURATED/WET						
20.0								
25.0								
30.0								
40		SAME BLACK STAIN / BEDROCK						

CAL = CALIFORNIA
SS = SPLIT SPOON
ST = SHELBY TUBE
DB = DISTURBED BULK /BAG SAMPLE

CON = CONTINUOUS SAMPLE
CORE = CORE SAMPLE
CA = SAMPLE SUBMITTED FOR CHEMICAL ANALYSIS
"-" = NOT ANALYZED

NS = NO SHEEN
SS = SLIGHT SHEEN
MS = MODERATE SHEEN
HS = HEAVY SHEEN
__ = _____
__ = _____
__ = _____
__ = _____

DEPTH TO BOTTOM OF BORING _____

TETRA TECH

PROJECT: NUMBER: _____

NAME: _____

_____

DRILL TYPE: SOIL: _____

ROCK: _____

DRILLED BY: _____

LOGGED BY: _____

REMARKS: _____

MONITORING WELL NO. MW-17

SHEET 1 OF 1

LOCATION: _____

_____

_____

DATE: HOLE STARTED: _____

COMPLETED: _____

ELEVATIONS

Top of Protective Casing _____

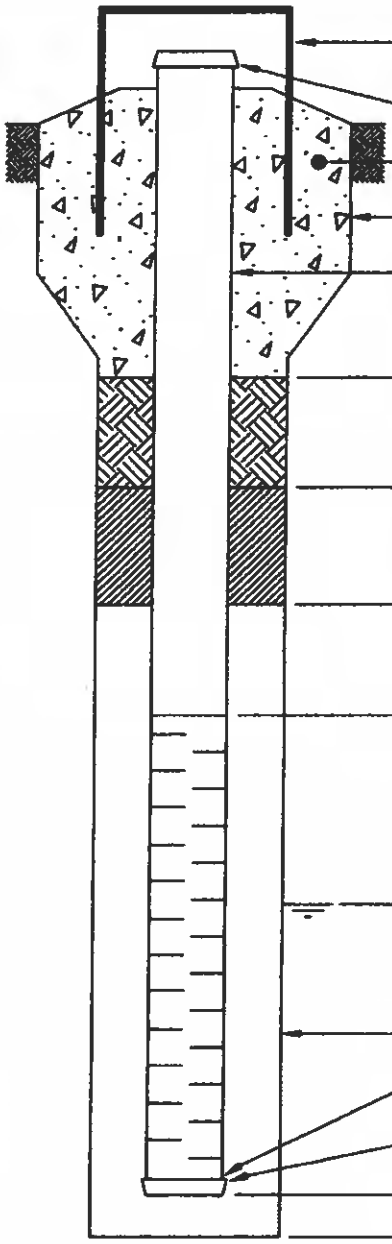
Top of PVC Casing _____

Top of Ground Surface _____

Groundwater _____

Bottom of Well Screen _____

Bottom of Boring _____



Protective Casing Type STEEL STICKUP

Water Tight PVC Cap Type 2" PVC

Surface Seal Type CONCRETE

Surface Seal Dia. 1.5

PVC Casing Type 2" SCH 40 PVC

Depth to Top of Secondary Seal 3.0 ~~2.5~~

Secondary Seal Type 3/8 CHIPS PELLETS

Depth to Top of Bentonite Seal 14.8

Bentonite Seal Type 1/4 PELLETS BENTONITE

Depth to Top of Filter Pack 18.0

Filter Pack Type 10/20 SAND

Depth to Top of Well Screen 19.0

PVC Well Screen Type 0.010 SLOT 2" PVC SCH 40

Depth to Initial Static Water Level 17.1

(Date 9/16/24)

Boring Diameter 6"

Depth to bottom of screen 39

PVC Cap Type POINT THREADED

Depth to Bottom of PVC Cap 39.0

Depth to Bottom of Boring 39.0

NOT TO SCALE

NOTE: ALL DEPTHS ARE TO BE REFERENCED FROM GROUND SURFACE.

PROJECT: NUMBER: _____
NAME: _____
_____

DRILL TYPE: SOIL: _____
ROCK: _____
DRILLED BY: _____
LOGGED BY: _____
REMARKS: _____

MONITORING WELL/BORING NO. MW-26
SHEET ___ OF ___
LOCATION: _____
_____
_____

ELEVATION: TOP OF HOLE: _____
(ft) GROUNDWATER: _____
DATE: STARTED: _____ COMPLETED: _____

DEPTH (ft.)	LEGEND	CLASSIFICATION AND DESCRIPTION	SAMPLE SYMBOL	PENET. RESIST. (BLOWS/ft.)	FIELD SCREENING RESULTS: SAMPLE RECOVERY LENGTH	PID HEADSPACE	ODOR	STAINING
0.0		0-10 FILL - LBROWN SILTY SAND, DRY						
5.0								
		▽ GW 8.0' BGS						
10.0		10-23 SANDY GRAVEL, MOIST						
15.0								
20.0								
		23- SHALE/BEDROCK						
25.0		BLACK SHALE INTERBEDDED						
30.0								

CAL = CALIFORNIA
SS = SPLIT SPOON
ST = SHELBY TUBE
DB = DISTURBED BULK /BAG SAMPLE
CON = CONTINUOUS SAMPLE
CORE = CORE SAMPLE
CA = SAMPLE SUBMITTED FOR CHEMICAL ANALYSIS
"-" = NOT ANALYZED
NS = NO SHEEN
SS = SLIGHT SHEEN
MS = MODERATE SHEEN
HS = HEAVY SHEEN
__ = _____

DEPTH TO BOTTOM OF BORING _____

TETRA TECH

D:\DRGF\LOGS\Temp\Adv-11-mw26.dgn

PROJECT: NUMBER: _____

NAME: _____

_____

DRILL TYPE: SOIL: _____

ROCK: _____

DRILLED BY: _____

LOGGED BY: _____

REMARKS: _____

MONITORING WELL NO. MW-16

SHEET 1 OF 1

LOCATION: _____

_____

_____

DATE: HOLE STARTED: _____

COMPLETED: _____

ELEVATIONS

Top of Protective Casing _____

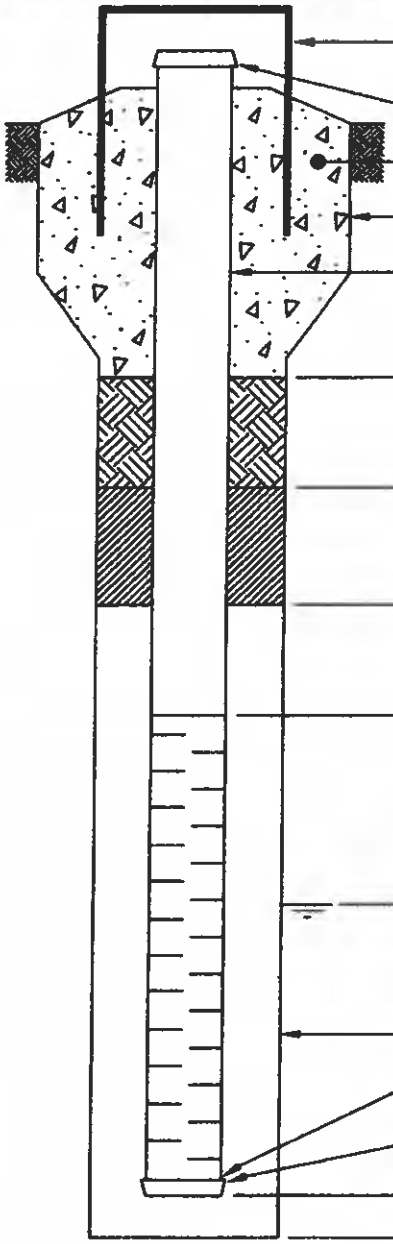
Top of PVC Casing _____

Top of Ground Surface _____

Groundwater _____

Bottom of Well Screen _____

Bottom of Boring _____



Protective Casing Type STEEL STICK-UP

Water Tight PVC Cap Type _____

Surface Seal Type CONCRETE

Surface Seal Dia. 1.5'

PVC Casing Type 2" SCH 40 PVC

Depth to Top of Secondary Seal 3.0'

Secondary Seal Type 3/8 CHIPS

Depth to Top of Bentonite Seal 9.0'

Bentonite Seal Type 3/8 PELLET

Depth to Top of Filter Pack 11.0'

Filter Pack Type 10/20 SILICA SAND

Depth to Top of Well Screen 13

PVC Well Screen Type 0.010 SLOT 2" SCH 40 PVC

Depth to Initial Static Water Level 8.0' ± BGS

(Date 9/17/24)

Boring Diameter 6"

Depth to bottom of screen 23

PVC Cap Type 2" THREADED PVC SCH 40 END

Depth to Bottom of PVC Cap 23

Depth to Bottom of Boring 23

NOT TO SCALE

NOTE: ALL DEPTHS ARE TO BE REFERENCED FROM GROUND SURFACE.

MAY/93-SW-PR/DRILL-1S.DWG

Appendix B

Well Survey, January 2025

WESTERN SUGAR COOPERATIVE
MONITORING WELL LOCATIONS
UPDATED 1/17/25



Well ID	LAT	LONG	Elev (Steel Casing)	Elev (PVC Collar)	Description
MW-1	N45°45'48.18073"	W108°30'15.51380"	3126.68	3125.22	Stickup well
MW-2	N45°45'45.57767"	W108°30'11.03588"	3126.01	3125.66	Flush well
MW-3	N45°45'45.72848"	W108°29'48.52157"	3126.21	3124.41	Stickup well
MW-4	N45°45'53.11104"	W108°29'40.60534"	3120.67	3120.12	Stickup well
MW-5	N45°46'04.06857"	W108°29'42.20325"	3123.62	3123.23	Stickup well
MW-6B	N45°46'10.63242"	W108°29'40.54287"	3122.30	3122.00	Stickup well
MW-8	N45°46'06.12976"	W108°29'59.42860"	3127.22	3126.14	Stickup well
MW-9	N45°46'10.82043"	W108°29'55.26359"	3121.20	3120.91	Flush well
MW-10	N45°46'11.78175"	W108°29'52.98511"	3121.15	3120.95	Flush well
MW-12A	N45°45'57.34245"	W108°30'06.69153"	3163.93	3164.14	Stickup well
OBS-1	N45°46'04.32139"	W108°30'01.09595"	3130.31	3130.10	Stickup well
EXT-1	N45°46'04.60776"	W108°30'01.20432"	3131.39	****	Stickup well - no PVC

Well ID	LAT	LONG	Elev (Steel Casing)	Elev (PVC Collar)	Description
MW-13	N45°45'39.68548"	W108°30'03.33761"	3127.97	****	Stickup well - no PVC
MW-14	N45°46'00.06609"	W108°29'45.42696"	3127.31	****	Stickup well - no PVC
MW-15	N45°46'00.49126"	W108°29'43.21044"	3125.71	3125.39	Stickup well
MW-16	N45°46'08.89111"	W108°29'36.21246"	3120.84	3120.52	Stickup well
MW-17	N45°45'58.79282"	W108°29'52.04510"	3134.70	3134.54	Stickup well

NORTH

150 75 0 150 300

SCALE:1" = 150'

sanbell
Intelligent Infrastructure. Enduring Communities.

Appendix C

Monitoring Well Completion Logs

WELL MW-13

SHEET 1 OF 1

Project: WSC Billings
Project No.: 26551009.01
Location: Billings, MT
Coordinates: Latitude: 45.761024 Longitude: -108.500928
Datum: -

Completion Depth: 26.5 ft
Drilling Method: Air or Mud Rotary
Surface Elevation: 3126.16 ft
Top of Well Elevation: -

Depth (feet)	Graphic Log	Materials Description	Water Levels	Elevation (ft)
		TOPSOIL. 1		3126.2
		Clay; Brown.		
5				3120
10		10		
		SAND: SAND and GRAVEL; Water; Grey Shale.	9-26-07	
15				3110
20				
25				3100
		27		
30				
35				3090
40				

Welded Steel Casing

Open Bottom Well

DRAFT

Date Boring Started: 09/26/2007
Date Boring Completed: -
Logged By: -
Drilling Contractor: -
Drill Rig: -

Remarks: Log based off of information obtained from the Montana Ground-Water Information Center (GWIC) entry for GWIC ID 239396. Monitoring well was not installed by or under supervision of Barr Engineering Co.

0092

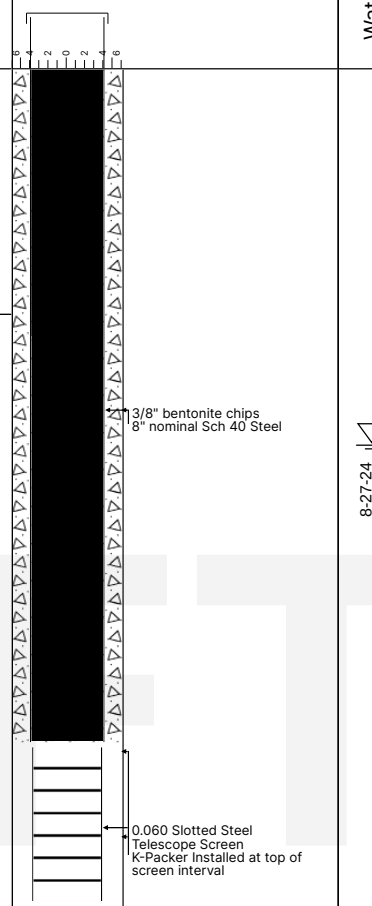
WELL MW-14

SHEET 1 OF 1

Project: WSC Billings
Project No.: 26551009.01
Location: Billings, MT
Coordinates: Latitude: 45.766686 Longitude: -108.495952
Datum: -

Completion Depth: 28 ft
Drilling Method: Air Rotary
Surface Elevation: 3125.51 ft
Top of Well Elevation: 3127.31 ft

Depth (feet)	Graphic Log	Materials Description	Water Levels	Elevation (ft)
				3125.5
5		SILTY LEAN CLAY.		3120
		8		
10		GRAVEL WITH SAND: gray to black; wet.	8-27-24	
15				3110
20				
25				3100
		28		



End of Boring: Encountered Shale at 28 ft. bgs.

DRAFT

Date Boring Started:	08/26/2024
Date Boring Completed:	08/27/2024
Logged By:	Paul Lemire
Drilling Contractor:	American Drilling
Drill Rig:	Versa Drill

Remarks: Drilling oversight and well installation was conducted by Tetra Tech.

WELL MW-15

SHEET 1 OF 1

Project: WSC Billings
Project No.: 26551009.01
Location: Billings, MT
Coordinates: Latitude: 45.766803 Longitude: -108.495336
Datum: -

Completion Depth: 30 ft
Drilling Method: Hollow Stem Auger
Surface Elevation: 3125.51 ft
Top of Well Elevation: 3127.31 ft

Depth (feet)	Graphic Log	Materials Description	Water Levels	Elevation (ft)
				3125.5
		SAND WITH SILT: black; dry.		
		LEAN CLAY: brown; moist.		
5				3120
		9		
10		SANDY GRAVEL: moist.	9-17-24	
15				3110
20				
25		25		3100
		SHALE: black; stiff.		
30		30		
		End of Boring at 30 ft. bgs.		

Protective Casing
Concrete
3/8" bentonite chips
2" nominal Sch 40 Flush Threaded PVC
1/4" bentonite pellets
0.010 Slotted PVC
10/20 silica sand

DRAFT

Date Boring Started: 09/17/2024
Date Boring Completed: 09/17/2024
Logged By: Keith Yeager
Drilling Contractor: Haltech
Drill Rig: -

Remarks: Drilling oversight and well installation was conducted by Tetra Tech.

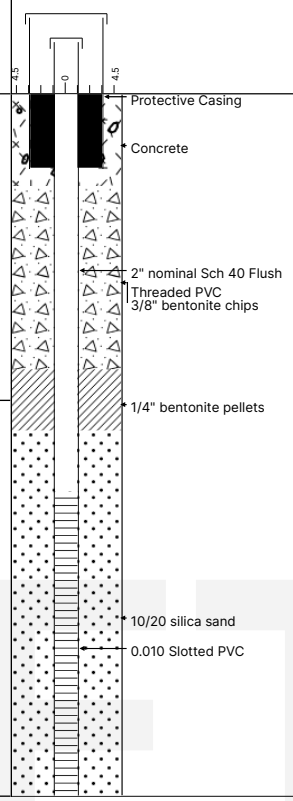
WELL MW-16

SHEET 1 OF 1

Project: WSC Billings
Project No.: 26551009.01
Location: Billings, MT
Coordinates: Latitude: 45.769136 Longitude: -108.493392
Datum: -

Completion Depth: 23 ft
Drilling Method: Hollow Stem Auger
Surface Elevation: 3118.72 ft
Top of Well Elevation: 3120.52 ft

Depth (feet)	Graphic Log	Materials Description	Water Levels	Elevation (ft)
				3118.7
5		SILT WITH SAND: light brown; dry.		
10		SANDY GRAVEL: moist.	9-17-24	3110
15				
20				3100
		End of Boring: Encountered Shale at 23 ft. bgs.		



DRAFT

Date Boring Started:	09/17/2024
Date Boring Completed:	09/17/2024
Logged By:	Keith Yeager
Drilling Contractor:	Haltech
Drill Rig:	-

Remarks: Drilling oversight and well installation was conducted by Tetra Tech.

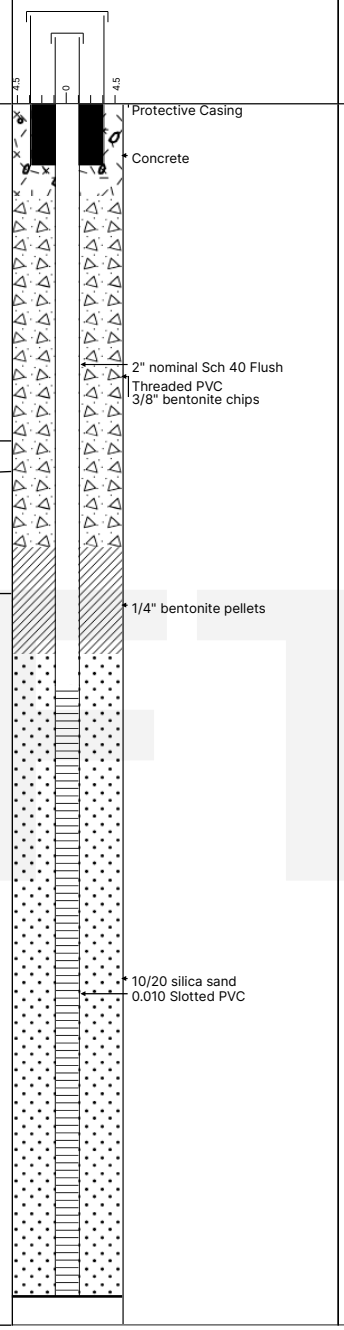
WELL MW-17

SHEET 1 OF 1

Project: WSC Billings
Project No.: 26551009.01
Location: Billings, MT
Coordinates: Latitude: 45.766331 Longitude: -108.497790
Datum: -

Completion Depth: 40 ft
Drilling Method: Hollow Stem Auger
Surface Elevation: 3132.25 ft
Top of Well Elevation: 3134.54 ft

Depth (feet)	Graphic Log	Materials Description	Water Levels	Elevation (ft)
				3132.3
0		SILTY SAND: dry.		
11		GRAVEL.		3130
12		LEAN CLAY: dark brown; moist.		
16		SANDY GRAVEL: brown; moist. Wet to saturated.	9-16-24	3120
				3110
				3100
40		End of Boring: Encountered Shale at 40 ft. bgs.		



DRAFT

Date Boring Started:	09/16/2024
Date Boring Completed:	09/16/2024
Logged By:	Keith Yeager
Drilling Contractor:	Haltech
Drill Rig:	-

Remarks: Drilling oversight and well installation was conducted by Tetra Tech.

Appendix C
Well Completion Summary

Well Location	Latitude[1,2]	Longitude[1,2]	Surface Elevation (ft amsl)[3]	Top of Riser Elevation (ft amsl)[1]	Riser Stick-Up Height (ft)[4]	Well Completion Depth (ft bgs)[5]	Screen Length (ft)[5]	Screen Interval ([Top of Screen - Bottom of Screen], ft bgs)[5]	Top of Screen Elevation (ft amsl)[6]	Bottom of Screen Elevation (ft amsl)[6]	Bottom of Well Elevation (ft amsl)[6]	Well Diameter (inches)[5]	Well Material[5]
MW-13	45.761044	-108.50094	3126.17	3127.97	1.8	26.5	No screen - open bottom well	N/A	N/A	N/A	3099.67	9	Steel
MW-14	45.766686	-108.49595	3125.39	3127.31	1.92	28	5	22.2 - 27.2	3103.19	3098.19	3097.39	8	Steel
MW-15	45.766803	-108.49534	3123.76	3125.39	1.63	25	10	15.0 - 25.0	3108.76	3098.76	3098.76	2	Sch-40 PVC
MW-16	45.769136	-108.49339	3118.72	3120.52	1.8	23	10	13.0 - 23.0	3105.72	3095.72	3095.72	2	Sch-40 PVC
MW-17	45.766331	-108.49779	3132.25	3134.54	2.29	39	20	19.0 - 39.0	3113.25	3093.25	3093.25	2	Sch-40 PVC

Notes:

1 - Coordinates and riser elevations are based on Sanbell survey data, completed January 2025.

2 - Latitude and longitude are reported in units of decimal degrees.

3 - Calculated using riser elevations (Sanborn, 2025) and riser stick-up heights (field-measured).

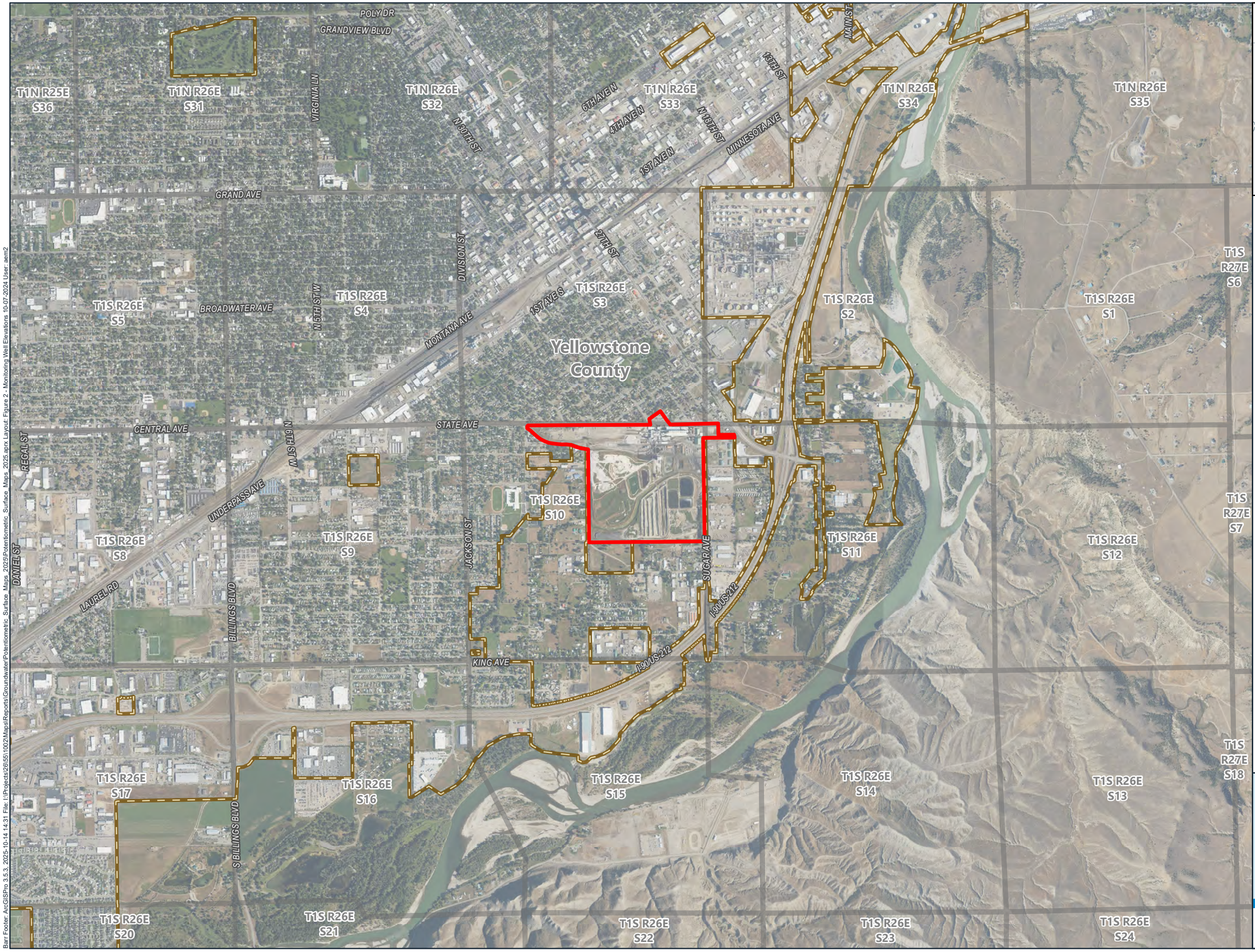
4 - Riser stick-up heights field-measured by Tetra Tech (MW-14) and Barr Engineering (MW-13, MW-15, MW-16, and MW-17).

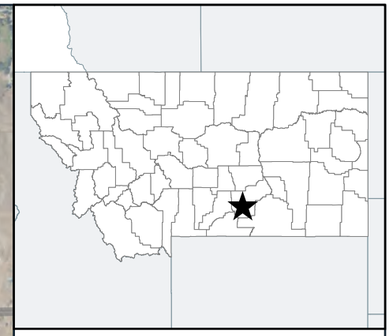
5 - Completion information for MW-13 based on Montana Ground-Water Information Center (GWIC) entry for GWIC ID 239396. Completion information for MW-15 through MW-17 obtained from monitoring well installation field notes (Tetra Tech, 2024).

6 - Calculated using riser elevations (Sanborn, 2025) and well completion information (MW-13: GWIC, MW-15 through MW-17: Tetra Tech)

Appendix D

Potentiometric Surface Maps





Property Boundary
Municipal Boundary
Section Boundary

Imagery Source: USDA NAIP (2023)

0 1,000 2,000
Feet

Property Location
Western Sugar Cooperative
Billings, Montana

FIGURE 1

BARR

0099

Barr Footer: ArcGISPro 3.5.3, 2025-10-14 14:31 File: I:\Projects\26\55\1002\Maps\Reports\Groundwater\Potentiometric_Surface_Maps_2025\Potentiometric_Surface_Maps_2025.aprx Layout: Figure 2 - Monitoring Well Elevations 10-07-2024 User: aem2

Yellowstone County
City of Billings
Energy Labs
3112.38'
27TH ST
3116'
3114'
MW-10
3114.67'
MW-9
3114.99'
STATE AVE
MW-6
3112.62'
MW-16
3112.72'
3116'
3114'
MW-8
3117.67'
EXT-1
3117.9'
OBS-1
3117.88'
MW-5
3116.41'
3118'
3118'
3118'
CCR Area for Beneficial Reuse
Ash Ponds
MW-15
3117.49'
PCC Accumulation Area for Beneficial Reuse
MW-17
3119.37'
MW-14
3118.16'
MW-12A*
3118.77'
PCC Ponds
Condenser Pond 1
Condenser Pond 2
Yegen Drain
Mud Ponds
SUGAR AVE
MW-4
3117.01'
3118'
3118'
BFT Accumulation Area for Beneficial Reuse
MW-1
3118.86'
CCR Area for Beneficial Reuse
MW-2
3118.88'
MW-3
3118.1'
MW-13
3118.86'
I-90/US-212
I-90/US-212

Property Boundary
Yegen Drain
Groundwater Contour (10/07/2024)
Primary Groundwater Flow Direction
Secondary Groundwater Flow Direction
Existing Monitoring Well
Proposed Monitoring Well

Notes:

BTF - Beet Flume Topsoil
CCR - Coal Combustion Residue
PCC - Precipitated Calcium Carbonate

* Water levels in monitoring well **MW-12A** likely represent perched water intervals associated with saturated and partially saturated conditions of the PCC pile and are not likely representative of the shallow aquifer groundwater levels. Therefore, the water levels for monitoring well MW-12A are excluded from contouring.

Imagery Source: USDA NAIP (2023)

N

0 200 400
Feet

Monitoring Well Elevations
10/07/2024
Western Sugar Cooperative
Billings, Montana

FIGURE 2

BARR

0100

Barr Footer: ArcGISPro 3.5.3, 2025-12-03 12:12 File: I:\Projects\26\55\10\02\Maps\Reports\Groundwater\Potentiometric_Surface_Maps_2025\Potentiometric_Surface_Maps_2025.aprx Layout: Figure 2 - Monitoring Well Elevations 10-07-2024 User: aem2



Property Boundary
Yegen Drain
Groundwater Contour (10/07/2024)
Primary Groundwater Flow Direction
Secondary Groundwater Flow Direction
Existing Monitoring Well
Proposed Monitoring Well

Notes:

BTF - Beet Flume Topsoil
CCR - Coal Combustion Residue
PCC - Precipitated Calcium Carbonate

* Water levels in monitoring well **MW-12A** likely represent perched water intervals associated with saturated and partially saturated conditions of the PCC pile and are not likely representative of the shallow aquifer groundwater levels. Therefore, the water levels for monitoring well MW-12A are excluded from contouring.

Imagery Source: USDA NAIP (2023)

N

0 200 400
Feet

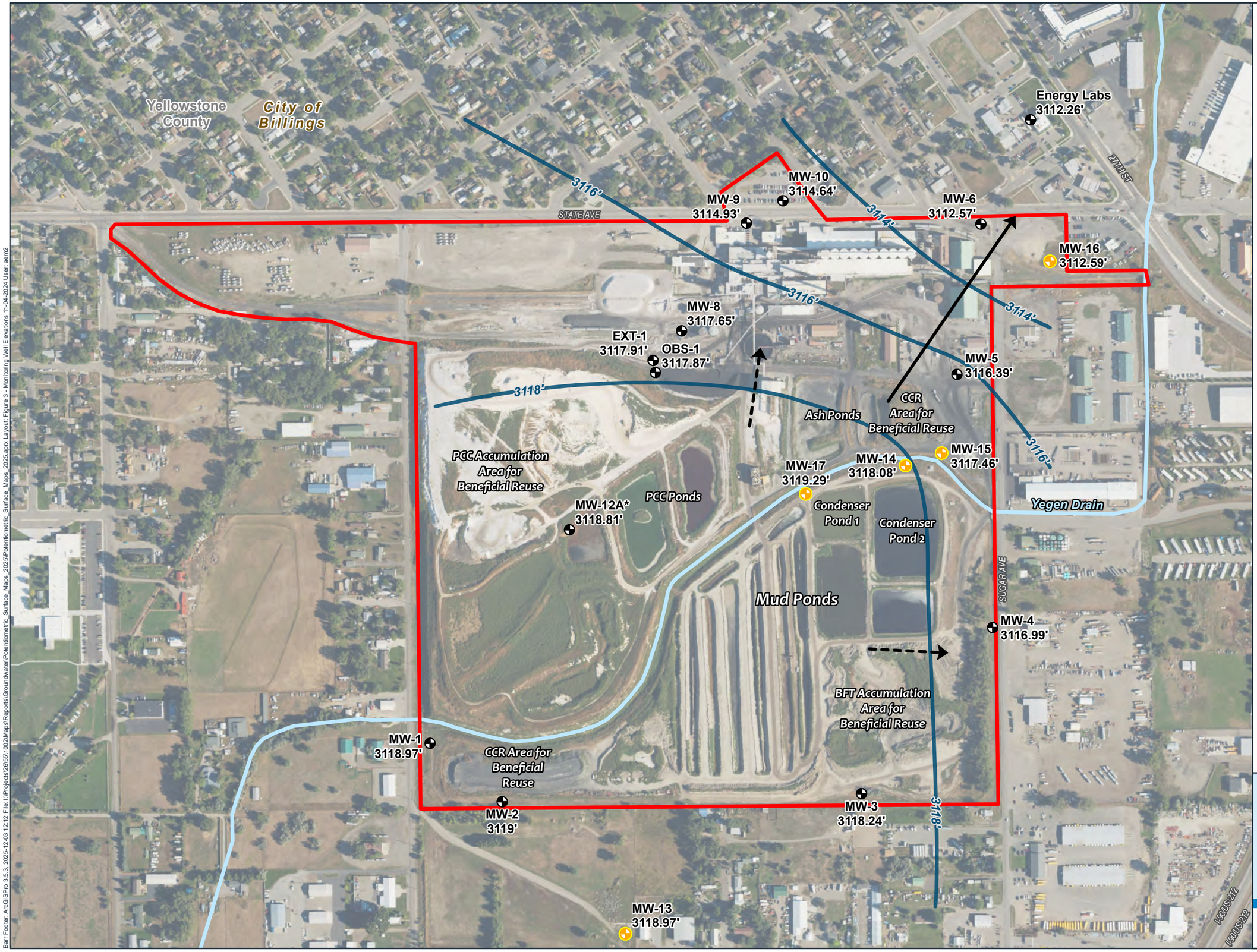
Monitoring Well Elevations
10/07/2024
Western Sugar Cooperative
Billings, Montana

FIGURE 2

BARR

0101

Barr Footer: ArcGISPro 3.5.3, 2025-12-03 12:12 File: I:\Projects\26\55\10021\Maps\Reports\Groundwater\Potentiometric_Surface_Maps_2025\Potentiometric_Surface_Maps_2025.aprx Layout: Figure 2 - Monitoring Well Elevations 10-07-2024 User: aem2



Property Boundary
Yegen Drain
Groundwater Contour (11/04/2024)
Primary Groundwater Flow Direction
Secondary Groundwater Flow Direction
Existing Monitoring Well
Proposed Monitoring Well

Notes:

BTF - Beet Flume Topsoil
CCR - Coal Combustion Residue
PCC - Precipitated Calcium Carbonate

* Water levels in monitoring well **MW-12A** likely represent perched water intervals associated with saturated and partially saturated conditions of the PCC pile and are not likely representative of the shallow aquifer groundwater levels. Therefore, the water levels for monitoring well MW-12A are excluded from contouring.

Imagery Source: USDA NAIP (2023)

0 200 400
Feet

Monitoring Well Elevations
11/04/2024
Western Sugar Cooperative
Billings, Montana

FIGURE 3

BARR

0102

Barr Footer: ArcGISPro 3.5.3, 2025-12-03 12:12 File: I:\Projects\26\55\10\02\Maps\Reports\Groundwater\Potentiometric_Surface_Maps_2025\Potentiometric_Surface_Maps_2025.aprx Layout: Figure 3 - Monitoring Well Elevations 11-04-2024 User: aem2

Yellowstone County
City of Billings
STATE AVE
27TH ST
SUGAR AVE
I-90/US-212
Energy Labs
3112.26'
MW-10
3114.64'
MW-9
3114.93'
MW-6
3112.57'
MW-16
3112.59'
3116'
3114'
MW-8
3117.65'
EXT-1
3117.91'
OBS-1
3117.87'
MW-5
3116.39'
3118'
CCR
Area for
Beneficial Reuse
Ash Ponds
PCC Accumulation
Area for
Beneficial Reuse
MW-15
3117.46'
MW-17
3119.29'
MW-14
3118.08'
PCC Ponds
MW-12A*
3118.81'
Condenser
Pond 1
Condenser
Pond 2
Yegen Drain
Mud Ponds
MW-4
3116.99'
BFT Accumulation
Area for
Beneficial Reuse
MW-1
3118.97'
CCR Area for
Beneficial
Reuse
MW-2
3119'
MW-3
3118.24'
MW-13
3118.97'

Property Boundary
Yegen Drain
Groundwater Contour (11/04/2024)
Primary Groundwater Flow Direction
Secondary Groundwater Flow Direction
Existing Monitoring Well
Proposed Monitoring Well

Notes:

BTF - Beet Flume Topsoil
CCR - Coal Combustion Residue
PCC - Precipitated Calcium Carbonate

* Water levels in monitoring well **MW-12A** likely represent perched water intervals associated with saturated and partially saturated conditions of the PCC pile and are not likely representative of the shallow aquifer groundwater levels. Therefore, the water levels for monitoring well MW-12A are excluded from contouring.

Imagery Source: USDA NAIP (2023)

N

0 200 400
Feet

Monitoring Well Elevations
11/04/2024
Western Sugar Cooperative
Billings, Montana

FIGURE 3

BARR

0103

Barr Footer: ArcGISPro 3.5.3, 2025-12-03 12:12 File: I:\Projects\26\55\10\02\Maps\Reports\Groundwater\Potentiometric_Surface_Maps_2025.aprx Layout: Figure 3 - Monitoring Well Elevations 11-04-2024 User: aem2



Property Boundary
Yegen Drain
Groundwater Contour (12/16/2024)
Primary Groundwater Flow Direction
Secondary Groundwater Flow Direction
Existing Monitoring Well
Proposed Monitoring Well

Notes:

BTF - Beet Flume Topsoil
CCR - Coal Combustion Residue
PCC - Precipitated Calcium Carbonate

* Water levels in monitoring well **MW-12A** likely represent perched water intervals associated with saturated and partially saturated conditions of the PCC pile and are not likely representative of the shallow aquifer groundwater levels. Therefore, the water levels for monitoring well MW-12A are excluded from contouring.

Imagery Source: USDA NAIP (2023)

0 200 400
Feet

Monitoring Well Elevations
12/16/2024
Western Sugar Cooperative
Billings, Montana

FIGURE 4

BARR

0104

Barr Footer: ArcGISPro 3.5.3, 2025-12-03 12:12 File: I:\Projects\26\55\10\02\Maps\Reports\Groundwater\Potentiometric_Surface_Maps_2025\Potentiometric_Surface_Maps_2025.aprx Layout: Figure 4 - Monitoring Well Elevations 12-16-2024 User: aem2



Property Boundary
Yegen Drain
Groundwater Contour (12/16/2024)
Primary Groundwater Flow Direction
Secondary Groundwater Flow Direction
Existing Monitoring Well
Proposed Monitoring Well

Notes:

BTF - Beet Flume Topsoil
CCR - Coal Combustion Residue
PCC - Precipitated Calcium Carbonate

* Water levels in monitoring well **MW-12A** likely represent perched water intervals associated with saturated and partially saturated conditions of the PCC pile and are not likely representative of the shallow aquifer groundwater levels. Therefore, the water levels for monitoring well MW-12A are excluded from contouring.

Imagery Source: USDA NAIP (2023)

0 200 400
Feet

Monitoring Well Elevations
12/16/2024
Western Sugar Cooperative
Billings, Montana

FIGURE 4

BARR

Barr Footer: ArcGISPro 3.5.3, 2025-12-03 12:12 File: I:\Projects\26\55\10\02\Maps\Reports\Groundwater\Potentiometric_Surface_Maps_2025\Potentiometric_Surface_Maps_2025.aprx Layout: Figure 4 - Monitoring Well Elevations 12-16-2024 User: aem2



Property Boundary
Yegen Drain
Groundwater Contour (01/13/2025)
Primary Groundwater Flow Direction
Secondary Groundwater Flow Direction
Existing Monitoring Well
Proposed Monitoring Well

Notes:

BTF - Beet Flume Topsoil
CCR - Coal Combustion Residue
PCC - Precipitated Calcium Carbonate

* Water levels in monitoring well **MW-12A** likely represent perched water intervals associated with saturated and partially saturated conditions of the PCC pile and are not likely representative of the shallow aquifer groundwater levels. Therefore, the water levels for monitoring well MW-12A are excluded from contouring.

Imagery Source: USDA NAIP (2023)

0 200 400
Feet

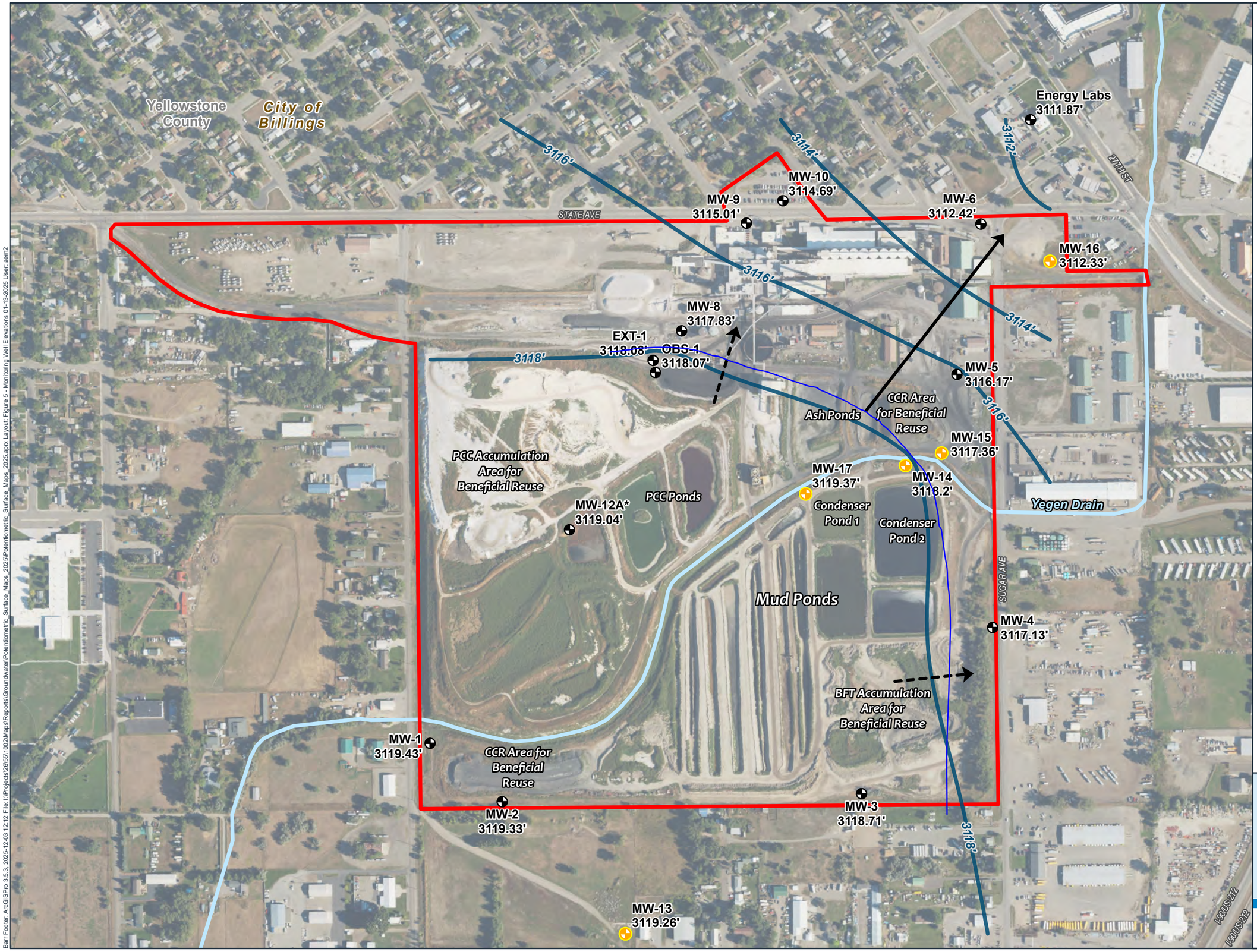
Monitoring Well Elevations
01/13/2025
Western Sugar Cooperative
Billings, Montana

FIGURE 5

BARR

0106

Barr Footer: ArcGISPro 3.5.3, 2025-12-03 12:12 File: I:\Projects\26\55\10021\Maps\Reports\Groundwater\Potentiometric_Surface_Maps_2025\Potentiometric_Surface_Maps_2025.aprx Layout: Figure 5 - Monitoring Well Elevations 01-13-2025 User: aem2



Property Boundary
Yegen Drain
Groundwater Contour (01/13/2025)
Primary Groundwater Flow Direction
Secondary Groundwater Flow Direction
Existing Monitoring Well
Proposed Monitoring Well

Notes:

BTF - Beet Flume Topsoil
CCR - Coal Combustion Residue
PCC - Precipitated Calcium Carbonate

* Water levels in monitoring well **MW-12A** likely represent perched water intervals associated with saturated and partially saturated conditions of the PCC pile and are not likely representative of the shallow aquifer groundwater levels. Therefore, the water levels for monitoring well MW-12A are excluded from contouring.

Imagery Source: USDA NAIP (2023)

0 200 400
Feet

Monitoring Well Elevations
01/13/2025
Western Sugar Cooperative
Billings, Montana

FIGURE 5

BARR

0107

Barr Footer: ArcGISPro 3.5.3, 2025-12-03 12:12 File: I:\Projects\26\55\10\02\Maps\Reports\Groundwater\Potentiometric_Surface_Maps_2025\Potentiometric_Surface_Maps_2025.aprx Layout: Figure 5 - Monitoring Well Elevations 01-13-2025 User: aem2



Property Boundary
Yegen Drain
Groundwater Contour (02/26/2025)
Primary Groundwater Flow Direction
Secondary Groundwater Flow Direction
Existing Monitoring Well
Proposed Monitoring Well

Notes:

BTF - Beet Flume Topsoil
CCR - Coal Combustion Residue
PCC - Precipitated Calcium Carbonate

* Water levels in monitoring well **MW-12A** likely represent perched water intervals associated with saturated and partially saturated conditions of the PCC pile and are not likely representative of the shallow aquifer groundwater levels. Therefore, the water levels for monitoring well MW-12A are excluded from contouring.

Imagery Source: USDA NAIP (2023)

0 200 400
Feet

Monitoring Well Elevations
02/26/2025
Western Sugar Cooperative
Billings, Montana

FIGURE 6

BARR

0108

Barr Footer: ArcGISPro 3.5.3, 2025-12-03 12:12 File: I:\Projects\26\55\10021\Maps\Reports\Groundwater\Potentiometric_Surface_Maps_2025\Potentiometric_Surface_Maps_2025.aprx Layout: Figure 6 - Monitoring Well Elevations 02-26-2025 User: aem2

Yellowstone County

City of Billings

STATE AVE

SUGAR AVE

27TH ST

Energy Labs
3112.36'

MW-10
3114.79'

MW-9
3115.14'

MW-6
3112.54'

MW-16
3112.35'

MW-8
3117.46'

EXT-1

OBS-1
3117.77'

MW-5
3115.54'

3114'

3116'

3118'

3120'

Ash Ponds

CCR Area for Beneficial Reuse

MW-15
3116.48'

MW-17
3117.82'

MW-14
3117.2'

PCC Accumulation Area for Beneficial Reuse

MW-12A*
3123.24'

PCC Ponds

Condenser Pond 1

Condenser Pond 2

Yegen Drain

Mud Ponds

MW-4

BFT Accumulation Area for Beneficial Reuse

MW-1

CCR Area for Beneficial Reuse

MW-2
3120.92'

MW-3

MW-13
3121.07'

I-90/US-212

Property Boundary

Yegen Drain

Groundwater Contour (03/18/2025)

Primary Groundwater Flow Direction

Secondary Groundwater Flow Direction

Existing Monitoring Well

Proposed Monitoring Well

Notes:

BTF - Beet Flume Topsoil
CCR - Coal Combustion Residue
PCC - Precipitated Calcium Carbonate

* Water levels in monitoring well **MW-12A** likely represent perched water intervals associated with saturated and partially saturated conditions of the PCC pile and are not likely representative of the shallow aquifer groundwater levels. Therefore, the water levels for monitoring well MW-12A are excluded from contouring.

MW-XX

Grayed out well names indicate no water level measurement has taken place this month.

Imagery Source: USDA NAIP (2023)

N

0 200 400
Feet

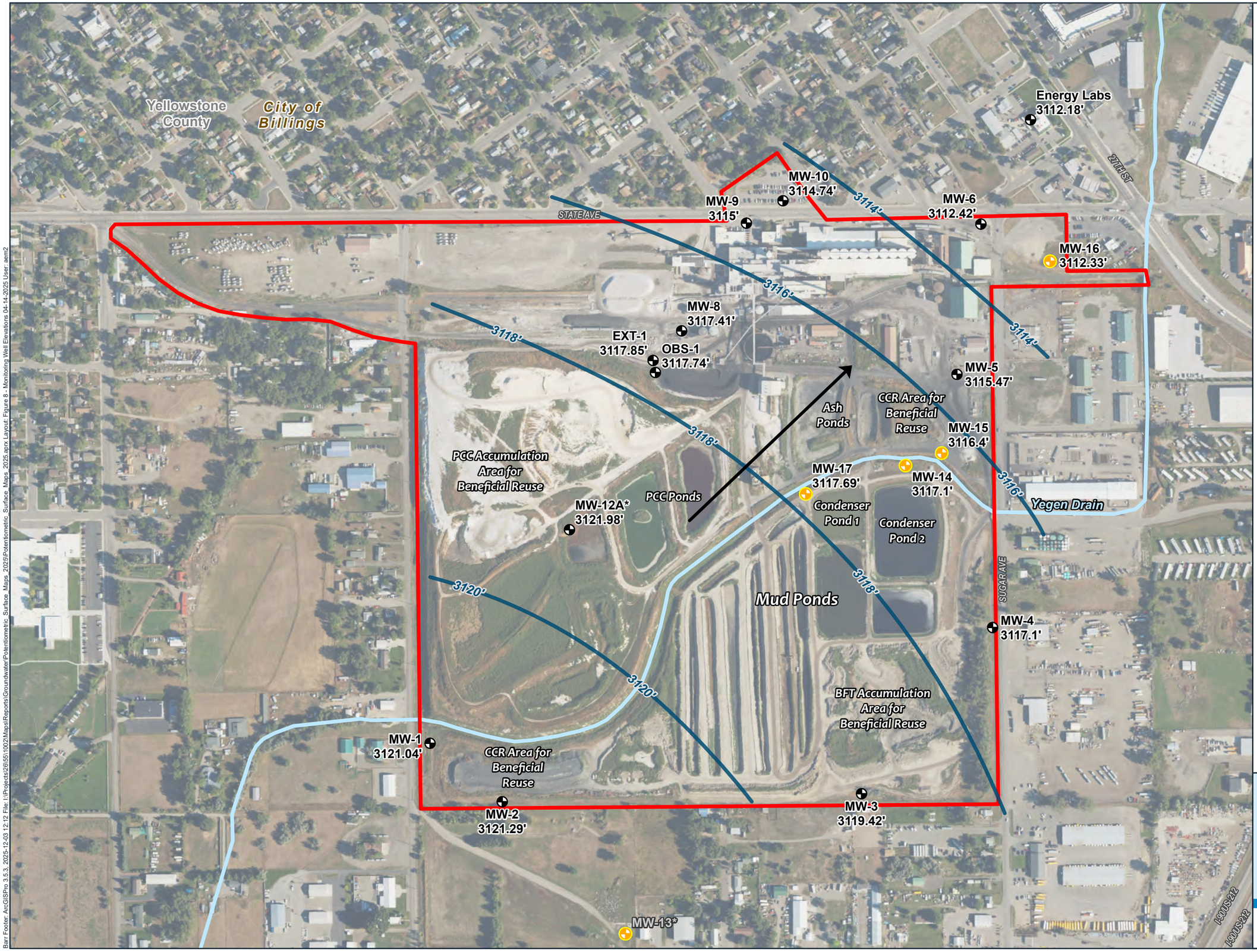
Monitoring Well Elevations
03/18/2025
Western Sugar Cooperative
Billings, Montana

FIGURE 7

BARR

0109

Barr Footer: ArcGISPro 3.5.3, 2025-12-03 12:12 File: I:\Projects\26\55\1002\Maps\Reports\Groundwater\Potentiometric_Surface_Maps_2025\Potentiometric_Surface_Maps_2025.aprx Layout: Figure 7 - Monitoring Well Elevations 03-18-2025 User: aem2



Property Boundary
Yegen Drain
Groundwater Contour (04/14/2025)
Primary Groundwater Flow Direction
Existing Monitoring Well
Proposed Monitoring Well

Notes:

BTF - Beet Flume Topsoil
CCR - Coal Combustion Residue
PCC - Precipitated Calcium Carbonate

* Water levels in monitoring well **MW-12A** likely represent perched water intervals associated with saturated and partially saturated conditions of the PCC pile and are not likely representative of the shallow aquifer groundwater levels. Therefore, the water levels for monitoring well MW-12A are excluded from contouring.

MW-XX
Grayed out well names indicate no water level measurement has taken place this month.

Imagery Source: USDA NAIP (2023)

N

0 200 400
Feet

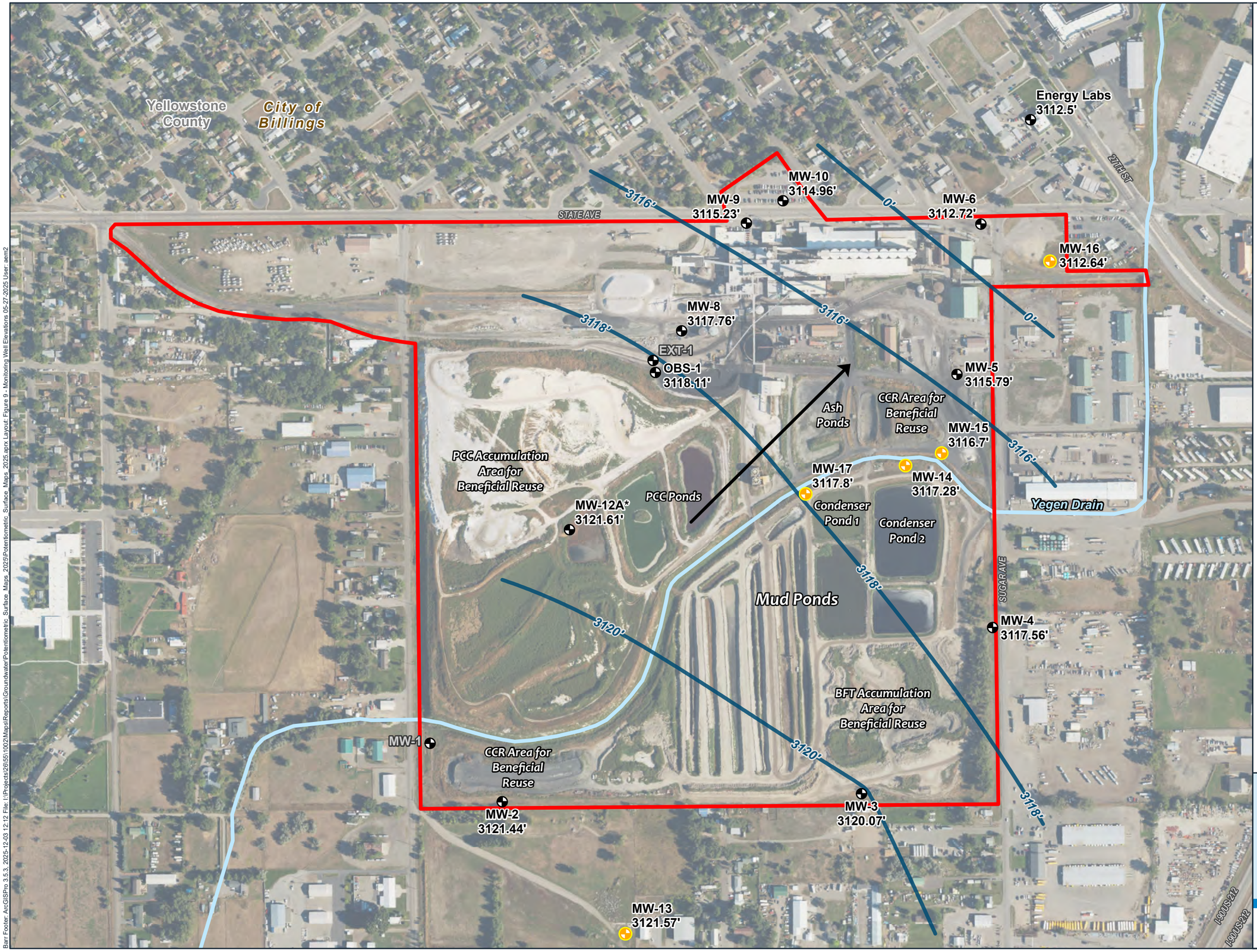
Monitoring Well Elevations
04/14/2025
Western Sugar Cooperative
Billings, Montana

FIGURE 8

BARR

0110

Barr Footer: ArcGISPro 3.5.3, 2025-12-03 12:12 File: I:\Projects\26\55\1002\Maps\Reports\Groundwater\Potentiometric_Surface_Maps_2025\Potentiometric_Surface_Maps_2025.aprx Layout: Figure 8 - Monitoring Well Elevations 04-14-2025 User: aem2



Property Boundary
Yegen Drain
Groundwater Contour (05/27/2025)
Primary Groundwater Flow Direction
Existing Monitoring Well
Proposed Monitoring Well

Notes:

BTF - Beet Flume Topsoil
CCR - Coal Combustion Residue
PCC - Precipitated Calcium Carbonate

* Water levels in monitoring well **MW-12A** likely represent perched water intervals associated with saturated and partially saturated conditions of the PCC pile and are not likely representative of the shallow aquifer groundwater levels. Therefore, the water levels for monitoring well MW-12A are excluded from contouring.

MW-XX
Grayed out well names indicate no water level measurement has taken place this month.

Imagery Source: USDA NAIP (2023)

N

0 200 400
Feet

Monitoring Well Elevations
05/27/2025
Western Sugar Cooperative
Billings, Montana

FIGURE 9

BARR

0111

Barr Footer: ArcGISPro 3.5.3, 2025-12-03 12:12 File: I:\Projects\26\55\1002\Maps\Reports\Groundwater\Potentiometric_Surface_Maps_2025\Potentiometric_Surface_Maps_2025.aprx Layout: Figure 9 - Monitoring Well Elevations 05-27-2025 User: aem2



Property Boundary
Yegen Drain
Groundwater Contour (06/10/2025)
Primary Groundwater Flow Direction
Secondary Groundwater Flow Direction
Existing Monitoring Well
Proposed Monitoring Well

Notes:

BTF - Beet Flume Topsoil
CCR - Coal Combustion Residue
PCC - Precipitated Calcium Carbonate

* Water levels in monitoring well **MW-12A** likely represent perched water intervals associated with saturated and partially saturated conditions of the PCC pile and are not likely representative of the shallow aquifer groundwater levels. Therefore, the water levels for monitoring well MW-12A are excluded from contouring.

MW-XX
Grayed out well names indicate no water level measurement has taken place this month.

Imagery Source: USDA NAIP (2023)

0 200 400
Feet

Monitoring Well Elevations
06/10/2025
Western Sugar Cooperative
Billings, Montana

FIGURE 10

BARR

0112

Barr Footer: ArcGISPro 3.5.3, 2025-12-03 12:12 File: I:\Projects\26\55\1002\Maps\Reports\Groundwater\Potentiometric_Surface_Maps_2025\Potentiometric_Surface_Maps_2025.aprx Layout: Figure 10 - Monitoring Well Elevations 06-10-2025 User: aem2



Property Boundary
Yegen Drain
Groundwater Contour (07/07/2025)
Primary Groundwater Flow Direction
Secondary Groundwater Flow Direction
Existing Monitoring Well
Proposed Monitoring Well

Notes:

BTF - Beet Flume Topsoil
CCR - Coal Combustion Residue
PCC - Precipitated Calcium Carbonate

* Water levels in monitoring well **MW-12A** likely represent perched water intervals associated with saturated and partially saturated conditions of the PCC pile and are not likely representative of the shallow aquifer groundwater levels. Therefore, the water levels for monitoring well MW-12A are excluded from contouring.

MW-XX
Grayed out well names indicate no water level measurement has taken place this month.

Imagery Source: USDA NAIP (2023)

0 200 400
Feet

Monitoring Well Elevations
07/07/2025
Western Sugar Cooperative
Billings, Montana

FIGURE 11

BARR

Barr Footer: ArcGISPro 3.5.3, 2025-12-03 12:12 File: I:\Projects\26\55\1002\Maps\Reports\Groundwater\Potentiometric_Surface_Maps_2025\Potentiometric_Surface_Maps_2025.aprx Layout: Figure 11 - Monitoring Well Elevations 07-07-2025 User: aem2



Property Boundary
Yegen Drain
Groundwater Contour (08/11/2025)
Primary Groundwater Flow Direction
Existing
Proposed

Notes:

BTF - Beet Flume Topsoil
CCR - Coal Combustion Residue
PCC - Precipitated Calcium Carbonate

* Water levels in monitoring well **MW-12A** likely represent perched water intervals associated with saturated and partially saturated conditions of the PCC pile and are not likely representative of the shallow aquifer groundwater levels. Therefore, the water levels for monitoring well MW-12A are excluded from contouring.

MW-XX
Grayed out well names indicate no water level measurement has taken place this month.

Imagery Source: USDA NAIP (2023)

N

0 200 400
Feet

Monitoring Well Elevations
08/11/2025
Western Sugar Cooperative
Billings, Montana

FIGURE 12

BARR

Barr Footer: ArcGISPro 3.5.3, 2025-12-03 12:12 File: I:\Projects\26\55\1002\Maps\Reports\Groundwater\Potentiometric_Surface_Maps_2025\Potentiometric_Surface_Maps_2025.aprx Layout: Figure 12 - Monitoring Well Elevations 08-11-2025 User: aem2



Property Boundary
Yegen Drain
Groundwater Contour (09/16/2025)
Primary Groundwater Flow Direction
Secondary Groundwater Flow Direction
Existing
Proposed

Notes:

BTF - Beet Flume Topsoil
CCR - Coal Combustion Residue
PCC - Precipitated Calcium Carbonate

* Water levels in monitoring well **MW-12A** likely represent perched water intervals associated with saturated and partially saturated conditions of the PCC pile and are not likely representative of the shallow aquifer groundwater levels. Therefore, the water levels for monitoring well MW-12A are excluded from contouring.

MW-XX
Grayed out well names indicate no water level measurement has taken place this month.

Imagery Source: USDA NAIP (2023)

0 200 400
Feet

Monitoring Well Elevations
09/16/2025
Western Sugar Cooperative
Billings, Montana

FIGURE 13

BARR

0115

Barr Footer: ArcGISPro 3.5.3, 2025-12-03 12:12 File: I:\Projects\26\55\1002\Maps\Reports\Groundwater\Potentiometric_Surface_Maps_2025\Potentiometric_Surface_Maps_2025.aprx Layout: Figure 13 - Monitoring Well Elevations 09-16-2025 User: aem2



Property Boundary
Yegen Drain
Groundwater Contour (10/14/2025)
Primary Groundwater Flow Direction
Existing
Proposed

Notes:

BTF - Beet Flume Topsoil
CCR - Coal Combustion Residue
PCC - Precipitated Calcium Carbonate

MW-XX
Grayed out well names indicate no water level measurement has taken place this month.

Imagery Source: USDA NAIP (2023)

0 200 400
Feet

Monitoring Well Elevations
10/14/2025
Western Sugar Cooperative
Billings, Montana

FIGURE 14

BARR

Barr Footer: ArcGISPro 3.5.3, 2025-12-03 12:12 File: I:\Projects\26\55\10\02\Maps\Reports\Groundwater\Potentiometric_Surface_Maps_2025.aprx Layout: Figure 12 - Monitoring Well Elevations 08-11-2025 User: aem2



Property Boundary
Yegen Drain
Groundwater Contour (11/11/2025)
Primary Groundwater Flow Direction
Existing
Proposed

Notes:

BTF - Beet Flume Topsoil
CCR - Coal Combustion Residue
PCC - Precipitated Calcium Carbonate

MW-XX
Grayed out well names indicate no water level measurement has taken place this month.

Imagery Source: USDA NAIP (2023)

0 200 400
Feet

Monitoring Well Elevations
11/11/2025
Western Sugar Cooperative
Billings, Montana

FIGURE 15

BARR

0117

Barr Footer: ArcGISPro 3.5.3, 2025-12-03 12:12 File: I:\Projects\26\55\10\02\Maps\Reports\Groundwater\Potentiometric_Surface_Maps_2025.aprx Layout: Figure 12 - Monitoring Well Elevations 08-11-2025 User: aem2



Property Boundary
Yegen Drain
Existing
Proposed

Notes:

BTF - Beet Flume Topsoil
CCR - Coal Combustion Residue
PCC - Precipitated Calcium Carbonate

MW-XX

Grayed out well names indicate no water level measurement has taken place this month.

Not enough water level measurements have taken place to form accurate groundwater contours.

Imagery Source: USDA NAIP (2023)

0 200 400
Feet

Monitoring Well Elevations
12/02/2025
Western Sugar Cooperative
Billings, Montana

FIGURE 16

BARR

0118

Barr Footer: ArcGISPro 3.5.3, 2025-12-03 12:12 File: I:\Projects\26\55\1002\Maps\Reports\Groundwater\Potentiometric_Surface_Maps_2025\Potentiometric_Surface_Maps_2025.aprx Layout: Figure 12 - Monitoring Well Elevations 08-11-2025 User: aem2

Appendix E

EXT-1 Pumping Test Results

Hydrometrics, Inc.

consulting scientists and engineers

M E M O R A N D U M

DATE: February 17, 2026

TO: Amy Hui, Western Sugar Cooperative

FROM: Brody Bissonette, Hydrometrics, Inc.
Greg Davis, Hydrometrics, Inc.

SUBJECT: EXT-1 Pumping Test Results

This memorandum provides the methodology and results of a pumping test conducted on monitoring well EXT-1 at the Western Sugar Cooperative on January 12 and 13, 2026, in accordance with the Settlement Studies Work Plan (Barr Engineering, August 2024). The purpose of the pumping test was to characterize aquifer properties at the Billings facility.

Methodology

Well EXT-1 located at the Western Sugar Cooperative site in Billings, MT (Attachment 1) was tested in January 2026. Nearby wells OBS-1 and MW-8 were used as observations wells during the testing period (Attachment 1). Prior to pumping, Hydrometrics installed a vented pressure transducer in EXT-1, OBS-1 and MW-8 on January 9th to record hourly background measurements. See Attachment 2 for well logs. OBS-1 is located approximately 30 feet south of EXT-1, and MW-8 is located approximately 199 feet northeast of EXT-1. Transducers were also installed in the western-most PCC pond and the Ash Pond to record pond levels at the same hourly recording frequency. The tests on EXT-1 were conducted using the existing pump system. Water pumped from EXT-1 was diverted to five connected frac tanks (21,000-gallon total storage). A diesel pump was installed to provide circulation for freeze protection and re-injection of water after the pumping test concluded.

Step-Drawdown Test

On January 12, 2026, a Step-Drawdown pumping test was performed on EXT-1. The pressure transducer in EXT-1 was set to record on a logarithmic recording frequency. Step tests 1 and 2 were conducted for 60 minutes each. A third test was conducted for a duration of 120 minutes. Average flow rates were calculated using a Neptune totalizing flow meter. Flow rates for each test are shown in Table 1. The well was allowed to recover for an estimated 14 hours following the completion of the final step test prior to the constant rate test described below.

Constant-Rate Pumping Test

A 720-minute (12-hour) constant-rate test was conducted in well EXT-1 on January 13, 2026. Prior to the constant-rate test, the water level in EXT-1 recovered to 0.09 feet below the water level measured immediately prior to the step-drawdown test. A discharge rate of 87 gallons per minute (gpm) was maintained throughout the test. Drawdown observations were recorded using pressure transducers and manually using a water level meter. The transducer in EXT-1 recorded water levels at a logarithmic frequency. The remaining pressure transducers were set to record every minute. Wells OBS-1 and MW-1 were used as primary observation wells. Wells MW-17, MW-12A, and MW-10 were used as secondary observation wells. Table 1 shows the construction details of all the wells included in the test.

Table 1: Well Details

Well Name	Well Diameter (in)	Drilled Depth (ft)	Screen Interval (ft)	DTW (below top of pipe)	Approximate Distance from EXT-1 (ft)
EXT-1	12	38.5	17-37	13.25	NA
OBS-1	2	17.1	7-17	11.95	30
MW-8	2	17	2.25-17.25	9.32	199
MW-10	2	17	6-16.6	6.06	930
MW-12A	4	48	38-48	43.14	832
MW-17	2	39	19-39	15.74	876

NA – Non-Applicable

Results

Step-Drawdown Test

Three Step-Drawdown tests were performed on EXT-1. The flow rate of the first test was set to 61 gpm, with pumping lasting for 60 minutes. Observed maximum drawdown for the first test was 1.31 feet in EXT-1. Without stopping pumping, the flow rate of the second test was set to 84 gpm, with pumping lasting for 60 minutes. The observed maximum drawdown for the second test was 1.98 feet in EXT-1. The final test had a flow rate of 103 gpm, with pumping lasting for 120 minutes. The observed maximum drawdown was 2.64 feet in EXT-1. A plot of the Step-Drawdown test data results are shown in Attachment 3.

Constant-Rate Pumping Test

The 12-hour pumping test conducted at EXT-1 produced a maximum drawdown of 2.46 feet. The observed maximum drawdown at OBS-1 and MW-8 was 1.6 feet and 1.06 feet, respectively. Observed maximum drawdown in each well during the step-drawdown test and the constant-rate test are shown in Table 2. A plot showing the drawdown and recovery of the three wells is in Attachment 4. Hand measurement of water levels in the surrounding wells MW-10, MW-12A, and MW-17 were also completed. Drawdown was observed in these wells during the constant-rate test, but the data was not analyzed to determine aquifer characteristics since drawdown was less than 0.10 feet. Water pumped from EXT-1 was injected back into the well on January 14 and 15. Data from the transducers were downloaded following the injection of pumped water into EXT-1. The data from EXT-1, OBS-1, and MW-8 were analyzed with AQTESOLV software. The water level change in EXT-1 and observation wells OBS-1 and MW-8 while injection occurred in EXT-1 are shown in Attachment 5. Water levels during all phases of the testing—background, step-drawdown, constant-rate, recovery, and injection—are provided in Attachment 6.

Table 2: Aquifer Testing Observation Summary

Test Type	Test Duration (Min)	EXT-1 Flow Rate (gpm)	Observed Maximum Drawdown at Following Well (ft):					
			EXT-1	OBS-1	MW-8	MW-17	MW-12A	MW-10
STEP 1	60	61	1.31	0.71	0.32	NR	NR	NR
STEP 2	60	84	1.98	1.08	0.53	NR	NR	NR
STEP 3	60	103	2.64	1.5	0.79	0.03	NR	NR
Constant	120	87	2.46	1.6	1.06	0.08	0.05	0.03

NR – No Response

Analysis

Data from the pumping test was analyzed using Aqtesolv® analytical software using the Theis Confined and Theis Recovery methods for confined aquifers. Table 3 provides a summary of the calculated aquifer transmissivity and hydraulic conductivity (with a 20-foot saturated thickness) for both the drawdown and recovery phase in wells EXT-1, OBS-1, and MW-8. Attachment 7 provides plots of the analytical solution versus observed water level data from EXT-1, OBS-1, and MW-8 during the pumping and recovery phases of the test.

Table 3: Summary of Aquifer Test Analyses for EXT-1 Pumping Test

Analytical Solution	Well	Transmissivity (ft^2/day)	Hydraulic Conductivity (ft/day)	Saturated Thickness (ft)	Storativity
Theis (Confined)	EXT-1	5590	280	20	NA
	OBS-1	5896	295	20	0.00791
	MW-8	7534	377	20	0.00068
Theis (Recovery)	EXT-1	5987	299	20	NA
	OBS-1	5355	268	20	NA
	MW-8	6848	342	20	NA

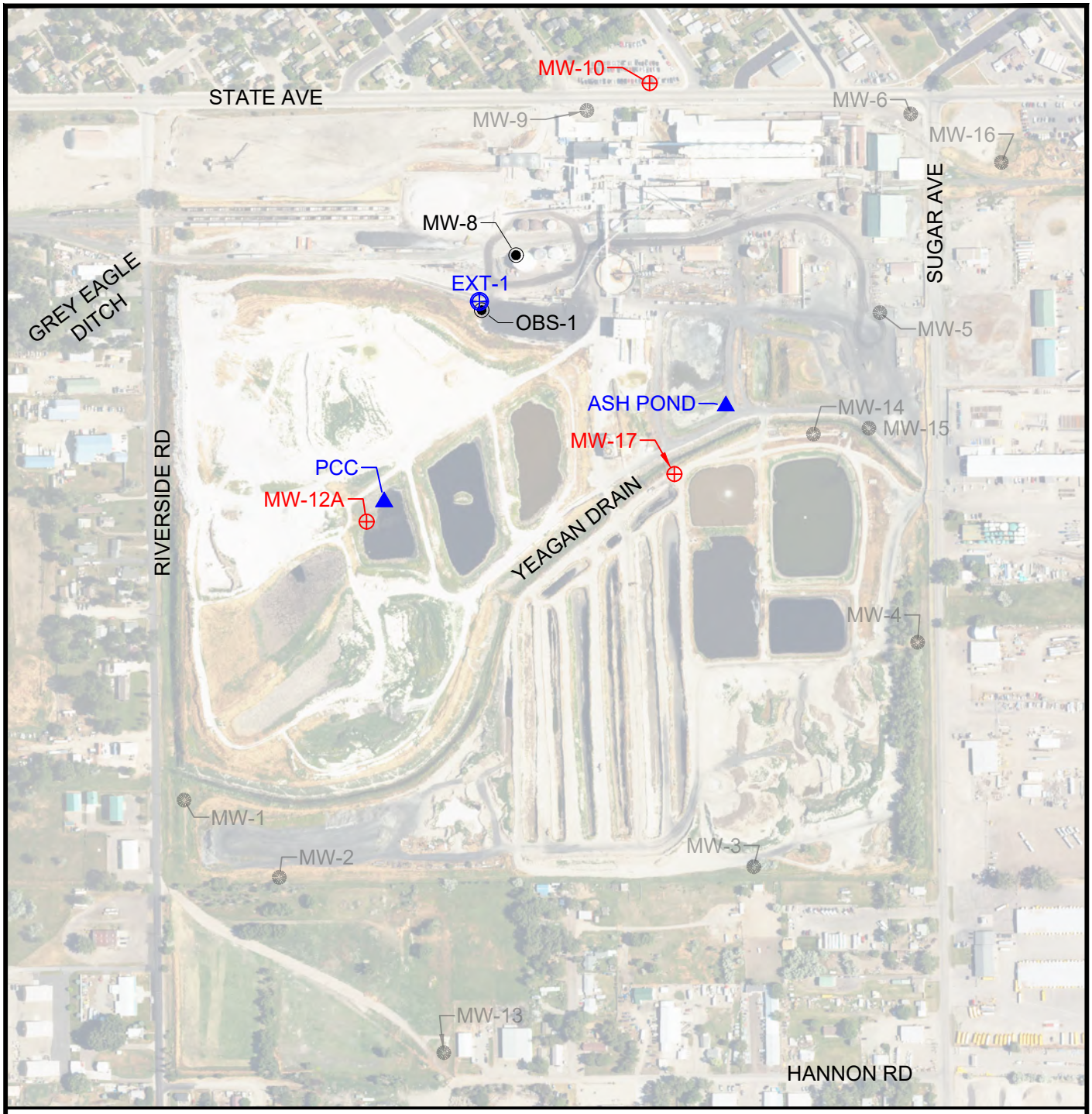
Discussion

The results of the EXT-1 pumping tests indicated that the sand and gravel aquifer in the vicinity of the well has a hydraulic conductivity ranging between approximately 270 ft/day and 380 ft/day. Storativity values from wells OBS-1 and MW-8 were 0.008 and 0.0007, which are typical of confined/semi-confined aquifer systems. Slug tests completed on MW-1 through MW-4, as reported in the Groundwater Investigation at the Western Sugar Company Facility, Billings, Montana (LSE, 1991), resulted in an average hydraulic conductivity for those four wells of 677 ft/day. A 3-hour pumping test on MW-4 in 2016 (Hydrometrics, 2017) resulted in a hydraulic conductivity of 242 ft/day based on observations in MW-4. The results of the EXT-1 pumping tests are of hydraulic conductivity for sand and gravel aquifers which typically range from 30 to 650 ft/day[1].

[1] Spitz and Moreno, 1996. A Practical Guide to Groundwater and Solute Transport Modeling. John Wiley and Sons, Inc.

ATTACHMENT 1

SITE OVERVIEW



LEGEND

EXT-1 ⊕	PUMPING WELL	PCC ▲	SURFACE WATER (INSTRUMENTED)
OBS-1 ◉	OBSERVATION WELL (INSTRUMENTED)	MW-1 ●	WELLS NOT USED FOR TESTING
MW-12A ⊕	OBSERVATION WELL (WATER LEVELS ONLY)		

NORTH

SCALE

0 (In Feet) 500

(2025 NAIP)

WESTERN SUGAR, LLC	**MONITORING SITES**	ATTACHMENT **1**

Updated by: jbergin 2/10/2026 12:07 PM
I:\Land Projects\WESUG\2502500B003.dwg [FIG 1 MONITORING SITES]

Hydrometrics, Inc.

ATTACHMENT 2

WELL LOGS

Drilling Log/ Well Schematic
UniField Engineering

Boring #:	EXT-1	Date:	1/20-25/94	Drilling Method:	Air Rotary
Site:	WSC/Billings	Drilling Co:	Advanced Drilling Technology	Bore-hole Dia.:	12-in dia
Project:	92-139	Driller:	Wayne Jewett/Ross Lehner	Logged By:	JLO
Location:	West of Coal Pile	MWWCL#:	271	Weather:	Cold, clear

Su 2.38 ft MP: 3128.93 ft-AMSL

Elv (Ft-MSL)	Depth (Ft)	Interval	Lithologic Description
3127	0	0 to 1	Coal Silt, black
	1	1 to 3	Calcarious silt and lime mud, pale tan, moist, soft (lime pile slump)
	2		
	3		
	4		Clayey silt, med-brown
3122	5		
	6	3 to 6	
	7		Silty Sand, dk-gray
	8		
	9		SWL 12.02 BMP 2/9/94
3117	10		
	11		
	12	12 to 22	Gravel and Sand
	13		
	14		
3112	15		
	16		
	17		
	18	9 to 17	
	19		
3107	20		
	21		
	22		
	23		Boulders
	24		
3102	25		
	26		
	27		
	28		
	29		
3097	30		
	31		
	32		
	33		
	34		
	35		
	36		
	37		
	38		
	39		Shale Bedrock at 38.5 feet, Boring Terminated

Well Construction

-2.4 to 17.0 12-in steel case

17.0 to 37.0 12-in 0.03 slot, Stainless Steel Telescoping Screen

37.0 Total Well Depth

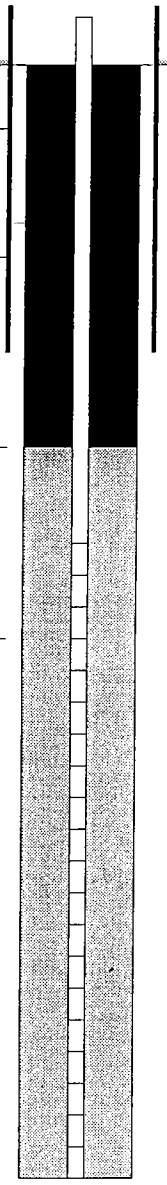
Drilling Log/ Well Schematic
UniField Engineering

Boring #:	OBS-1	Date:	1/19/93	Drilling Method:	Air Rotary
Site:	WSC/Billings	Drilling Co:	Advanced Drilling Technology	Bore-hole Dia.:	8 in
Project:	92-139	Driller:		Logged By:	JLO
Location:	West of Coal Pile	MWWCL#:		Weather:	Cloudy, cold, snow flurries

Su 1.92 ft MP: 3127.73

Elv (Ft-MSL)	Depth (Ft)	Interval	Lithologic Description
3126	0	0 to 1	Coal Silt, black
	1	1 to 3	Calcarious silt and lime mud, pale tan, moist, soft (lime pile slump)
	2		
	3	3 to 6	Clayey silt, trace sand and gravel, dark brown, moist
	4		
3121	5		
	6	6 to 9	Clayey silt and sand, black, very moist to saturated
	7		
	8		
	9	9 to 17	Silty sandy gravel, black
3116	10		
	11		
	12		
	13		
	14		
3111	15		
	16		
	17		

Boring terminated at 17.1 ft



Well Construction

-2.1 to	3.9	8-in steel surface case
-1.9 to	7	2-in PVC riser pipe
0 to	5	Bentonite chips
5.0 to	17.0	Sand filter pack
7 to	17	2-in, PVC, 0.01 in, slotted screen

LSE

BORE LOG

BORE NUMBER: 8
LOCATION: Near coal pile
T1S R26E Sec. 10 ABAD
SURFACE ELEVATION: 3121.4'
OWNER: Western Sugar Co.
ADDRESS: 3020 State Ave.
Billings, MT
TOTAL DEPTH: 17.25'
WATER LEVEL: 5'
DRILLING COMPANY: ADT
DRILLING METHOD: Air Rotary
DATE DRILLED: 1/22/91
DRILLER: Al Hicks
HELPER:
LOG BY: J.R. Rice

SKETCH MAP

DEPTH (FEET)	GRAPHIC LOG	SAMPLE NO.	SAMPLE TYPE	SAMPLE BLOWS	DESCRIPTION/SOIL CLASSIFICATION (COLOR, TEXTURE, STRUCTURES)
0-5					Fill, gravelly, dark gray, loose, coal, lime and other fill materials
3-4.5					Fill, gravelly loam, clay at 20%, dark gray brown, trace coal and subangular gravel, soft to firm, slightly plastic, slightly sticky
4.5-5					Fill, gravelly, limey, loose, moist, non-sticky, non-plastic
5-7					Gravelly loamy sand (SM), gray, little to some fines, gravels rounded, loose, wet, water table at 5', non-plastic, non-sticky
7-17					Sand and gravels (SW-GW), dark gray, gravels rounded to sub-rounded, loose, wet, non-plastic, non-sticky, river alluvium

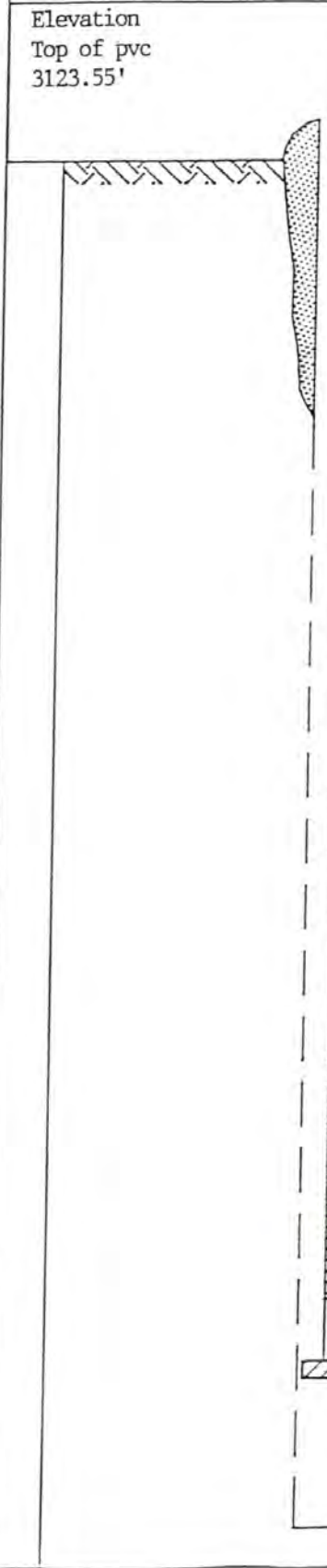
0129

WELL COMPLETION LOG

LSE

PROJECT Western Sugar Company 89-134
SITE Western Sugar Company, Billings, Montana Refinery
COORDINATES T1S, R26E, Section 10 ABAD
DATE COMPLETED 1/22/91
SUPERVISED BY J.R. Rice

WELL NO. MW-8
AQUIFER Yellowstone Valley Alluvial
Sheet 2 of 2



Elevation of reference point Top of steel protector casing	3124.57'
Height of reference point above ground surface	3.2'
Depth of surface seal	0.4' BGS
Type of surface seal concrete	
I.D. of surface casing: 0.55'	
Type of surface casing: locking steel casing	
Depth of surface casing	1.8' BGS
I.D. of riser pipe: 0.17'	
Type of riser pipe: Horizon schedule 40 pvc flush threaded	
Diameter of borehole: 0.55'	
Type of filler N/A	
Depth to top of seal	0.4' BGS
Type of seal: Enviroplug bentonite medium	
Type of gravel pack Granusil #8 silica sand	
Depth to top of gravel pack	2.0' BGS
Depth to top of screen	2.25' BGS
Description of screen Horizon schedule 40 pvc flush threaded 0.020" slot	
I.D. of screen section: 0.17'	
Depth to bottom of screen	17.25' BGS
Depth to bottom of gravel pack	17.25' BGS
Depth to bottom of plugged blank section	N/A
Type of filler below plugged section	
Elevation of bottom of borehole	

0130

BORE LOG

Bore Number: MW-10 Owner: WSC

Location: WSC Parking Lot

Walkway North of State St.

T1S, 26E, Sec 3 DC

Surface Elevation: 3120 Water Level: 6.04

Drilling Company: ADT/PRO PUMP Drilling Method: AIR ROTARY

Date Drilled: 4/20/91

Driller: AL HICKS M.W. Lisc. #171

Log By: John Olson (LSE)

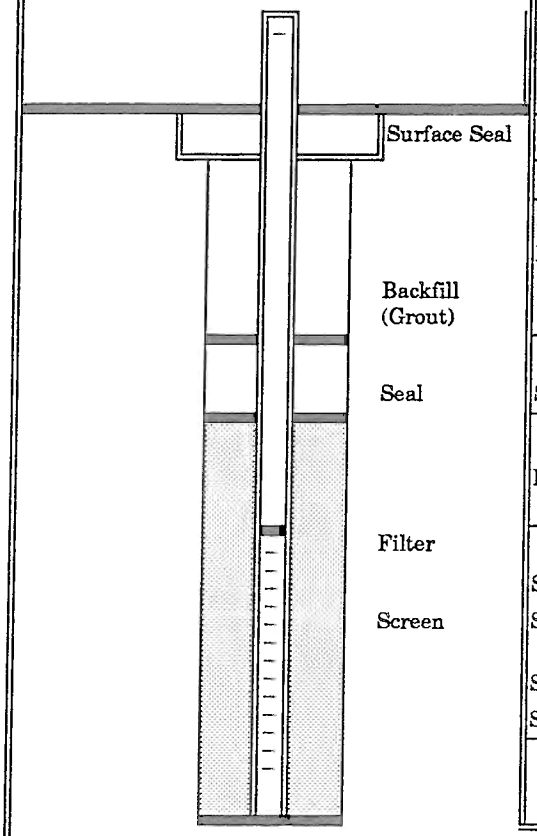
Notes: WSC Monitor Well

Sketch Map

Depth (Feet)	Sample No.	Sample Type	Sample Blows	Description/Soil Classification (Color, Texture, Structures)
0.0′-	NA	NA	NA	(ML) Silty clay some gravel, dark gray, soft.
8.5′				
8.5′-	NA	NA	NA	(ML) Clayey fine sand, brown, trace gravel, saturated at 8.75 ft, loose.
14.5′				
14.5′-	NA	NA	NA	(GM) Gravelly silty clayey fine sand, some cobbles, tan.
16.5′				
16.5	NA	NA	NA	(GP) Gravel and Cobbles in a fine sand matrix, tan-gray.
17				

LSE, INC.
WELL SCHEMATIC

Well No:	MW-10	Site:	Wester Sugar Company
Date Installed:	04/20/92	Location:	WSC Parking Lot, Walkway North of State Street T1S, R26E, Sec 10 DC
Drilling Company:	ADT/Pro Pump		
Driller:	Al Hicks MT-Lic# 171	Project Number	91-130
Log By:	John Olson -LSE	Static GW Level:	5.90 ft-BLS Measured on: 4/31/92



		Depth (Ft- BLS)
Cover:	Steel Flush Mounted Vault	
Pad:	Cement	
	Measured Point Elev. (Ft)	3118.79
	Refernce Point: Top of PVC Riser	
	Ground Surface Elev. (Ft)	3119
Surface Seal:	Sacrete	
Backfill Material:	NA	
Riser Pipe Material:	SCH 40 PVC	
Riser Pipe Diameter:	2.00 inches	
	Top of Seal	0.0
Seal Material:	Bentonite Chips	
	Top of Filter	4.0
Filter Material:	Coarse Graded Silica Sand	
	Top of Screen	6.6
Screen Material:	SCH 40 PVC	
Screen Diameter:	2.00 inches	
Screen Slot:	0.01 inches	
Sump Length:	NA	
	Total Well Depth:	16.6
	Total Borehole Depth:	17.0

Notes:

Drilling Log/ Well Schematic
UniField Engineering

Boring #:	MW-12	Date:	10/18/93	Drilling Method:	Hollow Stem Auger
Site:	WSC/Billings	Drilling Co:	Chen-Northern	Bore-hole Dia.:	6.5 in
Project:	92-139	Driller:	Ben Kruger	Logged By:	JLO
Location:	Lime Pile (near Center)	MWWCL#:	209	Weather:	Clear, mild

Su B 1.50 ft MP: 3156.00

Elv (Ft-MSL)	Depth (Ft)	Sample Interval	ID #	SPT Blows	Lithologic Description
3155	0				
	1				
	2				
	3				
	4	3.5 to 5.0	SS-1	5-6-11 17	Calcarious silt and lime mud, med-brown, trace weed fibers, slightly moist, very stiff (Road Fill Material)
3150	5				
	6				
	7				
	8				
	9	8.5 to 10.0	SS-2	3-3-4 7	Calcarious silt some sand, trace gravel and mud, white, gray, black, (specled), dry, crumbly, firm, beet odor
3145	10				
	11				
	12				
	13				
	14	13.5 to 15.0	SS-3	1-1-4 5	Calcarious silt some lime mud, med-gray to tan-gray (layered), dry to slightly moist, layered (1" to 1/2" thick) firm, beet odor
3140	15				
	16				
	17				
	18				
	19	18.5 to 20.0	SS-4	1-2-2 4	Calcarious silt some lime mud, med-gray to tan-gray (layered), slightly moist, layered (1" to 1/2" thick) soft, beet odor, slight H_2S odor
3135	20				
	21				
	22				
	23				
	24	23.5 to 25	SS-5	1-0-3 3	Calcarious silt some lime mud, dk gray and black (layered), moist, layered (1" to 1/2" thick), some black organic fibers, soft, strong H_2S odor
3130	25				
	26				
	27				
	28				
	29	28.5 to 30	SS-6	0-1-0 1	Calcarious silt some lime mud, dk gray and black (layered), very moist, layered (1" to 1/2" thick), some black organic fibers, very soft, strong H_2S odor
3125	30				
	31				
	32				
	33				
	34	33.5 to 35	SS-7	0-1-0 1	Calcarious silt some lime mud, dk gray and black (layered), very moist, layered (1" to 1/2" thick), some black organic fibers, very soft, strong H_2S odor
3120	35				
	36				
	37				
	38				----Gravel at 38 ft----
	39	38.5 to 40.0	SS-8	6-8-15 23	Pebbles and coarse gravel, rounded. trace coarse sand, black stained, saturated, very firm
3115	40				
	41				
	42				
	43				
	44	43.5 to 45.0	SS-9	5"/50+	Coarse sand and fine gravel, black, saturated, very dense
3110	45				
	46				
	47				
3120	48				Boring terminated at 48 ft

Well Construction

- 0 to 2.0 Cement
- 1.5 to 38.0 4-in dia PVC riser
- 2.0 to 5.0 Native backfill
- 5.0 to 14.0 Bentonite chips
- 14.0 to 33.0 Native backfill
- 33.0 to 36.0 Bentonite chips
- 36.0 to 48.0 Coarse Sand Pack 10-20 grade
- 38.0 to 48.0 4-in dia PVC screen 0.02-in slot

PROJECT: NUMBER: _____
NAME: _____

DRILL TYPE: SOIL: _____
ROCK: _____
DRILLED BY: _____
LOGGED BY: _____
REMARKS: _____

MONITORING WELL/BORING NO. MW-17
SHEET ___ OF ___
LOCATION: _____

ELEVATION: TOP OF HOLE: _____ (ft)
GROUNDWATER: 12.2 TOC 9/17/24
DATE: STARTED: _____ COMPLETED: _____

DEPTH (ft.)	LEGEND	CLASSIFICATION AND DESCRIPTION	SAMPLE SYMBOL	PENET. RESIST. (BLOWS/ft.)	FIELD SCREENING RESULTS: SAMPLE RECOVERY LENGTH	PID HEADSPACE	ODOR	STAINING
0.0		0.0-11 FILL - SILTY SAND DRY						
		- AIR KNIFE FROM 0-10' BGS						
5.0								
10.0		11-12 - FILL GRAVEL LIKELY OLD ~~GRAVEL~~						
		12-16 LEAN CLAY, D. BROWN, MOIST FINE SAND (UNIFIED) <10%						
15.0								
		16- SANDY GRAVEL BROWN, MOIST						
		18						
		18-40 SAA SATURATED/WET						
20.0								
25.0								
30.0								
40		SAME BLACK STAIN / ODOR						

CAL = CALIFORNIA
SS = SPLIT SPOON
ST = SHELBY TUBE
DB = DISTURBED BULK /BAG SAMPLE

CON = CONTINUOUS SAMPLE
CORE = CORE SAMPLE
CA = SAMPLE SUBMITTED FOR CHEMICAL ANALYSIS
"-" = NOT ANALYZED

NS = NO SHEEN
SS = SLIGHT SHEEN
MS = MODERATE SHEEN
HS = HEAVY SHEEN
__ = _____

DEPTH TO BOTTOM OF BORING _____

TETRA TECH

PROJECT: NUMBER: _____
NAME: _____

DRILL TYPE: SOIL: _____
ROCK: _____
DRILLED BY: _____
LOGGED BY: _____
REMARKS: _____

MONITORING WELL NO. MW-17
SHEET 1 OF 1
LOCATION: _____

DATE: HOLE STARTED: _____
COMPLETED: _____

ELEVATIONS

Top of Protective Casing _____

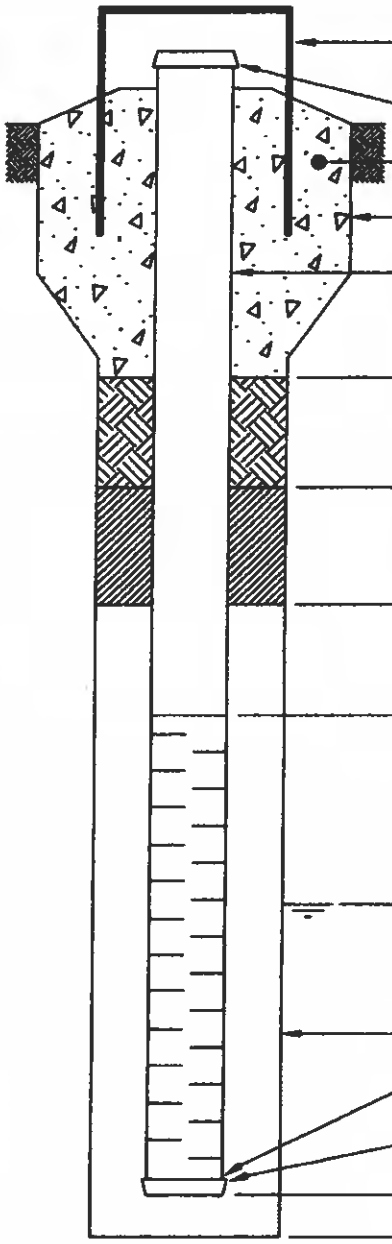
Top of PVC Casing _____

Top of Ground Surface _____

Groundwater _____

Bottom of Well Screen _____

Bottom of Boring _____



Protective Casing Type STEEL STICKUP
Water Tight PVC Cap Type 2" PVC
Surface Seal Type CONCRETE
Surface Seal Dia. 1.5
PVC Casing Type 2" SCH 40 PVC
Depth to Top of Secondary Seal 3.0 ~~2.5~~
Secondary Seal Type 3/8 CHIPS PELLETS
Depth to Top of Bentonite Seal 14.8
Bentonite Seal Type 1/4 PELLETS BENTONITE
Depth to Top of Filter Pack 18.0
Filter Pack Type 10/20 SAND
Depth to Top of Well Screen 19.0
PVC Well Screen Type 0.010 SLOT 2" PVC SCH 40
Depth to Initial Static Water Level 17.1
(Date 9/16/24)
Boring Diameter 6"
Depth to bottom of screen 39
PVC Cap Type POINT THREADED
Depth to Bottom of PVC Cap 39.2
Depth to Bottom of Boring 39.0

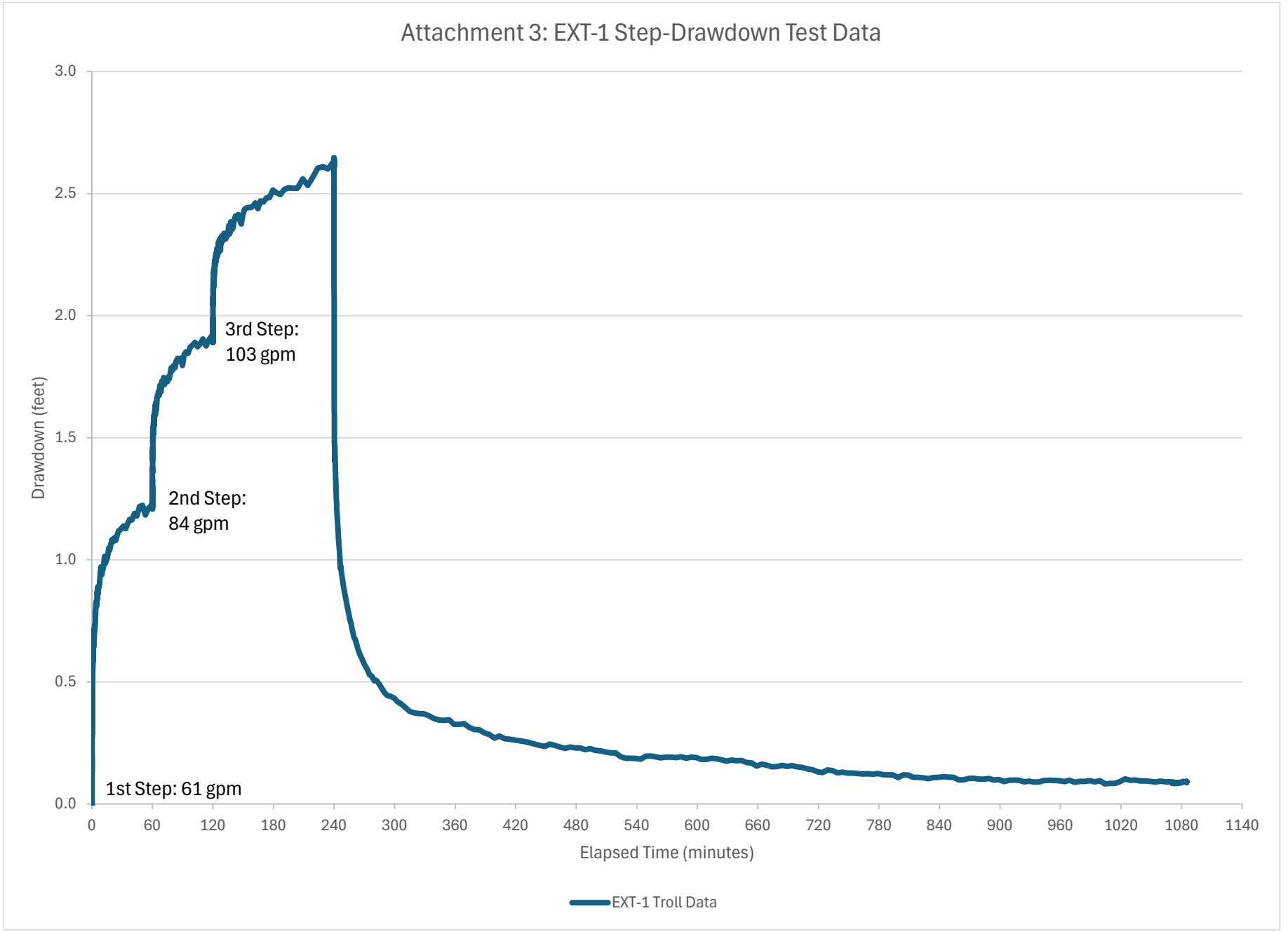
NOT TO SCALE

NOTE: ALL DEPTHS ARE TO BE REFERENCED FROM GROUND SURFACE.

0135

ATTACHMENT 3

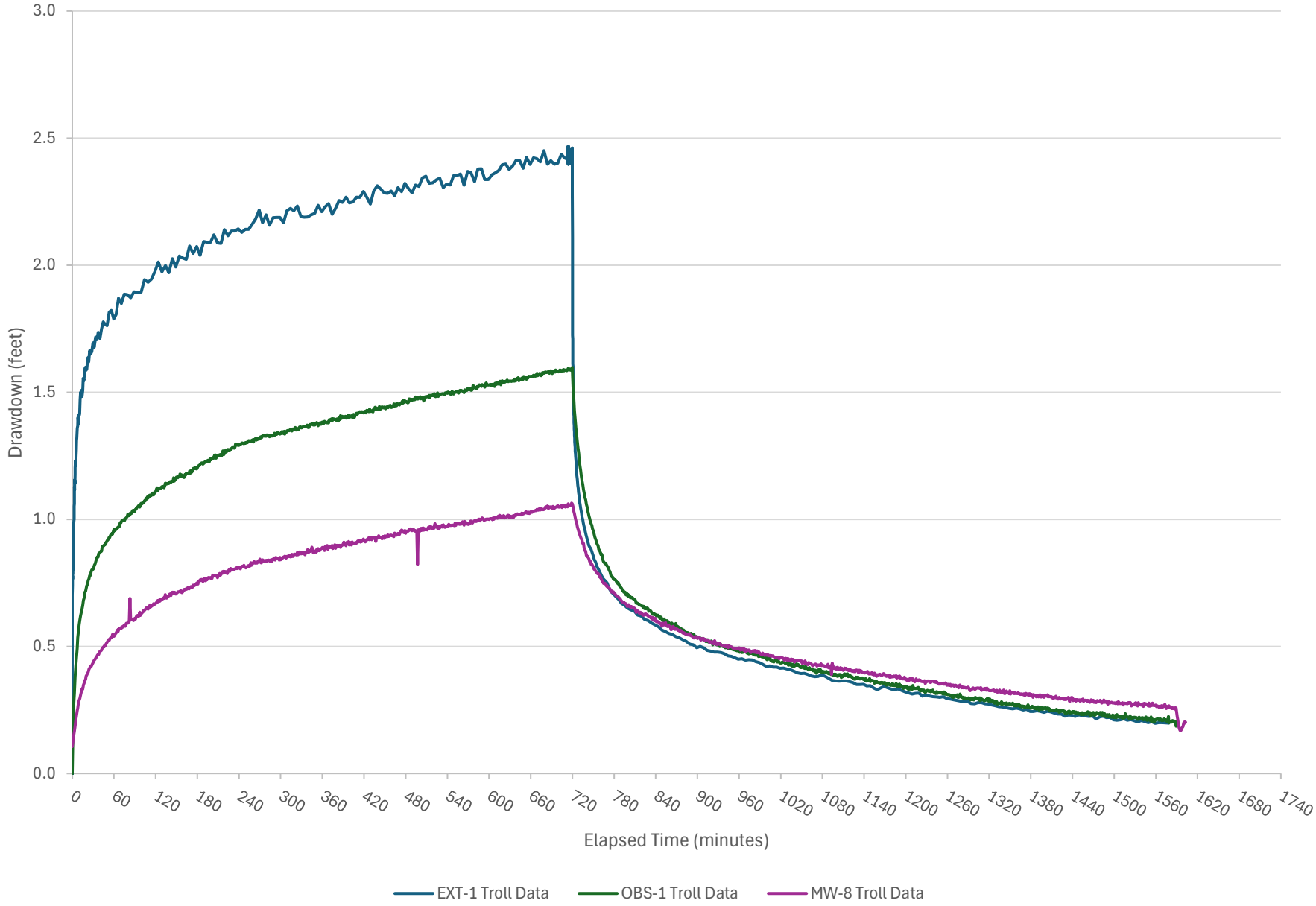
STEP-DRAWDOWN TEST DRAWDOWN PLOT


Attachment 3: EXT-1 Step-Drawdown Test Data
Drawdown (feet)
3.0
2.5
2.0
1.5
1.0
0.5
0.0
3rd Step:
103 gpm
2nd Step:
84 gpm
1st Step: 61 gpm
0
60
120
180
240
300
360
420
480
540
600
660
720
780
840
900
960
1020
1080
1140
Elapsed Time (minutes)
EXT-1 Troll Data

ATTACHMENT 4

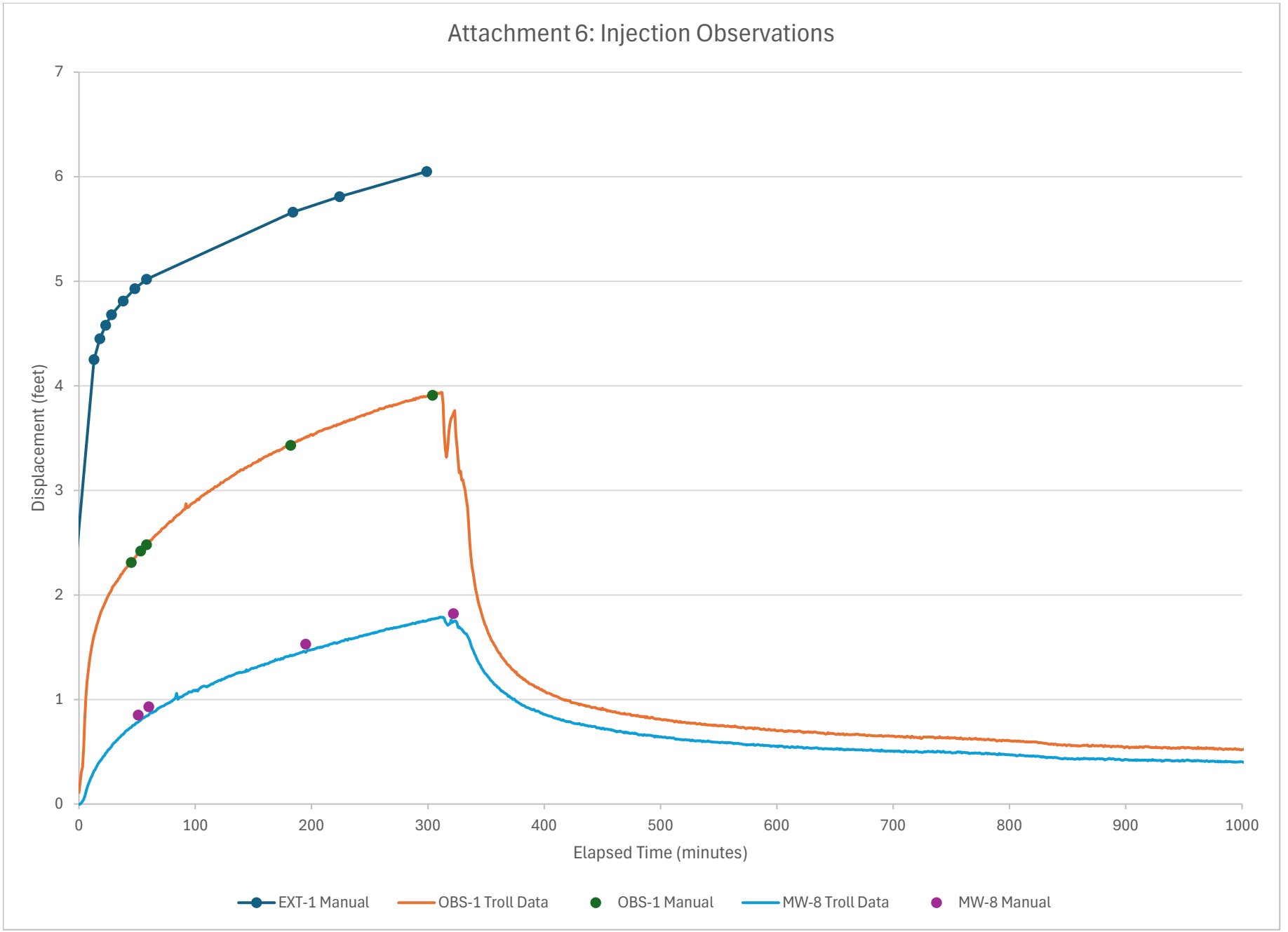
CONSTANT-RATE PUMPING TEST DRAWDOWN PLOT

Attachment 4: EXT-1 Constant Rate Pump Test Data



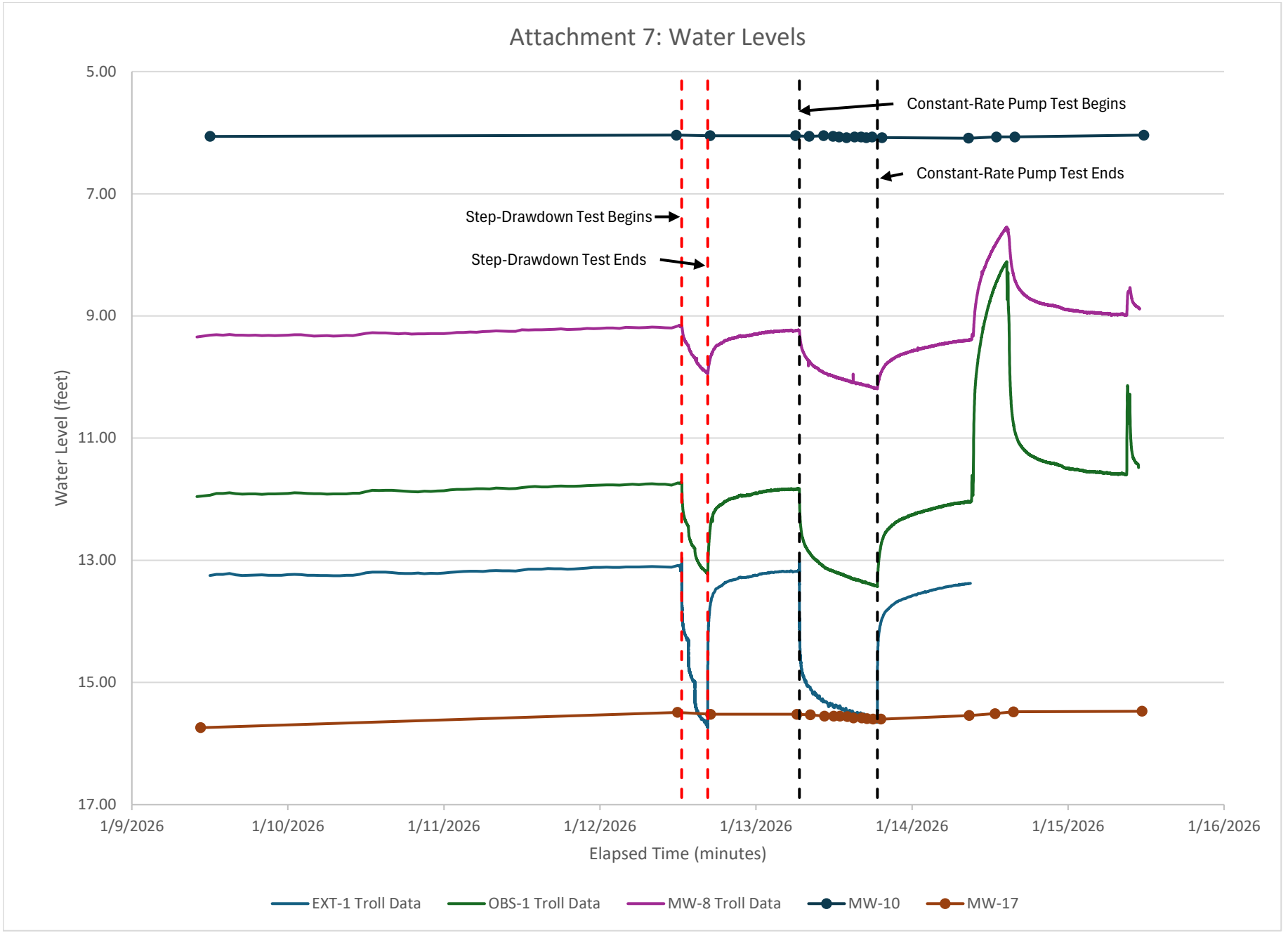
ATTACHMENT 5

INJECTION WATER LEVEL DISPLACEMENT MEASUREMENTS


Attachment 6: Injection Observations
Displacement (feet)
0
1
2
3
4
5
6
7
0
100
200
300
400
500
600
700
800
900
1000
Elapsed Time (minutes)
EXT-1 Manual
OBS-1 Troll Data
OBS-1 Manual
MW-8 Troll Data
MW-8 Manual

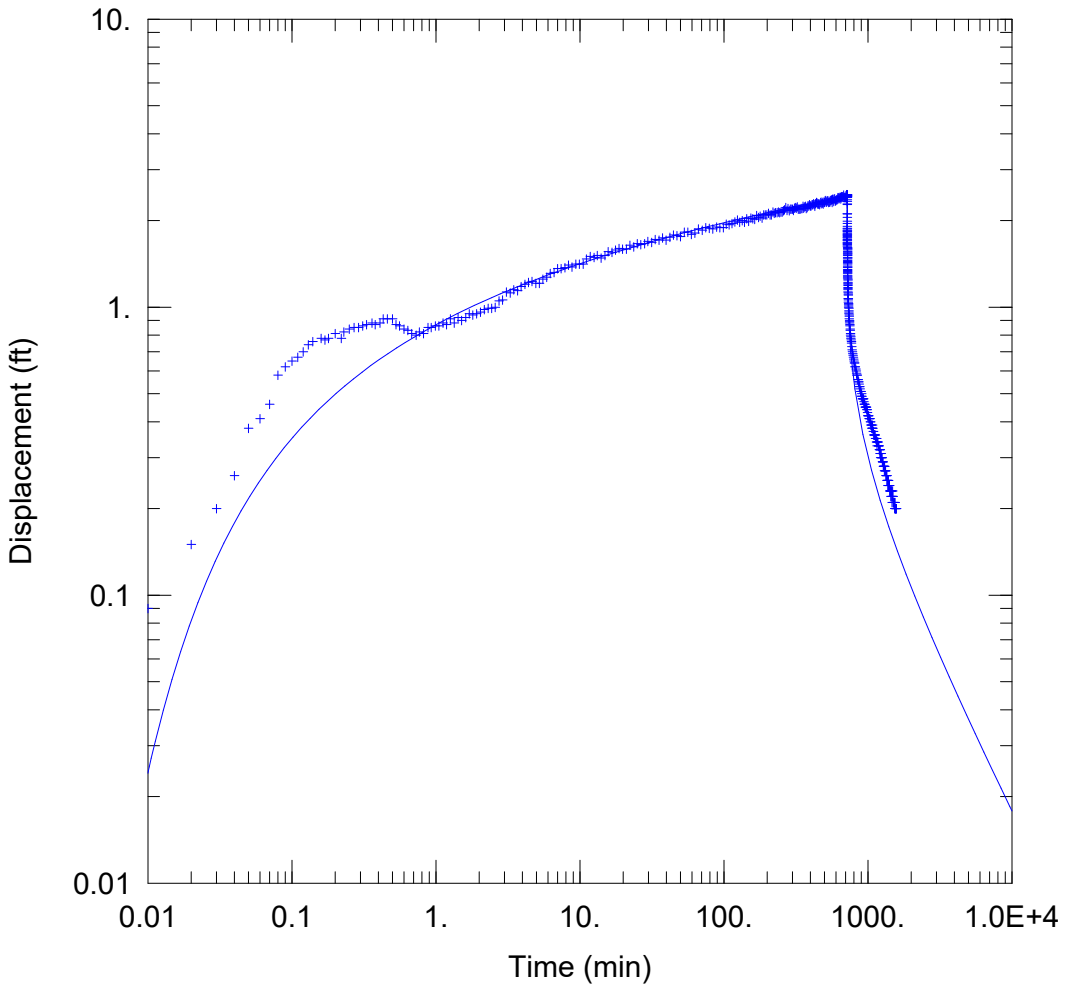
ATTACHMENT 6

WATER LEVEL DATA


Attachment 7: Water Levels
5.00
7.00
9.00
11.00
13.00
15.00
17.00
Water Level (feet)
Constant-Rate Pump Test Begins
Constant-Rate Pump Test Ends
Step-Drawdown Test Begins
Step-Drawdown Test Ends
1/9/2026
1/10/2026
1/11/2026
1/12/2026
1/13/2026
1/14/2026
1/15/2026
1/16/2026
Elapsed Time (minutes)
EXT-1 Troll Data
OBS-1 Troll Data
MW-8 Troll Data
MW-10
MW-17

ATTACHMENT 7

AQTESOLV® THEIS CONFINED AND THEIS RECOVERY DATA CURVES



WELL TEST ANALYSIS

Data Set: \...\EXT-1 Pump Test.aqt
Date: 02/16/26 Time: 14:59:32

PROJECT INFORMATION

Company: Hydrometrics
Client: Western Sugar
Project: 25025
Location: Billings, Montana
Test Well: EXT-1
Test Date: 12/23/25

WELL DATA

Pumping Wells

Well Name	X (ft)	Y (ft)
EXT-1	2223524.54	555090.1922

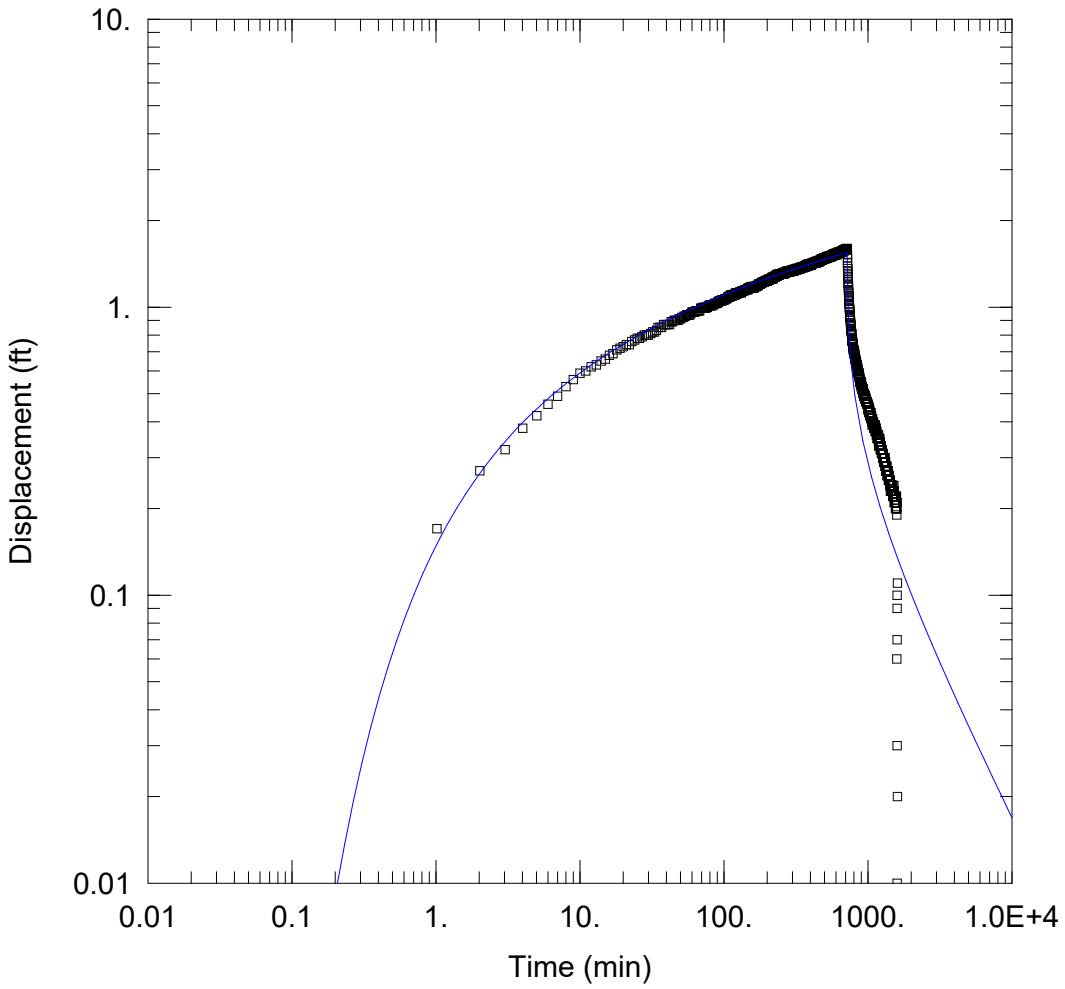
Observation Wells

Well Name	X (ft)	Y (ft)
+ EXT-1	2223524.54	555090.1922

SOLUTION

Aquifer Model: Confined
Solution Method: Theis

T = 5590. ft^2/day
S = 0.9279
Kz/Kr = 1.
b = 20. ft



WELL TEST ANALYSIS

Data Set: \...\EXT-1 Pump Test Obs1.aqt
Date: 02/16/26 Time: 15:06:53

PROJECT INFORMATION

Company: Hydrometrics
Client: Western Sugar
Project: 25025
Location: Billings, Montana
Test Well: EXT-1
Test Date: 12/23/25

WELL DATA

Pumping Wells

Well Name	X (ft)	Y (ft)
EXT-1	2223524.54	555090.1922

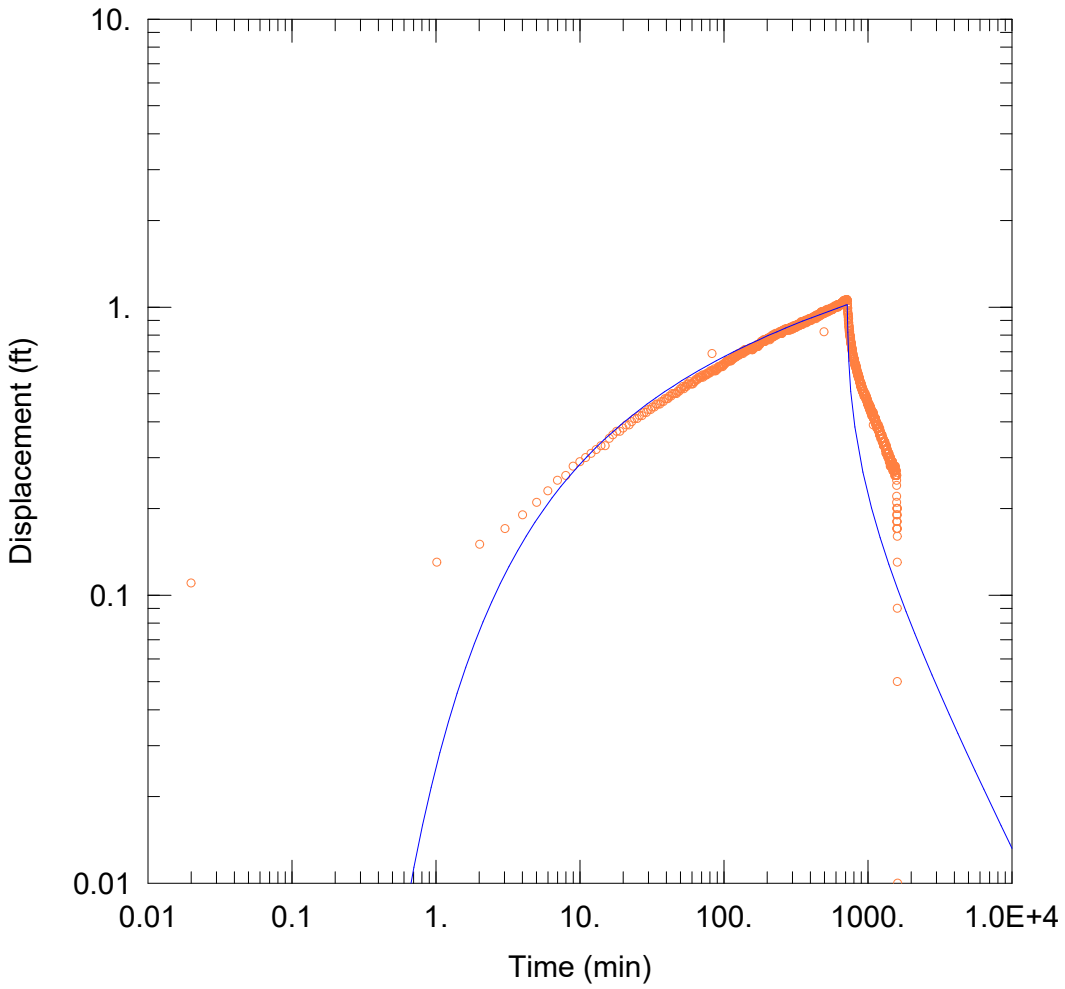
Observation Wells

Well Name	X (ft)	Y (ft)
OBS-1	2223532	555061.2885

SOLUTION

Aquifer Model: Confined
Solution Method: Theis

T = 5896. ft^2/day
S = 0.007908
Kz/Kr = 1.
b = 20. ft



WELL TEST ANALYSIS

Data Set: \...\EXT-1 Pump Test MW-8.aqt
Date: 02/16/26 Time: 15:15:50

PROJECT INFORMATION

Company: Hydrometrics
Client: Western Sugar
Project: 25025
Location: Billings, Montana
Test Well: EXT-1
Test Date: 12/23/25

WELL DATA

Pumping Wells

Well Name	X (ft)	Y (ft)
EXT-1	2223524.54	555090.1922

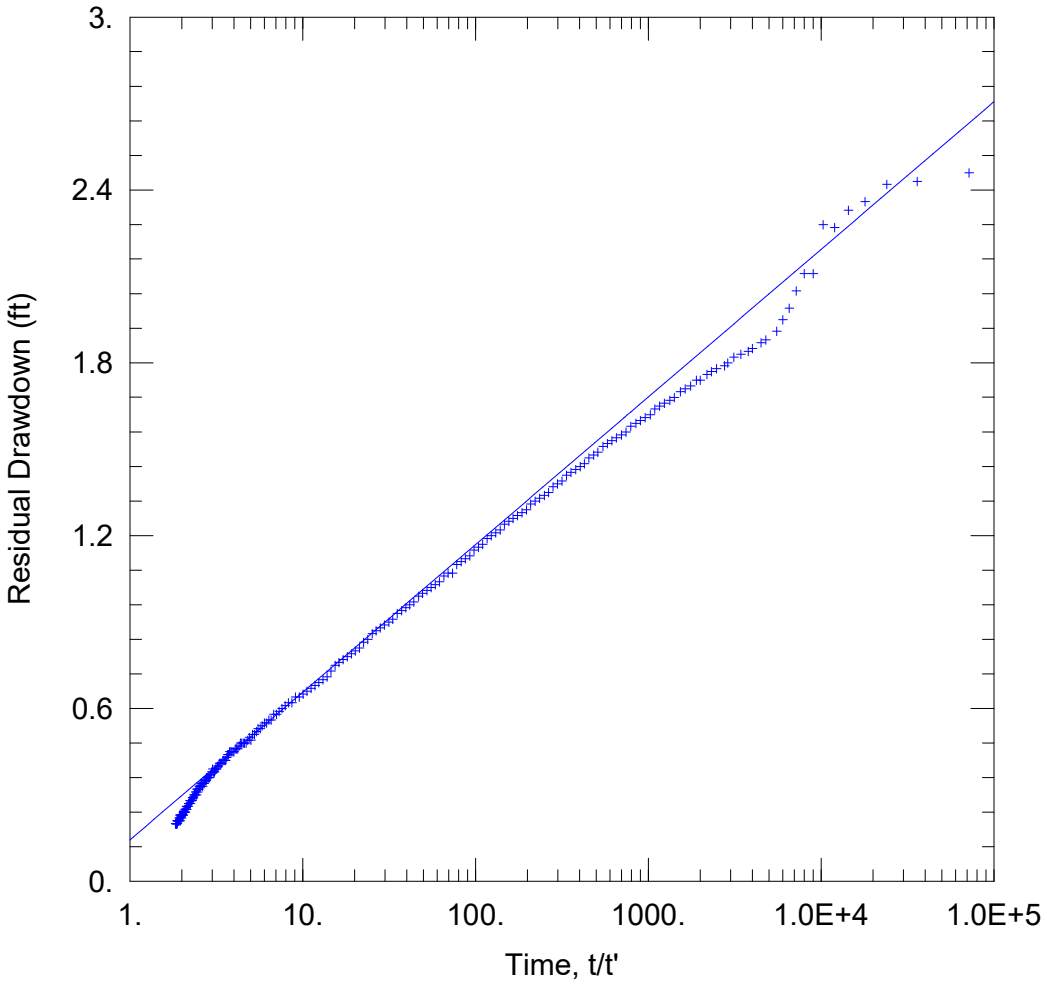
Observation Wells

Well Name	X (ft)	Y (ft)
○ MW-8	2223647.995	555245.891

SOLUTION

Aquifer Model: Confined
Solution Method: Theis

T = 7534.2 ft^2/day
S = 0.0006739
Kz/Kr = 1.
b = 20. ft



WELL TEST ANALYSIS

Data Set: \...\EXT-1 Pump Test_Rec.aqt
Date: 02/16/26 Time: 15:24:37

PROJECT INFORMATION

Company: Hydrometrics
Client: Western Sugar
Project: 25025
Location: Billings, Montana
Test Well: EXT-1
Test Date: 12/23/25

AQUIFER DATA

Saturated Thickness: 20. ft Anisotropy Ratio (Kz/Kr): 1.

WELL DATA

Pumping Wells

Well Name	X (ft)	Y (ft)
EXT-1	2223524.544	555090.1922

Observation Wells

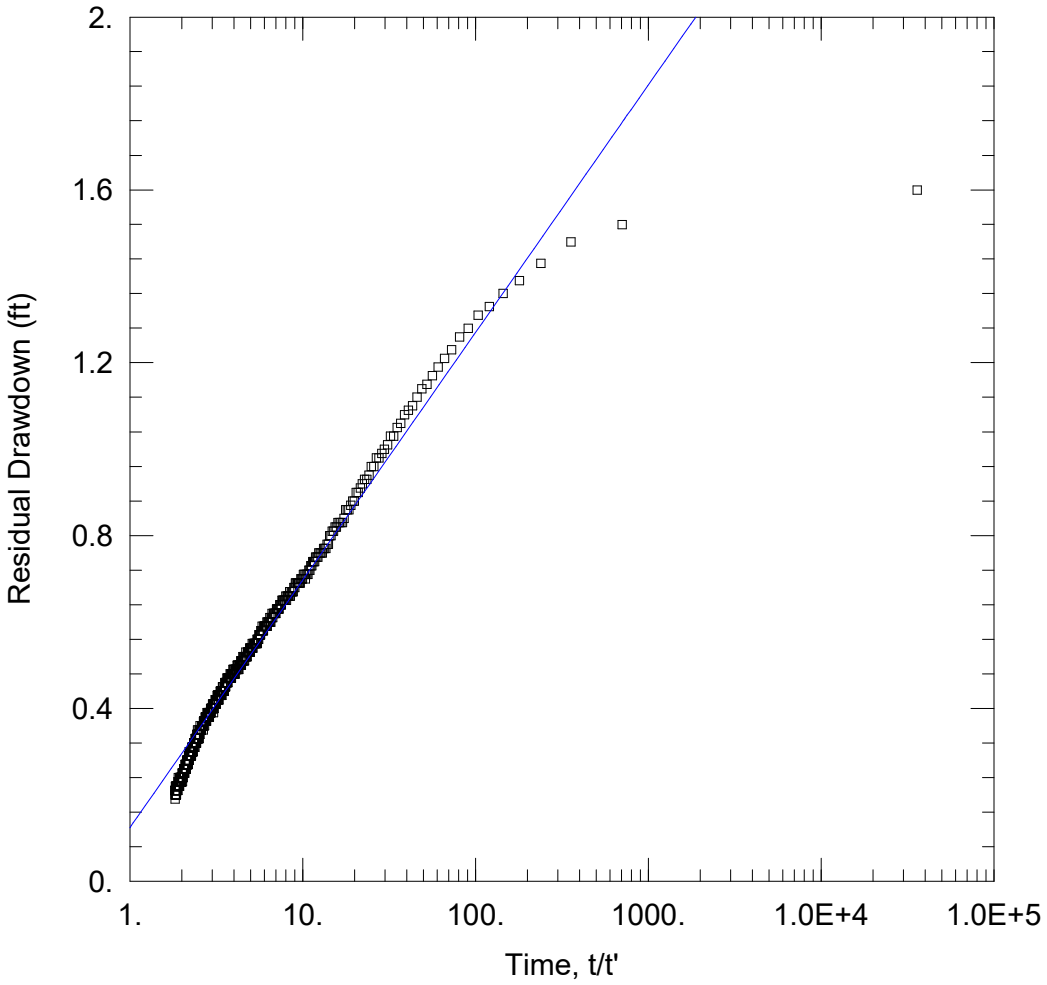
Well Name	X (ft)	Y (ft)
+ EXT-1	2223524.544	555090.1922

SOLUTION

Aquifer Model: Confined Solution Method: Theis (Recovery)

T = 5987.4 ft^2/day S/S' = 0.5263

0148



WELL TEST ANALYSIS

Data Set: \...\EXT-1 Pump Test Obs1_Rec.aqt
Date: 02/16/26 Time: 15:25:35

PROJECT INFORMATION

Company: Hydrometrics
Client: Western Sugar
Project: 25025
Location: Billings, Montana
Test Well: EXT-1
Test Date: 12/23/25

AQUIFER DATA

Saturated Thickness: 20. ft Anisotropy Ratio (Kz/Kr): 1.

WELL DATA

Pumping Wells

Well Name	X (ft)	Y (ft)
EXT-1	2223524.544	555090.1922

Observation Wells

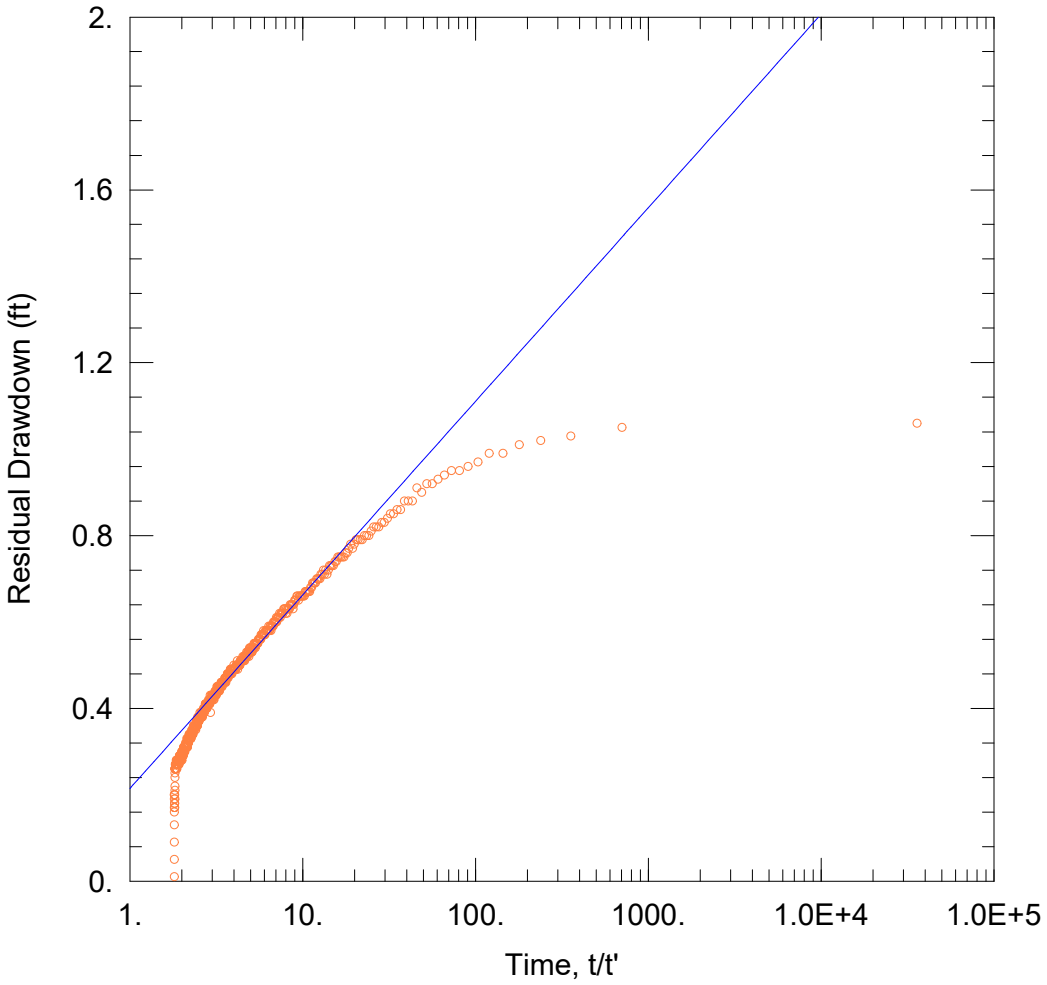
Well Name	X (ft)	Y (ft)
OBS-1	2223532	555061.2885

SOLUTION

Aquifer Model: Confined Solution Method: Theis (Recovery)

T = 5355.2 ft^2/day S/S' = 0.6091

0149



WELL TEST ANALYSIS

Data Set: \...\EXT-1 Pump Test MW-8_rec.aqt
Date: 02/16/26 Time: 15:27:10

PROJECT INFORMATION

Company: Hydrometrics
Client: Western Sugar
Project: 25025
Location: Billings, Montana
Test Well: EXT-1
Test Date: 12/23/25

AQUIFER DATA

Saturated Thickness: 20. ft Anisotropy Ratio (Kz/Kr): 1.

WELL DATA

Pumping Wells

Well Name	X (ft)	Y (ft)
EXT-1	2223524.544	555090.1922

Observation Wells

Well Name	X (ft)	Y (ft)
○ MW-8	2223647.995	555245.891

SOLUTION

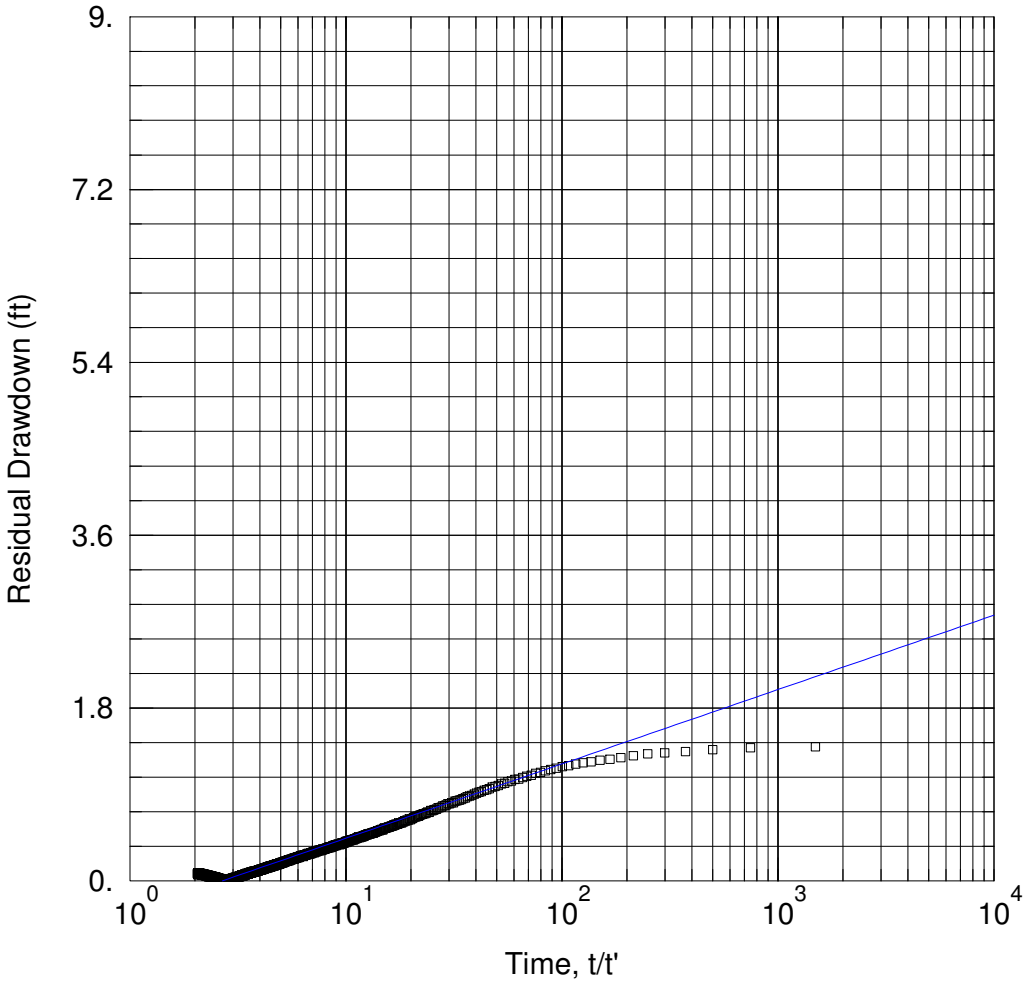
Aquifer Model: Confined Solution Method: Theis (Recovery)

T = 6848.1 ft^2/day S/S' = 0.3329

0150

Appendix F

Aquifer Testing: AQTESOLV Results



WELL TEST ANALYSIS

Data Set: P:\...\MW-14_Single Well Test_Confined_Theis.aqt
Date: 11/25/25 Time: 17:15:59

PROJECT INFORMATION

Company: WSC Billings
Client: Western Sugar Cooperative
Project: 26551009.00
Location: Billings, MT
Test Well: MW-14
Test Date: 10/15/24

AQUIFER DATA

Saturated Thickness: 18.54 ft Anisotropy Ratio (Kz/Kr): 7.52

WELL DATA

Pumping Wells

Well Name	X (ft)	Y (ft)
MW-14	0	0

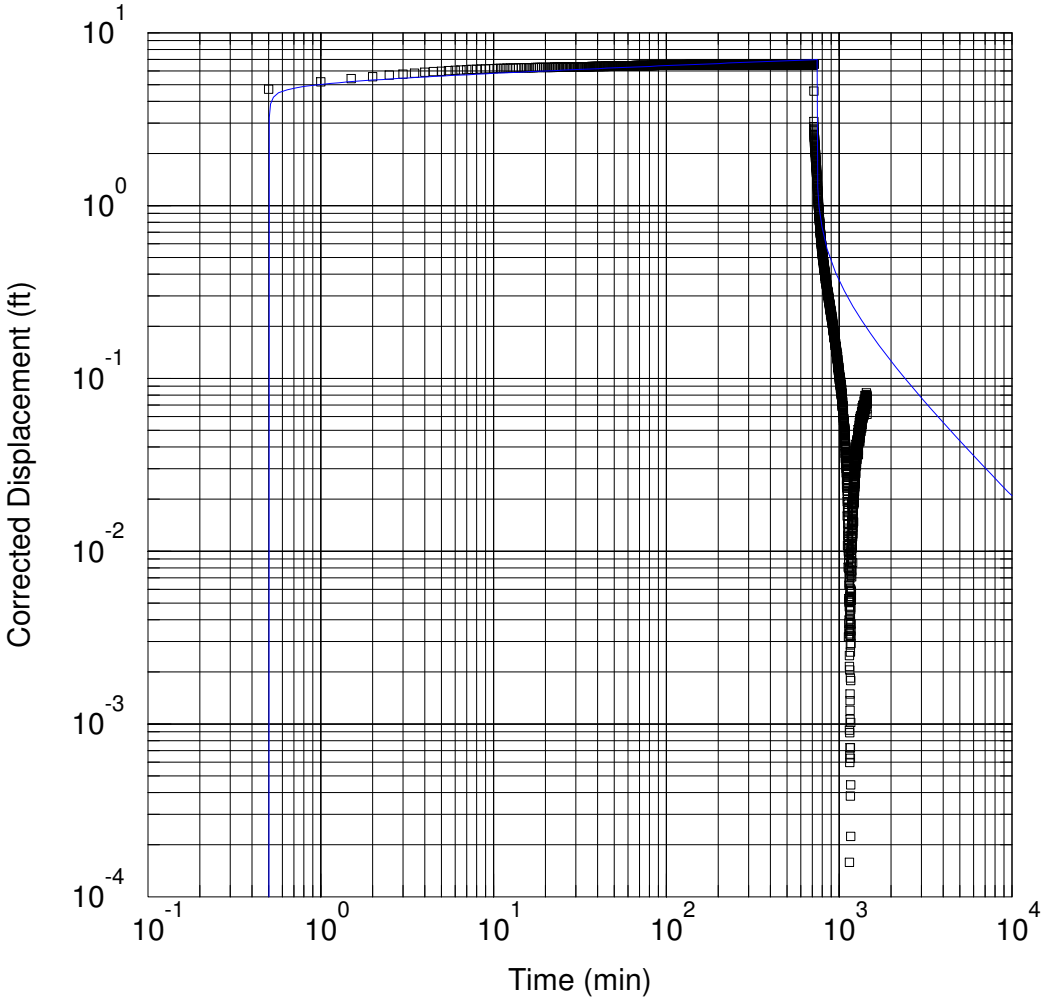
Observation Wells

Well Name	X (ft)	Y (ft)
▫ MW-14	0	0

SOLUTION

Aquifer Model: Confined Solution Method: Theis (Recovery)

T = 1.093E+4 ft^2/day S/S' = 2.688



WELL TEST ANALYSIS

Data Set: P:\...\MW-14_Single Well Test_Theis_2.aqt
Date: 11/25/25 Time: 17:11:03

PROJECT INFORMATION

Company: WSC Billings
Client: Western Sugar Cooperative
Project: 26551009.00
Location: Billings, MT
Test Well: MW-14
Test Date: 10/15/24

WELL DATA

Pumping Wells

Well Name	X (ft)	Y (ft)
MW-14	0	0

Observation Wells

Well Name	X (ft)	Y (ft)
MW-14	0	0

SOLUTION

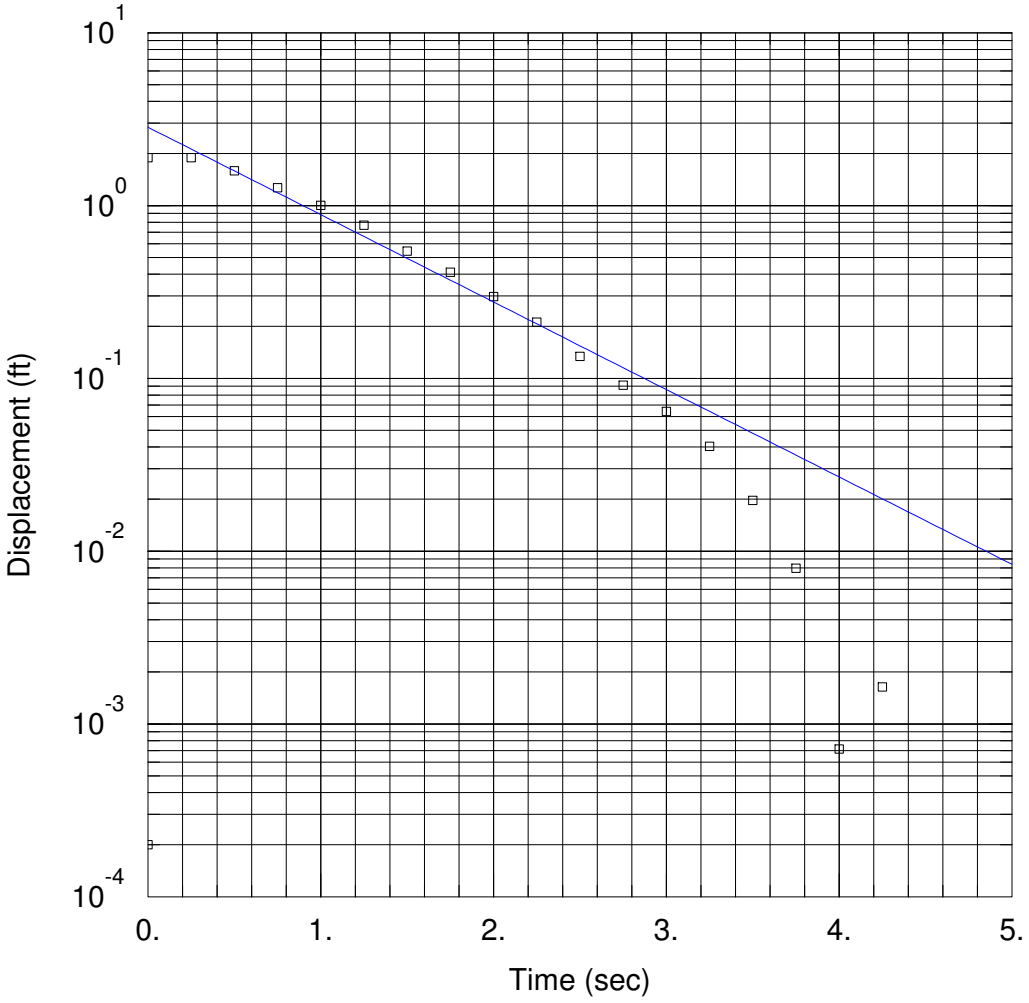
Aquifer Model: Unconfined
Solution Method: Theis

T = 1.363E+4 ft^2/day
S = 0.00232
Kz/Kr = 0.4217
b = 18.54 ft

APPENDIX D
AQTESOLV TEST RESULTS SUMMARY

Project Information			Aquifer Data			Well Data					Solution		
Well	Slug Type	Test Date	Saturated Thickness	Anisotrophy Ratio	Aquifer material	Initial Displacement	Casing Radius	Depth to Water (TOR)	Screen Length	Well Radius	Aquifer Model	Hydraulic Conductivity (ft/day)	Solution Method
			ft	Kz/Kr		ft	ft	ft	ft	ft			
MW-15	Pneumatic / Slug Out	10/17/2024	19.18	1	sand/gravel	1.9	0.17	6.09	5	0.5	Unconfined	378.00	Bouwer-Rice
MW-15	Pneumatic / Slug Out	10/17/2024	19.18	1	sand/gravel	5.3	0.17	6.08	5	0.5	Unconfined	190.20	Bouwer-Rice
MW-16	Pneumatic / Slug Out	10/16/2024	17.8	1	sand/gravel	3.7	0.17	5.91	10	0.5	Unconfined	61.14	Bouwer-Rice
MW-17	Pneumatic / Slug Out	10/17/2024	26.56	1	sand/gravel	4.7	0.17	12.59	20	0.5	Unconfined	1.40	Bouwer-Rice
MW-17	Pneumatic / Slug Out	10/17/2024	26.56	1	sand/gravel	7.2	0.17	12.59	20	0.5	Unconfined	0.90	Bouwer-Rice
OBS-1	Pneumatic / Slug Out	10/17/2024	14.91	1	sand/gravel	0.07	0.33	10.18	20	0.66	Unconfined	75.10	Bouwer-Rice
											Average	214.43	

* Reviewed and clipped most data series (front-end data) to produce more representative curves in AQTESOLV



WELL TEST ANALYSIS

Data Set: P:\...\MW_15_OUT1.aqt
Date: 11/11/25 Time: 18:55:56

PROJECT INFORMATION

Company: WSC Billings
Client: Western Sugar Cooperative
Project: 26551009.00
Location: Billings, MT
Test Well: MW-15
Test Date: 10/17/24

AQUIFER DATA

Saturated Thickness: 19.18 ft Anisotropy Ratio (Kz/Kr): 1.

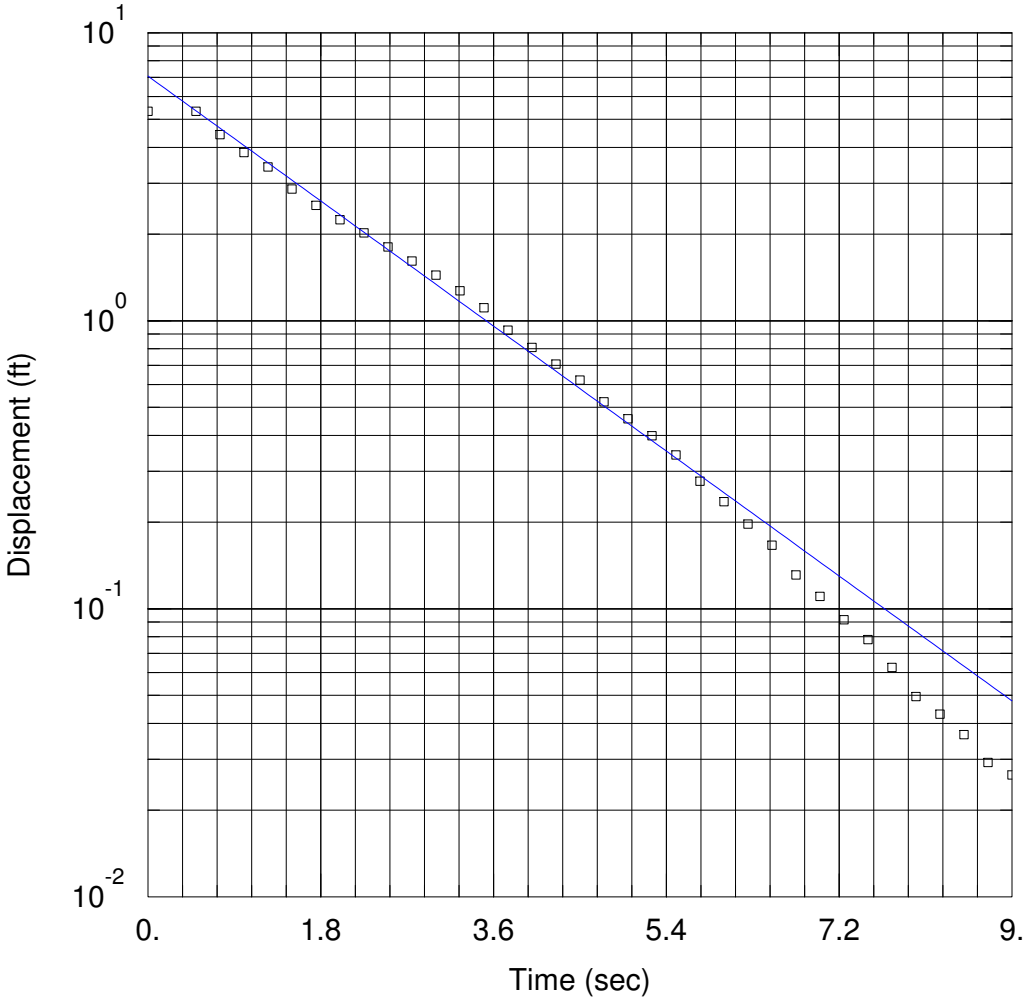
WELL DATA (MW-15)

Initial Displacement: 1.89 ft
Total Well Penetration Depth: 19.18 ft
Casing Radius: 0.17 ft
Static Water Column Height: 19.18 ft
Screen Length: 10. ft
Well Radius: 0.5 ft

SOLUTION

Aquifer Model: Unconfined Solution Method: Bouwer-Rice

K = 378. ft/day y0 = 2.838 ft



WELL TEST ANALYSIS

Data Set: P:\...\MW_15_OUT2.aqt
Date: 11/11/25 Time: 17:41:50

PROJECT INFORMATION

Company: WSC Billings
Project: 26551009.00
Location: Billings, MT
Test Well: MW-15
Test Date: 10/16/24

AQUIFER DATA

Saturated Thickness: 19.18 ft Anisotropy Ratio (Kz/Kr): 1.

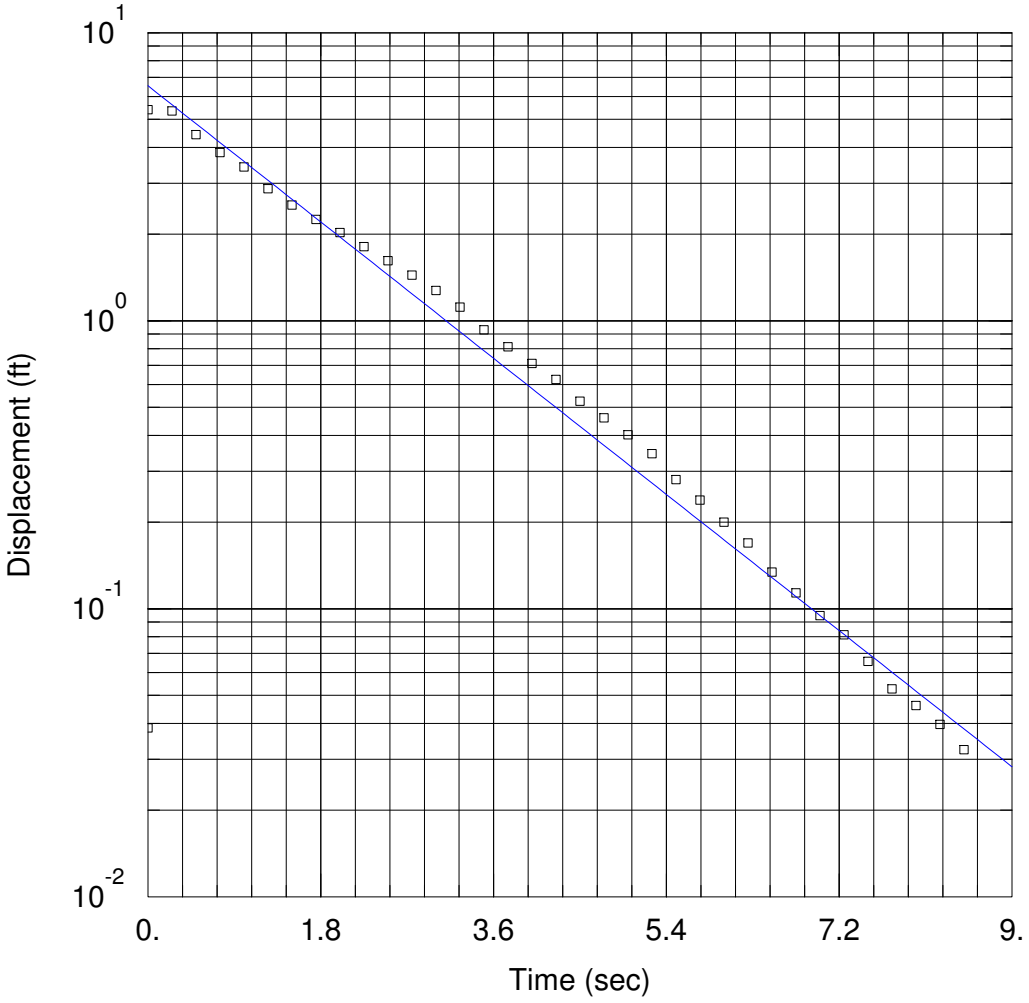
WELL DATA (MW-15)

Initial Displacement: 5.342 ft
Total Well Penetration Depth: 25. ft
Casing Radius: 0.17 ft
Static Water Column Height: 19.18 ft
Screen Length: 10. ft
Well Radius: 0.5 ft

SOLUTION

Aquifer Model: Unconfined Solution Method: Bouwer-Rice

K = 190.2 ft/day y0 = 7.07 ft



WELL TEST ANALYSIS

Data Set:
Date: 11/13/25 Time: 12:58:22

PROJECT INFORMATION

Company: WSC Billings
Client: Western Sugar Cooperative
Project: 26551009.00
Location: Billings, MT
Test Well: MW-15
Test Date: 10/17/24

AQUIFER DATA

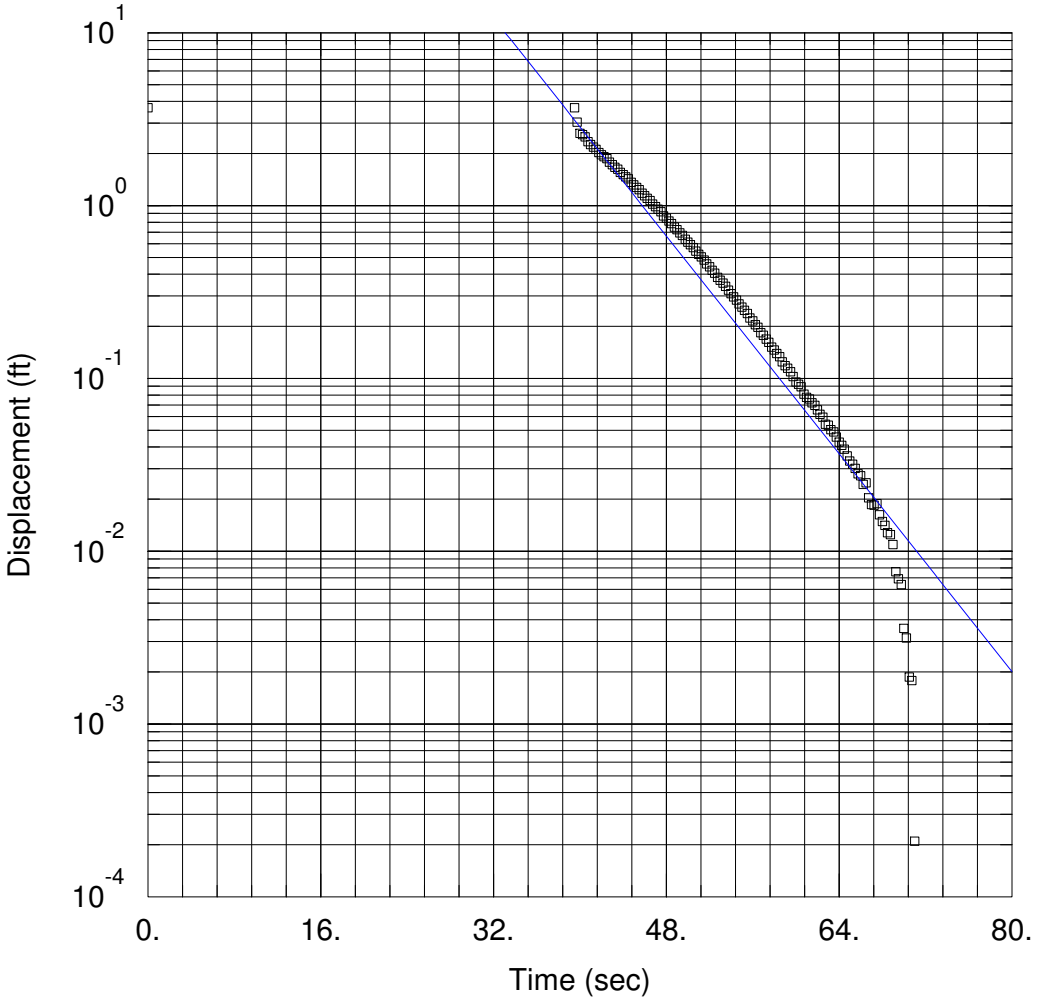
Saturated Thickness: 19.18 ft
Anisotropy Ratio (Kz/Kr): 1.

WELL DATA (MW-15)

Initial Displacement: 5.4 ft
Total Well Penetration Depth: 19.31 ft
Casing Radius: 0.17 ft
Static Water Column Height: 19.18 ft
Screen Length: 5. ft
Well Radius: 0.5 ft

SOLUTION

Aquifer Model: Unconfined
Solution Method: Bouwer-Rice
K = 351.7 ft/day
y0 = 6.541 ft



WELL TEST ANALYSIS

Data Set: P:\...\MW_16_OUT4.aqt
Date: 11/11/25 Time: 17:43:28

PROJECT INFORMATION

Company: WSC Billings
Project: 26551009.00
Location: Billings, MT
Test Well: MW-16
Test Date: 10/16/24

AQUIFER DATA

Saturated Thickness: 17.8 ft Anisotropy Ratio (Kz/Kr): 1.

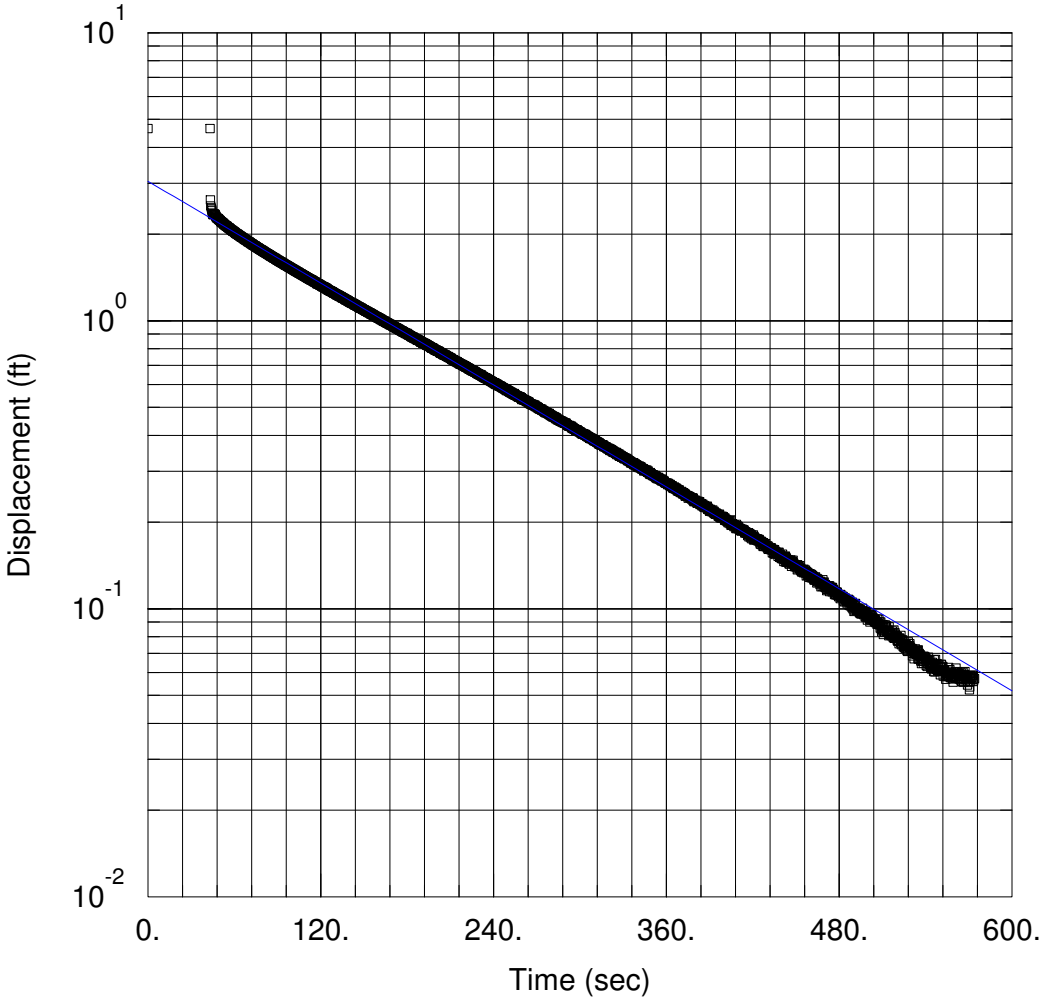
WELL DATA (MW-16)

Initial Displacement: 3.676 ft
Total Well Penetration Depth: 23. ft
Casing Radius: 0.17 ft
Static Water Column Height: 17.8 ft
Screen Length: 10. ft
Well Radius: 0.5 ft

SOLUTION

Aquifer Model: Unconfined
Solution Method: Bouwer-Rice

K = 61.14 ft/day
y0 = 4043.1 ft



WELL TEST ANALYSIS

Data Set: P:\...\MW_17_OUT1.aqt
Date: 11/11/25 Time: 17:43:55

PROJECT INFORMATION

Company: WSC Billings
Project: 26551009.00
Location: Billings, MT
Test Well: MW-17
Test Date: 10/16/24

AQUIFER DATA

Saturated Thickness: 26.56 ft Anisotropy Ratio (Kz/Kr): 1.

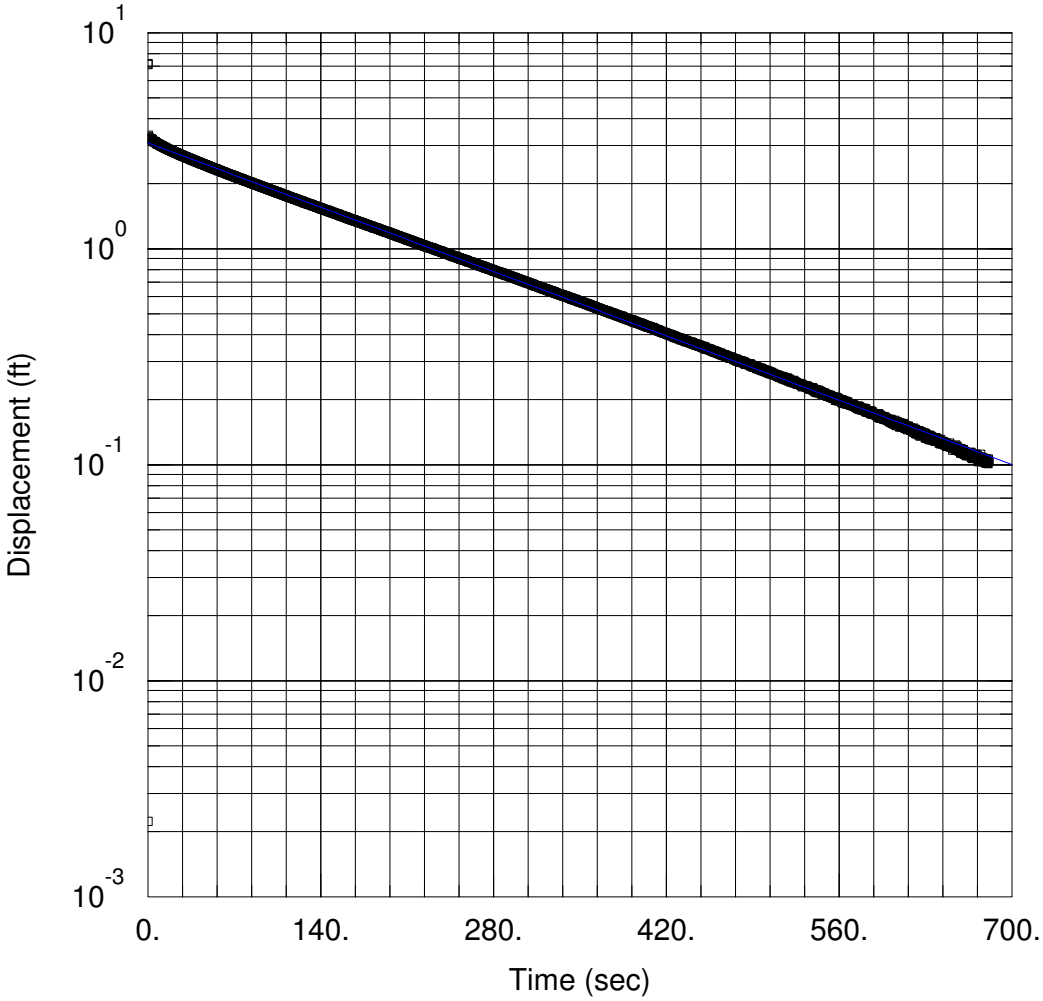
WELL DATA (MW-17)

Initial Displacement: 4.651 ft
Total Well Penetration Depth: 39. ft
Casing Radius: 0.17 ft
Static Water Column Height: 26.56 ft
Screen Length: 20. ft
Well Radius: 0.5 ft

SOLUTION

Aquifer Model: Unconfined Solution Method: Bouwer-Rice

K = 1.367 ft/day y0 = 3.049 ft



WELL TEST ANALYSIS

Data Set: P:\...\MW_17_OUT2.aqt
Date: 11/11/25 Time: 21:24:03

PROJECT INFORMATION

Company: WSC Billings
Client: Western Sugar Cooperative
Project: 26551009.00
Location: Billings, MT
Test Well: MW-17
Test Date: 10/17/24

AQUIFER DATA

Saturated Thickness: 25.56 ft Anisotropy Ratio (Kz/Kr): 1.

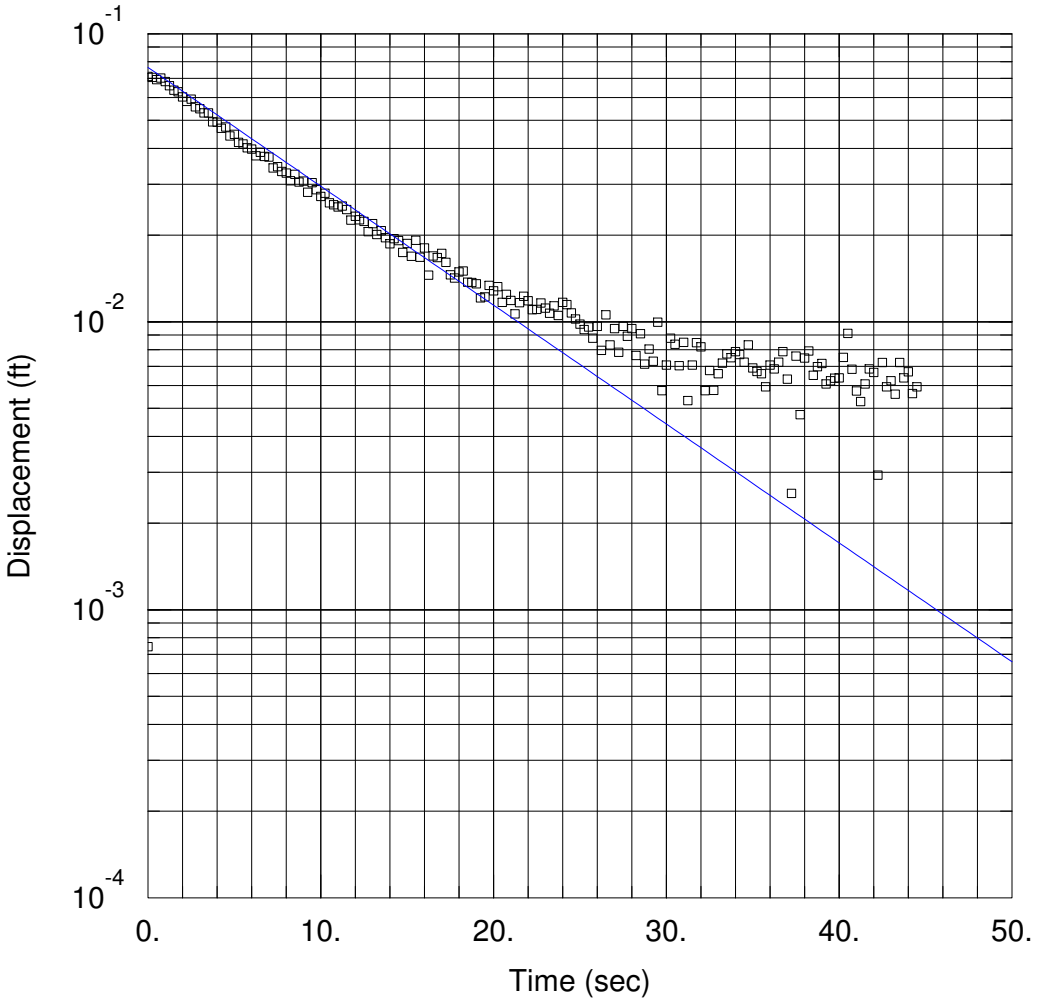
WELL DATA (MW-17)

Initial Displacement: 7.2 ft
Total Well Penetration Depth: 26.56 ft
Casing Radius: 0.17 ft
Static Water Column Height: 25.56 ft
Screen Length: 20. ft
Well Radius: 0.5 ft

SOLUTION

Aquifer Model: Unconfined Solution Method: Bouwer-Rice

K = 0.9141 ft/day y0 = 3.087 ft



WELL TEST ANALYSIS

Data Set: P:\...\OBS_1_OUT2.aqt
Date: 11/11/25 Time: 22:19:51

PROJECT INFORMATION

Company: WSC Billings
Client: Western Sugar Cooperative
Project: 26551009.00
Location: Billings, MT
Test Well: OBS-1
Test Date: 10/17/24

AQUIFER DATA

Saturated Thickness: 14.91 ft Anisotropy Ratio (Kz/Kr): 1.

WELL DATA (OBS-1)

Initial Displacement: 0.071 ft
Total Well Penetration Depth: 20. ft
Casing Radius: 0.33 ft
Static Water Column Height: 14.91 ft
Screen Length: 20. ft
Well Radius: 0.66 ft

SOLUTION

Aquifer Model: Unconfined
Solution Method: Bouwer-Rice
K = 75.07 ft/day
y0 = 0.0764 ft

Appendix G

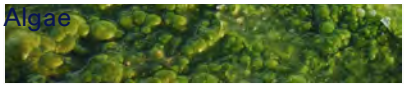
Dye Trace Study Field Inspections

Tina Hansen

Jun 2, 2025

Submission Date	Jun 2, 2025 1:22 PM
Date of inspection:	Jun 2, 2025
Inspector	Tina Hansen
Where are carbon traps being collected during this inspection?	On-Property Yegen Drain
Date + Time of inspection of Area 1:	Jun 2, 2025 11:07 AM
Select the applicable flow condition that exists in Area 1 of the Yegen Drain at the time of the inspection:	Flowing water
Select all applicable conditions that exist in Area 1 of the Yegen Drain at the time of the inspection:	 Algae
Take a photo of Area 1 of the Yegen Drain	
Date + Time of inspection of Area 2:	Jun 2, 2025 11:07 AM
Select the applicable flow condition that exists in Area 2 of the Yegen Drain at the time of the inspection:	Flowing water
Select all applicable conditions that exist in Area 2 of the Yegen Drain at the time of the inspection:	

Algae



Take a photo of Area 2 of the Yegen Drain	
Was a carbon trap retrieved from ACS-1?	No
Was a grab sample of water simultaneously collected at ACS-1?	No
Date + Time of collection for the carbon trap and/or water sample at ACS-1:	Jun 2, 2025 11:07 AM
Was the carbon trap replaced at ACS-1?	No
If the carbon trap at ACS-1 was not retrieved and/or replaced, why?	Not scheduled
If the grab sample of water at ACS-1 was not collected, why?	Not scheduled
Was a carbon trap retrieved from ACS-2?	No
Was a grab sample of water simultaneously collected at ACS-2?	No
Date + Time of collection for the carbon trap and/or water sample at ACS-2:	Jun 2, 2025 11:07 AM
Was the carbon trap replaced at ACS-2?	Yes
If the carbon trap at ACS-2 was not retrieved and/or replaced, why?	Day 1
If the grab sample of water at ACS-2 was not collected, why?	Day 1
Take a photo of the carbon trap at ACS-2:	
Was a carbon trap retrieved from ACS-3?	No
Was a grab sample of water simultaneously collected at ACS-3?	No
Date + Time of collection for the carbon trap and/or water	Jun 2, 2025 11:07 AM

sample at ACS-3:	
Was the carbon trap replaced at ACS-3?	Yes
If the carbon trap at ACS-3 was not retrieved and/or replaced, why?	Day 1
If the grab sample of water at ACS-3 was not collected, why?	Day 1
Take a photo of the carbon trap at ACS-3:	
Was a carbon trap retrieved from ACS-4?	No
Was a grab sample of water simultaneously collected at ACS-4?	No
Date + Time of collection for the carbon trap and/or water sample at ACS-4:	Jun 2, 2025 11:07 AM
Was the carbon trap replaced at ACS-4?	Yes
If the carbon trap at ACS-4 was not retrieved and/or replaced, why?	Day 1
If the grab sample of water at ACS-4 was not collected, why?	Day 1
Take a photo of the carbon trap at ACS-4:	
Was a carbon trap retrieved from ACS-5?	No
Was a grab sample of water simultaneously collected at ACS-5?	No
Date + Time of collection for the carbon trap and/or water sample at ACS-5:	Jun 2, 2025 11:07 AM
Was the carbon trap replaced at ACS-5?	No
If the carbon trap at ACS-5 was not retrieved and/or replaced, why?	Not scheduled
If the grab sample of water at ACS-5 was not collected, why?	Not scheduled

Was a carbon trap retrieved from ACS-6?	No
Was a grab sample of water simultaneously collected at ACS-6?	No
Date + Time of collection for the carbon trap and/or water sample at ACS-6:	Jun 2, 2025 11:07 AM
Was the carbon trap replaced at ACS-6?	No
If the carbon trap at ACS-6 was not retrieved and/or replaced, why?	Not scheduled
If the grab sample of water at ACS-6 was not collected, why?	Not scheduled
Was a chain-of-custody completed for all samples collected?	No
Signature of sampler:	 signature

Tina Hansen

Jun 3, 2025

Submission Date	Jun 3, 2025 11:50 AM
Date of inspection:	Jun 3, 2025
Inspector	Tina Hansen
Where are carbon traps being collected during this inspection?	On-Property Yegen Drain
Date + Time of inspection of Area 1:	Jun 3, 2025 9:46 AM
Select the applicable flow condition that exists in Area 1 of the Yegen Drain at the time of the inspection:	Flowing water
Select all applicable conditions that exist in Area 1 of the Yegen Drain at the time of the inspection:	



Algae



Water Fowl

Take a photo of Area 1 of the Yegen Drain

Date + Time of inspection of Area 2: Jun 3, 2025 9:46 AM

Select the applicable flow condition that exists in Area 2 of the Yegen Drain at the time of the inspection: Flowing water

Select all applicable conditions that exist in Area 2 of the Yegen Drain at the time of the inspection:



Algae



Water Fowl

Take a photo of Area 2 of the Yegen Drain

Was a carbon trap retrieved from ACS-1? No

Was a grab sample of water simultaneously collected at ACS-1? No

Date + Time of collection for the carbon trap and/or water sample at ACS-1: Jun 3, 2025 9:46 AM

Was the carbon trap replaced at ACS-1? No

If the carbon trap at ACS-1 was not retrieved and/or replaced, why? not scheduled

If the grab sample of water at ACS-1 was not collected, why? not scheduled

Was a carbon trap retrieved from ACS-2?	Yes
Was a grab sample of water simultaneously collected at ACS-2?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-2:	Jun 3, 2025 9:22 AM
Was the carbon trap replaced at ACS-2?	Yes
Take a photo of the carbon trap at ACS-2:	
Was a carbon trap retrieved from ACS-3?	Yes
Was a grab sample of water simultaneously collected at ACS-3?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-3:	Jun 3, 2025 9:30 AM
Was the carbon trap replaced at ACS-3?	Yes
Was a carbon trap retrieved from ACS-4?	Yes
Was a grab sample of water simultaneously collected at ACS-4?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-4:	Jun 3, 2025 9:38 AM
Was the carbon trap replaced at ACS-4?	Yes
Was a carbon trap retrieved from ACS-5?	No
Was a grab sample of water simultaneously collected at ACS-5?	No
Date + Time of collection for the carbon trap and/or water sample at ACS-5:	Jun 3, 2025 9:46 AM
Was the carbon trap replaced at ACS-5?	No

If the carbon trap at ACS-5 was not retrieved and/or replaced, why?	not scheduled
If the grab sample of water at ACS-5 was not collected, why?	not scheduled
Was a carbon trap retrieved from ACS-6?	No
Was a grab sample of water simultaneously collected at ACS-6?	No
Date + Time of collection for the carbon trap and/or water sample at ACS-6:	Jun 3, 2025 9:46 AM
Was the carbon trap replaced at ACS-6?	No
If the carbon trap at ACS-6 was not retrieved and/or replaced, why?	not scheduled
If the grab sample of water at ACS-6 was not collected, why?	not scheduled
Was a chain-of-custody completed for all samples collected?	Yes
Signature of sampler:	 signature

Tina Hansen

Jun 4, 2025

Submission Date	Jun 4, 2025 11:57 AM
Date of inspection:	Jun 4, 2025
Inspector	Tina Hansen
Where are carbon traps being collected during this inspection?	On-Property Yegen Drain
Date + Time of inspection of Area 1:	Jun 4, 2025 9:51 AM
Select the applicable flow condition that exists in Area 1 of the Yegen Drain at the time of the inspection:	Flowing water
Select all applicable conditions that exist in Area 1 of the Yegen Drain at the time of the inspection:	



Algae



Water Fowl

Take a photo of Area 1 of the Yegen Drain

Date + Time of inspection of Area 2: Jun 4, 2025 9:52 AM

Select the applicable flow condition that exists in Area 2 of the Yegen Drain at the time of the inspection: Flowing water

Select all applicable conditions that exist in Area 2 of the Yegen Drain at the time of the inspection:



Algae



Water Fowl

Take a photo of Area 2 of the Yegen Drain

Was a carbon trap retrieved from ACS-1? No

Was a grab sample of water simultaneously collected at ACS-1? No

Date + Time of collection for the carbon trap and/or water sample at ACS-1: Jun 4, 2025 9:31 AM

Was the carbon trap replaced at ACS-1? No

If the carbon trap at ACS-1 was not retrieved and/or replaced, why? not scheduled

If the grab sample of water at ACS-1 was not collected, why? not scheduled

Was a carbon trap retrieved from ACS-2?	Yes
Was a grab sample of water simultaneously collected at ACS-2?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-2:	Jun 4, 2025 9:31 AM
Was the carbon trap replaced at ACS-2?	Yes
Take a photo of the carbon trap at ACS-2:	
Was a carbon trap retrieved from ACS-3?	Yes
Was a grab sample of water simultaneously collected at ACS-3?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-3:	Jun 4, 2025 9:42 AM
Was the carbon trap replaced at ACS-3?	Yes
Take a photo of the carbon trap at ACS-3:	
Was a carbon trap retrieved from ACS-4?	Yes
Was a grab sample of water simultaneously collected at ACS-4?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-4:	Jun 4, 2025 9:48 AM
Was the carbon trap replaced at ACS-4?	Yes
Take a photo of the carbon trap at ACS-4:	
Was a carbon trap retrieved from ACS-5?	No
Was a grab sample of water simultaneously collected at ACS-5?	No
Date + Time of collection for the carbon trap and/or water	Jun 4, 2025 9:31 AM

sample at ACS-5:	
Was the carbon trap replaced at ACS-5?	No
If the carbon trap at ACS-5 was not retrieved and/or replaced, why?	not scheduled
If the grab sample of water at ACS-5 was not collected, why?	not scheduled
Was a carbon trap retrieved from ACS-6?	No
Was a grab sample of water simultaneously collected at ACS-6?	No
Date + Time of collection for the carbon trap and/or water sample at ACS-6:	Jun 4, 2025 9:31 AM
Was the carbon trap replaced at ACS-6?	No
If the carbon trap at ACS-6 was not retrieved and/or replaced, why?	Not scheduled
If the grab sample of water at ACS-6 was not collected, why?	not scheduled
Was a chain-of-custody completed for all samples collected?	Yes
Signature of sampler:	 signature

Tina Hansen

Jun 5, 2025

Submission Date	Jun 5, 2025 1:59 PM
Date of inspection:	Jun 5, 2025
Inspector	Tina Hansen
Where are carbon traps being collected during this inspection?	On-Property Yegen Drain
Date + Time of inspection of Area 1:	Jun 5, 2025 11:56 AM
Select the applicable flow condition that exists in Area 1 of the Yegen Drain at the time of the inspection:	Flowing water
Select all applicable conditions that exist in Area 1 of the Yegen Drain at the time of the inspection:	



Algae



Water Fowl

Take a photo of Area 1 of the Yegen Drain

Date + Time of inspection of Area 2:

Jun 5, 2025 11:57 AM

Select the applicable flow condition that exists in Area 2 of the Yegen Drain at the time of the inspection:

Flowing water

Select all applicable conditions that exist in Area 2 of the Yegen Drain at the time of the inspection:



Algae



Water Fowl

Take a photo of Area 2 of the Yegen Drain

Was a carbon trap retrieved from ACS-1?

No

Was a grab sample of water simultaneously collected at ACS-1?

No

Date + Time of collection for the carbon trap and/or water sample at ACS-1:

Jun 5, 2025 11:49 AM

Was the carbon trap replaced at ACS-1?

No

If the carbon trap at ACS-1 was not retrieved and/or replaced, why?

not scheduled

Was a carbon trap retrieved from ACS-2?	Yes
Was a grab sample of water simultaneously collected at ACS-2?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-2:	Jun 5, 2025 11:45 AM
Was the carbon trap replaced at ACS-2?	Yes
Take a photo of the carbon trap at ACS-2:	
Was a carbon trap retrieved from ACS-3?	Yes
Was a grab sample of water simultaneously collected at ACS-3?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-3:	Jun 5, 2025 11:37 AM
Was the carbon trap replaced at ACS-3?	Yes
Was a carbon trap retrieved from ACS-4?	Yes
Was a grab sample of water simultaneously collected at ACS-4?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-4:	Jun 5, 2025 11:27 AM
Was the carbon trap replaced at ACS-4?	Yes
Was a carbon trap retrieved from ACS-5?	No
Was a grab sample of water simultaneously collected at ACS-5?	No
Date + Time of collection for the carbon trap and/or water sample at ACS-5:	Jun 5, 2025 11:49 AM
Was the carbon trap replaced at ACS-5?	No

If the carbon trap at ACS-5 was not retrieved and/or replaced, why?	not scheduled
Was a carbon trap retrieved from ACS-6?	No
Was a grab sample of water simultaneously collected at ACS-6?	No
Date + Time of collection for the carbon trap and/or water sample at ACS-6:	Jun 5, 2025 11:49 AM
Was the carbon trap replaced at ACS-6?	No
If the carbon trap at ACS-6 was not retrieved and/or replaced, why?	Not scheduled
Was a chain-of-custody completed for all samples collected?	Yes
Signature of sampler:	 signature

Tina Hansen

Jun 6, 2025

Submission Date	Jun 6, 2025 11:47 AM
Date of inspection:	Jun 6, 2025
Inspector	Tina Hansen
Where are carbon traps being collected during this inspection?	On-Property Yegen Drain
Date + Time of inspection of Area 1:	Jun 6, 2025 9:14 AM
Select the applicable flow condition that exists in Area 1 of the Yegen Drain at the time of the inspection:	Flowing water
Select all applicable conditions that exist in Area 1 of the Yegen Drain at the time of the inspection:	



Algae



Water Fowl

Take a photo of Area 1 of the Yegen Drain

Date + Time of inspection of Area 2: Jun 6, 2025 9:14 AM

Select the applicable flow condition that exists in Area 2 of the Yegen Drain at the time of the inspection: Flowing water

Select all applicable conditions that exist in Area 2 of the Yegen Drain at the time of the inspection:



Algae



Water Fowl

Take a photo of Area 2 of the Yegen Drain

Was a carbon trap retrieved from ACS-1? No

Was a grab sample of water simultaneously collected at ACS-1? No

Date + Time of collection for the carbon trap and/or water sample at ACS-1: Jun 6, 2025 9:18 AM

Was the carbon trap replaced at ACS-1? Yes

Take a photo of the carbon trap at ACS-1:

Was a carbon trap retrieved from ACS-2? Yes

Was a grab sample of water simultaneously collected at ACS-2?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-2:	Jun 6, 2025 9:21 AM
Was the carbon trap replaced at ACS-2?	Yes
Take a photo of the carbon trap at ACS-2:	
Was a carbon trap retrieved from ACS-3?	Yes
Was a grab sample of water simultaneously collected at ACS-3?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-3:	Jun 6, 2025 9:28 AM
Was the carbon trap replaced at ACS-3?	Yes
Take a photo of the carbon trap at ACS-3:	
Was a carbon trap retrieved from ACS-4?	Yes
Was a grab sample of water simultaneously collected at ACS-4?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-4:	Jun 6, 2025 9:35 AM
Was the carbon trap replaced at ACS-4?	Yes
Take a photo of the carbon trap at ACS-4:	
Was a carbon trap retrieved from ACS-5?	No
Was a grab sample of water simultaneously collected at ACS-5?	No
Date + Time of collection for the carbon trap and/or water sample at ACS-5:	Jun 6, 2025 9:42 AM

Was the carbon trap replaced at ACS-5?	Yes
Take a photo of the carbon trap at ACS-5:	
Was a carbon trap retrieved from ACS-6?	No
Was a grab sample of water simultaneously collected at ACS-6?	No
Date + Time of collection for the carbon trap and/or water sample at ACS-6:	Jun 6, 2025 9:45 AM
Was the carbon trap replaced at ACS-6?	Yes
If the carbon trap at ACS-6 was not retrieved and/or replaced, why?	Start day
Take a photo of the carbon trap at ACS-6:	
Was a chain-of-custody completed for all samples collected?	Yes
Signature of sampler:	 signature

Tina Hansen

Jun 9, 2025

Submission Date	Jun 9, 2025 11:55 AM
Date of inspection:	Jun 9, 2025
Inspector	Tina Hansen
Where are carbon traps being collected during this inspection?	On-Property Yegen Drain
Date + Time of inspection of Area 1:	Jun 9, 2025 9:13 AM
Select the applicable flow condition that exists in Area 1 of the Yegen Drain at the time of the inspection:	Flowing water
Select all applicable conditions that exist in Area 1 of the Yegen Drain at the time of the inspection:	



Algae



Water Fowl

Take a photo of Area 1 of the Yegen Drain

Date + Time of inspection of Area 2: Jun 9, 2025 9:13 AM

Select the applicable flow condition that exists in Area 2 of the Yegen Drain at the time of the inspection: Standing water

Select all applicable conditions that exist in Area 2 of the Yegen Drain at the time of the inspection:



Algae



Water Fowl

Take a photo of Area 2 of the Yegen Drain

Was a carbon trap retrieved from ACS-1? Yes

Was a grab sample of water simultaneously collected at ACS-1? No

Date + Time of collection for the carbon trap and/or water sample at ACS-1: Jun 9, 2025 9:17 AM

Was the carbon trap replaced at ACS-1? No

If the carbon trap at ACS-1 was not retrieved and/or replaced, why? pulley jammed up - unable to replace carbon trap

If the grab sample of water at ACS-1 was not collected, why? pulley jammed up - unable to collect sample.

Take a photo of the carbon trap at ACS-1:	
Was a carbon trap retrieved from ACS-2?	Yes
Was a grab sample of water simultaneously collected at ACS-2?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-2:	Jun 9, 2025 9:25 AM
Was the carbon trap replaced at ACS-2?	Yes
Take a photo of the carbon trap at ACS-2:	
Was a carbon trap retrieved from ACS-3?	Yes
Was a grab sample of water simultaneously collected at ACS-3?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-3:	Jun 9, 2025 9:33 AM
Was the carbon trap replaced at ACS-3?	Yes
Was a carbon trap retrieved from ACS-4?	Yes
Was a grab sample of water simultaneously collected at ACS-4?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-4:	Jun 9, 2025 9:41 AM
Was the carbon trap replaced at ACS-4?	Yes
Was a carbon trap retrieved from ACS-5?	Yes
Was a grab sample of water simultaneously collected at ACS-5?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-5:	Jun 9, 2025 9:49 AM

Was the carbon trap replaced at ACS-5?	Yes
Was a carbon trap retrieved from ACS-6?	Yes
Was a grab sample of water simultaneously collected at ACS-6?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-6:	Jun 9, 2025 9:54 AM
Was the carbon trap replaced at ACS-6?	Yes
Was a chain-of-custody completed for all samples collected?	Yes
Signature of sampler:	

Keith Yeager

Jun 9, 2025

Submitter	Keith Yeager
Submission Date	Jun 9, 2025 5:19 PM
Date of inspection:	Jun 9, 2025
Inspector	Keith Yeager
Where are carbon traps being collected during this inspection?	On-Property Monitoring Wells
Was a carbon trap retrieved from MW-6?	No
Was a grab sample of water simultaneously collected at MW-6?	No
Date + Time of collection for the carbon trap and/or water sample at MW-6:	Jun 9, 2025 3:14 PM
Was the carbon trap replaced at MW-6?	No
Was a carbon trap retrieved from MW-15?	No
Was a grab sample of water simultaneously collected at MW-15?	No
Date + Time of collection for the carbon trap and/or water sample at MW-15:	Jun 9, 2025 2:45 PM
Was the carbon trap replaced at MW-15?	Yes
If the carbon trap at MW-15 was not retrieved and/or replaced, why?	First trap installation of study
If the grab sample of water at MW-15 was not collected, why?	First trap installation of study

Take a photo of the carbon trap at MW-15:	
Was a carbon trap retrieved from MW-16?	No
Was a grab sample of water simultaneously collected at MW-16?	No
Date + Time of collection for the carbon trap and/or water sample at MW-16:	Jun 9, 2025 3:14 PM
Was the carbon trap replaced at MW-16?	No
Was a chain-of-custody completed for all samples collected?	No
Signature of sampler:	 signature

Tina Hansen

Jun 12, 2025

Submission Date	Jun 12, 2025 11:52 AM
Date of inspection:	Jun 12, 2025
Inspector	Tina Hansen
Where are carbon traps being collected during this inspection?	On-Property Yegen Drain
Date + Time of inspection of Area 1:	Jun 12, 2025 9:06 AM
Select the applicable flow condition that exists in Area 1 of the Yegen Drain at the time of the inspection:	Flowing water
Select all applicable conditions that exist in Area 1 of the Yegen Drain at the time of the inspection:	 Algae
	 Water Fowl
Take a photo of Area 1 of the Yegen Drain	

Date + Time of inspection of Area 2:	Jun 12, 2025 9:06 AM
Select the applicable flow condition that exists in Area 2 of the Yegen Drain at the time of the inspection:	Flowing water
Select all applicable conditions that exist in Area 2 of the Yegen Drain at the time of the inspection:	 Algae  Water Fowl
Take a photo of Area 2 of the Yegen Drain	
Was a carbon trap retrieved from ACS-1?	Yes
Was a grab sample of water simultaneously collected at ACS-1?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-1:	Jun 12, 2025 9:10 AM
Was the carbon trap replaced at ACS-1?	Yes
Take a photo of the carbon trap at ACS-1:	
Was a carbon trap retrieved from ACS-2?	Yes

Was a grab sample of water simultaneously collected at ACS-2?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-2:	Jun 12, 2025 9:22 AM
Was the carbon trap replaced at ACS-2?	Yes
Take a photo of the carbon trap at ACS-2:	
Was a carbon trap retrieved from ACS-3?	Yes
Was a grab sample of water simultaneously collected at ACS-3?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-3:	Jun 12, 2025 9:07 AM
Was the carbon trap replaced at ACS-3?	Yes
Take a photo of the carbon trap at ACS-3:	
Was a carbon trap retrieved from ACS-4?	Yes
Was a grab sample of water simultaneously collected at ACS-4?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-4:	Jun 12, 2025 9:34 AM
Was the carbon trap replaced at ACS-4?	Yes
Take a photo of the carbon trap at ACS-4:	
Was a carbon trap retrieved from ACS-5?	Yes
Was a grab sample of water simultaneously collected at ACS-5?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-5:	Jun 12, 2025 9:44 AM

Was the carbon trap replaced at ACS-5?	Yes
Take a photo of the carbon trap at ACS-5:	
Was a carbon trap retrieved from ACS-6?	Yes
Was a grab sample of water simultaneously collected at ACS-6?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-6:	Jun 12, 2025 9:51 AM
Was the carbon trap replaced at ACS-6?	Yes
Take a photo of the carbon trap at ACS-6:	
Was a chain-of-custody completed for all samples collected?	Yes
Signature of sampler:	 signature

Tina Hansen

Jun 16, 2025

Submission Date	Jun 16, 2025 12:31 PM
Date of inspection:	Jun 16, 2025
Inspector	Tina Hansen
Where are carbon traps being collected during this inspection?	On-Property Yegen Drain
Date + Time of inspection of Area 1:	Jun 16, 2025 9:12 AM
Select the applicable flow condition that exists in Area 1 of the Yegen Drain at the time of the inspection:	Flowing water
Select all applicable conditions that exist in Area 1 of the Yegen Drain at the time of the inspection:	



Algae



Water Fowl

Date + Time of inspection of Area 2:	Jun 16, 2025 9:13 AM
Select the applicable flow condition that exists in Area 2 of the Yegen Drain at the time of the inspection:	Flowing water
Select all applicable conditions that exist in Area 2 of the Yegen Drain at the time of the inspection:	 Algae  Water Fowl
Was a carbon trap retrieved from ACS-1?	Yes
Was a grab sample of water simultaneously collected at ACS-1?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-1:	Jun 16, 2025 9:17 AM
Was the carbon trap replaced at ACS-1?	Yes
Was a carbon trap retrieved from ACS-2?	Yes
Was a grab sample of water simultaneously collected at ACS-2?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-2:	Jun 16, 2025 9:28 AM
Was the carbon trap replaced at ACS-2?	Yes

Was a carbon trap retrieved from ACS-3?	Yes
Was a grab sample of water simultaneously collected at ACS-3?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-3:	Jun 16, 2025 9:36 AM
Was the carbon trap replaced at ACS-3?	Yes
Was a carbon trap retrieved from ACS-4?	Yes
Was a grab sample of water simultaneously collected at ACS-4?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-4:	Jun 16, 2025 9:47 AM
Was the carbon trap replaced at ACS-4?	Yes
Was a carbon trap retrieved from ACS-5?	Yes
Was a grab sample of water simultaneously collected at ACS-5?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-5:	Jun 16, 2025 9:53 AM
Was the carbon trap replaced at ACS-5?	Yes
Was a carbon trap retrieved from ACS-6?	Yes
Was a grab sample of water simultaneously collected at ACS-6?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-6:	Jun 16, 2025 9:59 AM
Was the carbon trap replaced at ACS-6?	Yes
Was a chain-of-custody completed for all samples collected?	Yes

Signature of sampler: signature

Tina Hansen

Jun 18, 2025

Submission Date	Jun 18, 2025 9:37 AM
Date of inspection:	Jun 18, 2025
Inspector	Tina Hansen
Where are carbon traps being collected during this inspection?	On-Property Yegen Drain
Date + Time of inspection of Area 1:	Jun 18, 2025 7:01 AM
Select the applicable flow condition that exists in Area 1 of the Yegen Drain at the time of the inspection:	Standing water
Select all applicable conditions that exist in Area 1 of the Yegen Drain at the time of the inspection:	



Algae



Water Fowl

Take a photo of Area 1 of the Yegen Drain

Date + Time of inspection of Area 2: Jun 18, 2025 7:01 AM

Select the applicable flow condition that exists in Area 2 of the Yegen Drain at the time of the inspection: Standing water

Select all applicable conditions that exist in Area 2 of the Yegen Drain at the time of the inspection:



Algae



Water Fowl

Take a photo of Area 2 of the Yegen Drain

Was a carbon trap retrieved from ACS-1? Yes

Was a grab sample of water simultaneously collected at ACS-1? Yes

Date + Time of collection for the carbon trap and/or water sample at ACS-1: Jun 18, 2025 7:03 AM

Was the carbon trap replaced at ACS-1? Yes

Take a photo of the carbon trap at ACS-1:

Was a carbon trap retrieved from ACS-2? Yes

Was a grab sample of water simultaneously collected at ACS-2?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-2:	Jun 18, 2025 7:10 AM
Was the carbon trap replaced at ACS-2?	Yes
Was a carbon trap retrieved from ACS-3?	Yes
Was a grab sample of water simultaneously collected at ACS-3?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-3:	Jun 18, 2025 7:17 AM
Was the carbon trap replaced at ACS-3?	Yes
Take a photo of the carbon trap at ACS-3:	
Was a carbon trap retrieved from ACS-4?	Yes
Was a grab sample of water simultaneously collected at ACS-4?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-4:	Jun 18, 2025 7:24 AM
Was the carbon trap replaced at ACS-4?	Yes
Take a photo of the carbon trap at ACS-4:	
Was a carbon trap retrieved from ACS-5?	Yes
Was a grab sample of water simultaneously collected at ACS-5?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-5:	Jun 18, 2025 7:31 AM
Was the carbon trap replaced at ACS-5?	Yes

Take a photo of the carbon trap at ACS-5:	
Was a carbon trap retrieved from ACS-6?	Yes
Was a grab sample of water simultaneously collected at ACS-6?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-6:	Jun 18, 2025 7:37 AM
Was the carbon trap replaced at ACS-6?	Yes
Take a photo of the carbon trap at ACS-6:	
Was a chain-of-custody completed for all samples collected?	Yes
Signature of sampler:	 signature

Tina Hansen

Jun 20, 2025

Submission Date	Jun 20, 2025 10:11 AM
Date of inspection:	Jun 20, 2025
Inspector	Tina Hansen
Where are carbon traps being collected during this inspection?	On-Property Yegen Drain
Date + Time of inspection of Area 1:	Jun 20, 2025 6:50 AM
Select the applicable flow condition that exists in Area 1 of the Yegen Drain at the time of the inspection:	Standing water
Select all applicable conditions that exist in Area 1 of the Yegen Drain at the time of the inspection:	



Algae



Water Fowl

Date + Time of inspection of Area 2:	Jun 20, 2025 6:55 AM
Select the applicable flow condition that exists in Area 2 of the Yegen Drain at the time of the inspection:	Flowing water
Select all applicable conditions that exist in Area 2 of the Yegen Drain at the time of the inspection:	 Algae  Water Fowl
Was a carbon trap retrieved from ACS-1?	Yes
Was a grab sample of water simultaneously collected at ACS-1?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-1:	Jun 20, 2025 7:08 AM
Was the carbon trap replaced at ACS-1?	Yes
Was a carbon trap retrieved from ACS-2?	Yes
Was a grab sample of water simultaneously collected at ACS-2?	No
Date + Time of collection for the carbon trap and/or water sample at ACS-2:	Jun 20, 2025 7:10 AM
Was the carbon trap replaced at ACS-2?	No

If the carbon trap at ACS-2 was not retrieved and/or replaced, why?	Pulley bound up water sample and ACS installed 10:30 am
If the grab sample of water at ACS-2 was not collected, why?	Pulley bound up water sample collected at10:30 am by TertraTech
Was a carbon trap retrieved from ACS-3?	Yes
Was a grab sample of water simultaneously collected at ACS-3?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-3:	Jun 20, 2025 7:13 AM
Was the carbon trap replaced at ACS-3?	Yes
Was a carbon trap retrieved from ACS-4?	Yes
Was a grab sample of water simultaneously collected at ACS-4?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-4:	Jun 20, 2025 7:24 AM
Was the carbon trap replaced at ACS-4?	Yes
Was a carbon trap retrieved from ACS-5?	Yes
Was a grab sample of water simultaneously collected at ACS-5?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-5:	Jun 20, 2025 7:30 AM
Was the carbon trap replaced at ACS-5?	Yes
Was a carbon trap retrieved from ACS-6?	Yes
Was a grab sample of water simultaneously collected at ACS-6?	No
Date + Time of collection for the carbon trap and/or water sample at ACS-6:	Jun 20, 2025 7:43 AM

Was the carbon trap replaced at ACS-6?	Yes
If the grab sample of water at ACS-6 was not collected, why?	Water level low ACS 6 reinstalled and sample collected at 11:30 am.
Was a chain-of-custody completed for all samples collected?	Yes
Signature of sampler:	signature

Keith Yeager

Jun 24, 2025

Submitter	Keith Yeager
Submission Date	Jun 24, 2025 12:48 PM
Date of inspection:	Jun 24, 2025
Inspector	Keith Yeager
Where are carbon traps being collected during this inspection?	On-Property Monitoring Wells
Was a carbon trap retrieved from MW-6?	No
Was a grab sample of water simultaneously collected at MW-6?	No
Date + Time of collection for the carbon trap and/or water sample at MW-6:	Jun 24, 2025 10:45 AM
Was the carbon trap replaced at MW-6?	No
Was a carbon trap retrieved from MW-15?	Yes
Was a grab sample of water simultaneously collected at MW-15?	Yes
Date + Time of collection for the carbon trap and/or water sample at MW-15:	Jun 24, 2025 10:30 AM
Was the carbon trap replaced at MW-15?	Yes
Take a photo of the carbon trap at MW-15:	
Was a carbon trap retrieved from MW-16?	No

Was a grab sample of water simultaneously collected at MW-16?	No
Date + Time of collection for the carbon trap and/or water sample at MW-16:	Jun 24, 2025 10:45 AM
Was the carbon trap replaced at MW-16?	No
Was a chain-of-custody completed for all samples collected?	Yes
Signature of sampler:	signature

Amy Hui

Jun 24, 2025

Submission Date	Jun 26, 2025 5:39 PM
Date of inspection:	Jun 24, 2025
Inspector	Amy Hui
Where are carbon traps being collected during this inspection?	On-Property Yegen Drain
Date + Time of inspection of Area 1:	Jun 24, 2025 10:00 AM
Select the applicable flow condition that exists in Area 1 of the Yegen Drain at the time of the inspection:	Standing water
Select all applicable conditions that exist in Area 1 of the Yegen Drain at the time of the inspection:	 Water Fowl
Date + Time of inspection of Area 2:	Jun 24, 2025 10:00 AM
Select the applicable flow condition that exists in Area 2 of the Yegen Drain at the time of the inspection:	Flowing water
Was a carbon trap retrieved from ACS-1?	Yes
Was a grab sample of water simultaneously collected at	Yes

ACS-1?	
Date + Time of collection for the carbon trap and/or water sample at ACS-1:	Jun 24, 2025 10:25 AM
Was the carbon trap replaced at ACS-1?	Yes
Was a carbon trap retrieved from ACS-2?	Yes
Was a grab sample of water simultaneously collected at ACS-2?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-2:	Jun 24, 2025 10:35 AM
Was the carbon trap replaced at ACS-2?	Yes
Was a carbon trap retrieved from ACS-3?	Yes
Was a grab sample of water simultaneously collected at ACS-3?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-3:	Jun 24, 2025 10:45 AM
Was the carbon trap replaced at ACS-3?	Yes
Was a carbon trap retrieved from ACS-4?	Yes
Was a grab sample of water simultaneously collected at ACS-4?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-4:	Jun 24, 2025 10:56 AM
Was the carbon trap replaced at ACS-4?	Yes
Was a carbon trap retrieved from ACS-5?	Yes
Was a grab sample of water simultaneously collected at ACS-5?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-5:	Jun 24, 2025 11:05 AM

Was the carbon trap replaced at ACS-5?	Yes
Was a carbon trap retrieved from ACS-6?	Yes
Was a grab sample of water simultaneously collected at ACS-6?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-6:	Jun 24, 2025 11:15 AM
Was the carbon trap replaced at ACS-6?	Yes
Was a chain-of-custody completed for all samples collected?	Yes
Signature of sampler:	 signature

Amy Hui

Jun 24, 2025

Submission Date	Jun 26, 2025 6:23 PM
Date of inspection:	Jun 24, 2025
Inspector	Amy Hui
Where are carbon traps being collected during this inspection?	On-Property Yegen Drain
Date + Time of inspection of Area 1:	Jun 24, 2025 10:00 AM
Select the applicable flow condition that exists in Area 1 of the Yegen Drain at the time of the inspection:	Standing water
Select all applicable conditions that exist in Area 1 of the Yegen Drain at the time of the inspection:	 Water Fowl
Date + Time of inspection of Area 2:	Jun 24, 2025 10:00 AM
Select the applicable flow condition that exists in Area 2 of the Yegen Drain at the time of the inspection:	Flowing water
Was a carbon trap retrieved from ACS-1?	Yes
Was a grab sample of water simultaneously collected at	Yes

ACS-1?	
Date + Time of collection for the carbon trap and/or water sample at ACS-1:	Jun 24, 2025 10:25 AM
Was the carbon trap replaced at ACS-1?	Yes
Was a carbon trap retrieved from ACS-2?	Yes
Was a grab sample of water simultaneously collected at ACS-2?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-2:	Jun 24, 2025 10:35 AM
Was the carbon trap replaced at ACS-2?	Yes
Was a carbon trap retrieved from ACS-3?	Yes
Was a grab sample of water simultaneously collected at ACS-3?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-3:	Jun 24, 2025 10:45 AM
Was the carbon trap replaced at ACS-3?	Yes
Was a carbon trap retrieved from ACS-4?	Yes
Was a grab sample of water simultaneously collected at ACS-4?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-4:	Jun 24, 2025 10:56 AM
Was the carbon trap replaced at ACS-4?	Yes
Was a carbon trap retrieved from ACS-5?	Yes
Was a grab sample of water simultaneously collected at ACS-5?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-5:	Jun 24, 2025 11:05 AM

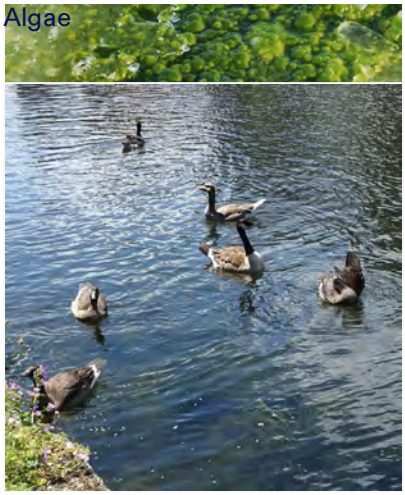
Was the carbon trap replaced at ACS-5?	Yes
Was a carbon trap retrieved from ACS-6?	Yes
Was a grab sample of water simultaneously collected at ACS-6?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-6:	Jun 24, 2025 11:15 AM
Was the carbon trap replaced at ACS-6?	Yes
Was a chain-of-custody completed for all samples collected?	Yes
Signature of sampler:	

Keith Yeager

Jul 3, 2025

Submitter	Keith Yeager
Submission Date	Jul 3, 2025 12:42 PM
Date of inspection:	Jul 3, 2025
Inspector	Keith Yeager
Where are carbon traps being collected during this inspection?	On-Property Yegen Drain
Date + Time of inspection of Area 1:	Jul 3, 2025 9:35 AM
Select the applicable flow condition that exists in Area 1 of the Yegen Drain at the time of the inspection:	Standing water
Select all applicable conditions that exist in Area 1 of the Yegen Drain at the time of the inspection:	 Algae
Take a photo of Area 1 of the Yegen Drain	
Date + Time of inspection of Area 2:	Jul 3, 2025 9:35 AM
Select the applicable flow condition that exists in Area 2 of the Yegen Drain at the time of the inspection:	Flowing water
Select all applicable conditions that exist in Area 2 of the	

Yegen Drain at the time of the inspection:



Water Fowl

Take a photo of Area 2 of the Yegen Drain

Was a carbon trap retrieved from ACS-1? Yes

Was a grab sample of water simultaneously collected at ACS-1? Yes

Date + Time of collection for the carbon trap and/or water sample at ACS-1: Jul 3, 2025 9:40 AM

Was the carbon trap replaced at ACS-1? Yes

Take a photo of the carbon trap at ACS-1:

Was a carbon trap retrieved from ACS-2? Yes

Was a grab sample of water simultaneously collected at ACS-2? Yes

Date + Time of collection for the carbon trap and/or water sample at ACS-2: Jul 3, 2025 9:55 AM

Was the carbon trap replaced at ACS-2? Yes

Take a photo of the carbon trap at ACS-2:	
Was a carbon trap retrieved from ACS-3?	Yes
Was a grab sample of water simultaneously collected at ACS-3?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-3:	Jul 3, 2025 10:05 AM
Was the carbon trap replaced at ACS-3?	Yes
Take a photo of the carbon trap at ACS-3:	
Was a carbon trap retrieved from ACS-4?	Yes
Was a grab sample of water simultaneously collected at ACS-4?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-4:	Jul 3, 2025 10:15 AM
Was the carbon trap replaced at ACS-4?	Yes
Take a photo of the carbon trap at ACS-4:	
Was a carbon trap retrieved from ACS-5?	Yes
Was a grab sample of water simultaneously collected at ACS-5?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-5:	Jul 3, 2025 10:25 AM
Was the carbon trap replaced at ACS-5?	Yes
Take a photo of the carbon trap at ACS-5:	
Was a carbon trap retrieved from ACS-6?	Yes
Was a grab sample of water simultaneously collected at	Yes

ACS-6?	
Date + Time of collection for the carbon trap and/or water sample at ACS-6:	Jul 3, 2025 10:35 AM
Was the carbon trap replaced at ACS-6?	Yes
Take a photo of the carbon trap at ACS-6:	
Was a chain-of-custody completed for all samples collected?	Yes
Signature of sampler:	 signature

Amy Hui

Jul 7, 2025

Submission Date	Jul 8, 2025 2:16 PM
Date of inspection:	Jul 7, 2025
Inspector	Amy Hui
Where are carbon traps being collected during this inspection?	On-Property Yegen Drain
Date + Time of inspection of Area 1:	Jul 7, 2025 7:50 AM
Select the applicable flow condition that exists in Area 1 of the Yegen Drain at the time of the inspection:	Standing water
Select all applicable conditions that exist in Area 1 of the Yegen Drain at the time of the inspection:	 Algae
Date + Time of inspection of Area 2:	Jul 7, 2025 7:50 AM
Select the applicable flow condition that exists in Area 2 of the Yegen Drain at the time of the inspection:	Flowing water
Select all applicable conditions that exist in Area 2 of the Yegen Drain at the time of the inspection:	

	Algae
Was a carbon trap retrieved from ACS-1?	Yes
Was a grab sample of water simultaneously collected at ACS-1?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-1:	Jul 7, 2025 8:00 AM
Was the carbon trap replaced at ACS-1?	Yes
Was a carbon trap retrieved from ACS-2?	Yes
Was a grab sample of water simultaneously collected at ACS-2?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-2:	Jul 7, 2025 8:05 AM
Was the carbon trap replaced at ACS-2?	Yes
Was a carbon trap retrieved from ACS-3?	Yes
Was a grab sample of water simultaneously collected at ACS-3?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-3:	Jul 7, 2025 8:10 AM
Was the carbon trap replaced at ACS-3?	Yes
Was a carbon trap retrieved from ACS-4?	Yes
Was a grab sample of water simultaneously collected at ACS-4?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-4:	Jul 7, 2025 8:20 AM
Was the carbon trap replaced at ACS-4?	Yes
Was a carbon trap retrieved from ACS-5?	Yes

Was a grab sample of water simultaneously collected at ACS-5?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-5:	Jul 7, 2025 8:30 AM
Was the carbon trap replaced at ACS-5?	Yes
Was a carbon trap retrieved from ACS-6?	Yes
Was a grab sample of water simultaneously collected at ACS-6?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-6:	Jul 7, 2025 8:40 AM
Was the carbon trap replaced at ACS-6?	Yes
Was a chain-of-custody completed for all samples collected?	Yes
Signature of sampler:	 signature

Amy Hui

Jun 30, 2025

Submission Date	Jul 8, 2025 2:29 PM
Date of inspection:	Jun 30, 2025
Inspector	Amy Hui
Where are carbon traps being collected during this inspection?	On-Property Yegen Drain
Date + Time of inspection of Area 1:	Jun 30, 2025 9:30 AM
Select the applicable flow condition that exists in Area 1 of the Yegen Drain at the time of the inspection:	Standing water
Select all applicable conditions that exist in Area 1 of the Yegen Drain at the time of the inspection:	 Algae
Date + Time of inspection of Area 2:	Jun 30, 2025 9:30 AM
Select the applicable flow condition that exists in Area 2 of the Yegen Drain at the time of the inspection:	Flowing water
Select all applicable conditions that exist in Area 2 of the Yegen Drain at the time of the inspection:	

	Algae
Was a carbon trap retrieved from ACS-1?	Yes
Was a grab sample of water simultaneously collected at ACS-1?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-1:	Jun 30, 2025 9:40 AM
Was the carbon trap replaced at ACS-1?	Yes
Was a carbon trap retrieved from ACS-2?	Yes
Was a grab sample of water simultaneously collected at ACS-2?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-2:	Jun 30, 2025 9:55 AM
Was the carbon trap replaced at ACS-2?	Yes
Was a carbon trap retrieved from ACS-3?	Yes
Was a grab sample of water simultaneously collected at ACS-3?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-3:	Jun 30, 2025 10:05 AM
Was the carbon trap replaced at ACS-3?	Yes
Was a carbon trap retrieved from ACS-4?	Yes
Was a grab sample of water simultaneously collected at ACS-4?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-4:	Jun 30, 2025 10:15 AM
Was the carbon trap replaced at ACS-4?	Yes
Was a carbon trap retrieved from ACS-5?	Yes

Was a grab sample of water simultaneously collected at ACS-5?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-5:	Jun 30, 2025 10:25 AM
Was the carbon trap replaced at ACS-5?	Yes
Was a carbon trap retrieved from ACS-6?	Yes
Was a grab sample of water simultaneously collected at ACS-6?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-6:	Jun 30, 2025 10:35 AM
Was the carbon trap replaced at ACS-6?	Yes
Was a chain-of-custody completed for all samples collected?	Yes
Signature of sampler:	 signature

Keith Yeager

Jul 9, 2025

Submitter	Keith Yeager
Submission Date	Jul 9, 2025 10:51 AM
Date of inspection:	Jul 9, 2025
Inspector	Keith Yeager
Where are carbon traps being collected during this inspection?	On-Property Monitoring Wells
Was a carbon trap retrieved from MW-6?	No
Was a grab sample of water simultaneously collected at MW-6?	No
Date + Time of collection for the carbon trap and/or water sample at MW-6:	Jul 9, 2025 8:48 AM
Was the carbon trap replaced at MW-6?	No
Was a carbon trap retrieved from MW-15?	Yes
Was a grab sample of water simultaneously collected at MW-15?	Yes
Date + Time of collection for the carbon trap and/or water sample at MW-15:	Jul 9, 2025 8:40 AM
Was the carbon trap replaced at MW-15?	Yes
Take a photo of the carbon trap at MW-15:	
Was a carbon trap retrieved from MW-16?	No

Was a grab sample of water simultaneously collected at MW-16?	No
Date + Time of collection for the carbon trap and/or water sample at MW-16:	Jul 9, 2025 8:48 AM
Was the carbon trap replaced at MW-16?	No
Was a chain-of-custody completed for all samples collected?	Yes
Signature of sampler:	

Amy Hui

Jul 9, 2025

Submission Date	Jul 9, 2025 1:23 PM
Date of inspection:	Jul 9, 2025
Inspector	Amy Hui
Where are carbon traps being collected during this inspection?	On-Property Yegen Drain
Date + Time of inspection of Area 1:	Jul 9, 2025 8:20 AM
Select the applicable flow condition that exists in Area 1 of the Yegen Drain at the time of the inspection:	Standing water
Date + Time of inspection of Area 2:	Jul 9, 2025 8:20 AM
Select the applicable flow condition that exists in Area 2 of the Yegen Drain at the time of the inspection:	Flowing water
Was a carbon trap retrieved from ACS-1?	Yes
Was a grab sample of water simultaneously collected at ACS-1?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-1:	Jul 9, 2025 8:25 AM
Was the carbon trap replaced at ACS-1?	Yes
Was a carbon trap retrieved from ACS-2?	Yes
Was a grab sample of water simultaneously collected at ACS-2?	Yes

Date + Time of collection for the carbon trap and/or water sample at ACS-2:	Jul 9, 2025 8:35 AM
Was the carbon trap replaced at ACS-2?	Yes
Was a carbon trap retrieved from ACS-3?	Yes
Was a grab sample of water simultaneously collected at ACS-3?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-3:	Jul 9, 2025 8:45 AM
Was the carbon trap replaced at ACS-3?	Yes
Was a carbon trap retrieved from ACS-4?	Yes
Was a grab sample of water simultaneously collected at ACS-4?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-4:	Jul 9, 2025 8:55 AM
Was the carbon trap replaced at ACS-4?	Yes
Was a carbon trap retrieved from ACS-5?	Yes
Was a grab sample of water simultaneously collected at ACS-5?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-5:	Jul 9, 2025 9:05 AM
Was the carbon trap replaced at ACS-5?	Yes
Was a carbon trap retrieved from ACS-6?	Yes
Was a grab sample of water simultaneously collected at ACS-6?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-6:	Jul 9, 2025 10:30 AM

Was the carbon trap replaced at ACS-6?	Yes
Was a chain-of-custody completed for all samples collected?	Yes
Signature of sampler:	

Amy Hui

Jul 11, 2025

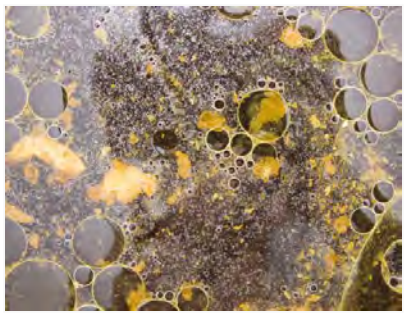
Submission Date	Jul 11, 2025 10:28 AM
Date of inspection:	Jul 11, 2025
Inspector	Amy Hui
Where are carbon traps being collected during this inspection?	On-Property Yegen Drain
Date + Time of inspection of Area 1:	Jul 11, 2025 7:41 AM
Select the applicable flow condition that exists in Area 1 of the Yegen Drain at the time of the inspection:	Standing water
Take a photo of Area 1 of the Yegen Drain	
Date + Time of inspection of Area 2:	Jul 11, 2025 7:41 AM
Select the applicable flow condition that exists in Area 2 of the Yegen Drain at the time of the inspection:	Flowing water
Take a photo of Area 2 of the Yegen Drain	
Was a carbon trap retrieved from ACS-1?	Yes
Was a grab sample of water simultaneously collected at ACS-1?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-1:	Jul 11, 2025 7:45 AM
Was the carbon trap replaced at ACS-1?	Yes

Take a photo of the carbon trap at ACS-1:	
Was a carbon trap retrieved from ACS-2?	Yes
Was a grab sample of water simultaneously collected at ACS-2?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-2:	Jul 11, 2025 7:50 AM
Was the carbon trap replaced at ACS-2?	Yes
Take a photo of the carbon trap at ACS-2:	
Was a carbon trap retrieved from ACS-3?	Yes
Was a grab sample of water simultaneously collected at ACS-3?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-3:	Jul 11, 2025 7:55 AM
Was the carbon trap replaced at ACS-3?	Yes
Take a photo of the carbon trap at ACS-3:	
Was a carbon trap retrieved from ACS-4?	Yes
Was a grab sample of water simultaneously collected at ACS-4?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-4:	Jul 11, 2025 8:05 AM
Was the carbon trap replaced at ACS-4?	Yes
Take a photo of the carbon trap at ACS-4:	
Was a carbon trap retrieved from ACS-5?	Yes
Was a grab sample of water simultaneously collected at	Yes

ACS-5?	
Date + Time of collection for the carbon trap and/or water sample at ACS-5:	Jul 11, 2025 8:15 AM
Was the carbon trap replaced at ACS-5?	Yes
Take a photo of the carbon trap at ACS-5:	
Was a carbon trap retrieved from ACS-6?	Yes
Was a grab sample of water simultaneously collected at ACS-6?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-6:	Jul 11, 2025 8:20 AM
Was the carbon trap replaced at ACS-6?	Yes
Take a photo of the carbon trap at ACS-6:	
Was a chain-of-custody completed for all samples collected?	Yes
Signature of sampler:	 signature

Amy Hui

Jul 18, 2025

Submission Date	Jul 18, 2025 10:03 AM
Date of inspection:	Jul 18, 2025
Inspector	Amy Hui
Where are carbon traps being collected during this inspection?	On-Property Yegen Drain
Date + Time of inspection of Area 1:	Jul 18, 2025 7:19 AM
Select the applicable flow condition that exists in Area 1 of the Yegen Drain at the time of the inspection:	Standing water
Take a photo of Area 1 of the Yegen Drain	
Date + Time of inspection of Area 2:	Jul 18, 2025 7:19 AM
Select the applicable flow condition that exists in Area 2 of the Yegen Drain at the time of the inspection:	Flowing water
Select all applicable conditions that exist in Area 2 of the Yegen Drain at the time of the inspection:	 Oil and Grease
	

Water Fowl



Take a photo of Area 2 of the Yegen Drain	
Was a carbon trap retrieved from ACS-1?	Yes
Was a grab sample of water simultaneously collected at ACS-1?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-1:	Jul 18, 2025 7:25 AM
Was the carbon trap replaced at ACS-1?	Yes
Take a photo of the carbon trap at ACS-1:	
Was a carbon trap retrieved from ACS-2?	Yes
Was a grab sample of water simultaneously collected at ACS-2?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-2:	Jul 18, 2025 7:30 AM
Was the carbon trap replaced at ACS-2?	Yes
Take a photo of the carbon trap at ACS-2:	
Was a carbon trap retrieved from ACS-3?	Yes
Was a grab sample of water simultaneously collected at ACS-3?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-3:	Jul 18, 2025 7:35 AM

Was the carbon trap replaced at ACS-3?	Yes
Take a photo of the carbon trap at ACS-3:	
Was a carbon trap retrieved from ACS-4?	Yes
Was a grab sample of water simultaneously collected at ACS-4?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-4:	Jul 18, 2025 7:40 AM
Was the carbon trap replaced at ACS-4?	Yes
Take a photo of the carbon trap at ACS-4:	
Was a carbon trap retrieved from ACS-5?	Yes
Was a grab sample of water simultaneously collected at ACS-5?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-5:	Jul 18, 2025 7:50 AM
Was the carbon trap replaced at ACS-5?	Yes
Take a photo of the carbon trap at ACS-5:	
Was a carbon trap retrieved from ACS-6?	Yes
Was a grab sample of water simultaneously collected at ACS-6?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-6:	Jul 18, 2025 7:55 AM
Was the carbon trap replaced at ACS-6?	Yes
Take a photo of the carbon trap at ACS-6:	
Was a chain-of-custody completed for all samples	Yes

collected?

Signature of sampler: 

Amy Hui

Jul 21, 2025

Submission Date	Jul 21, 2025 10:22 AM
Date of inspection:	Jul 21, 2025
Inspector	Amy Hui
Where are carbon traps being collected during this inspection?	On-Property Yegen Drain
Date + Time of inspection of Area 1:	Jul 21, 2025 7:28 AM
Select the applicable flow condition that exists in Area 1 of the Yegen Drain at the time of the inspection:	Standing water
Take a photo of Area 1 of the Yegen Drain	
Date + Time of inspection of Area 2:	Jul 21, 2025 7:28 AM
Select the applicable flow condition that exists in Area 2 of the Yegen Drain at the time of the inspection:	Flowing water
Take a photo of Area 2 of the Yegen Drain	
Was a carbon trap retrieved from ACS-1?	Yes
Was a grab sample of water simultaneously collected at ACS-1?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-1:	Jul 21, 2025 7:30 AM
Was the carbon trap replaced at ACS-1?	Yes

Take a photo of the carbon trap at ACS-1:	
Was a carbon trap retrieved from ACS-2?	Yes
Was a grab sample of water simultaneously collected at ACS-2?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-2:	Jul 21, 2025 7:35 AM
Was the carbon trap replaced at ACS-2?	Yes
Take a photo of the carbon trap at ACS-2:	
Was a carbon trap retrieved from ACS-3?	Yes
Was a grab sample of water simultaneously collected at ACS-3?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-3:	Jul 21, 2025 7:50 AM
Was the carbon trap replaced at ACS-3?	Yes
Take a photo of the carbon trap at ACS-3:	
Was a carbon trap retrieved from ACS-4?	Yes
Was a grab sample of water simultaneously collected at ACS-4?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-4:	Jul 21, 2025 8:00 AM
Was the carbon trap replaced at ACS-4?	Yes
Take a photo of the carbon trap at ACS-4:	
Was a carbon trap retrieved from ACS-5?	Yes
Was a grab sample of water simultaneously collected at	Yes

ACS-5?

Date + Time of collection for the carbon trap and/or water sample at ACS-5:	Jul 21, 2025 8:10 AM
Was the carbon trap replaced at ACS-5?	Yes
Take a photo of the carbon trap at ACS-5:	
Was a carbon trap retrieved from ACS-6?	Yes
Was a grab sample of water simultaneously collected at ACS-6?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-6:	Jul 21, 2025 8:15 AM
Was the carbon trap replaced at ACS-6?	Yes
Take a photo of the carbon trap at ACS-6:	
Was a chain-of-custody completed for all samples collected?	Yes
Signature of sampler:	 signature

Keith Yeager

Jul 24, 2025

Submitter	Keith Yeager
Submission Date	Jul 24, 2025 10:57 AM
Date of inspection:	Jul 24, 2025
Inspector	Keith Yeager
Where are carbon traps being collected during this inspection?	On-Property Monitoring Wells
Was a carbon trap retrieved from MW-6?	No
Was a grab sample of water simultaneously collected at MW-6?	No
Date + Time of collection for the carbon trap and/or water sample at MW-6:	Jul 24, 2025 8:53 AM
Was the carbon trap replaced at MW-6?	No
Was a carbon trap retrieved from MW-15?	Yes
Was a grab sample of water simultaneously collected at MW-15?	Yes
Date + Time of collection for the carbon trap and/or water sample at MW-15:	Jul 24, 2025 9:00 AM
Was the carbon trap replaced at MW-15?	Yes
Take a photo of the carbon trap at MW-15:	
Was a carbon trap retrieved from MW-16?	No

Was a grab sample of water simultaneously collected at MW-16?	No
Date + Time of collection for the carbon trap and/or water sample at MW-16:	Jul 24, 2025 8:53 AM
Was the carbon trap replaced at MW-16?	No
Was a chain-of-custody completed for all samples collected?	Yes
Signature of sampler:	 signature

Amy Hui

Jul 24, 2025

Submission Date	Jul 24, 2025 2:08 PM
Date of inspection:	Jul 24, 2025
Inspector	Amy Hui
Where are carbon traps being collected during this inspection?	On-Property Yegen Drain
Date + Time of inspection of Area 1:	Jul 24, 2025 7:30 AM
Select the applicable flow condition that exists in Area 1 of the Yegen Drain at the time of the inspection:	Standing water
Date + Time of inspection of Area 2:	Jul 24, 2025 7:31 AM
Select the applicable flow condition that exists in Area 2 of the Yegen Drain at the time of the inspection:	Flowing water
Was a carbon trap retrieved from ACS-1?	Yes
Was a grab sample of water simultaneously collected at ACS-1?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-1:	Jul 24, 2025 7:30 AM
Was the carbon trap replaced at ACS-1?	Yes
Was a carbon trap retrieved from ACS-2?	Yes
Was a grab sample of water simultaneously collected at ACS-2?	Yes

Date + Time of collection for the carbon trap and/or water sample at ACS-2:	Jul 24, 2025 7:40 AM
Was the carbon trap replaced at ACS-2?	Yes
Was a carbon trap retrieved from ACS-3?	Yes
Was a grab sample of water simultaneously collected at ACS-3?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-3:	Jul 24, 2025 7:55 AM
Was the carbon trap replaced at ACS-3?	Yes
Was a carbon trap retrieved from ACS-4?	Yes
Was a grab sample of water simultaneously collected at ACS-4?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-4:	Jul 24, 2025 8:05 AM
Was the carbon trap replaced at ACS-4?	Yes
Was a carbon trap retrieved from ACS-5?	Yes
Was a grab sample of water simultaneously collected at ACS-5?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-5:	Jul 24, 2025 8:15 AM
Was the carbon trap replaced at ACS-5?	Yes
Was a carbon trap retrieved from ACS-6?	Yes
Was a grab sample of water simultaneously collected at ACS-6?	Yes
Date + Time of collection for the carbon trap and/or water sample at ACS-6:	Jul 24, 2025 8:20 AM

Was the carbon trap replaced at ACS-6?	Yes
Was a chain-of-custody completed for all samples collected?	Yes
Signature of sampler:	

Keith Yeager

Jul 28, 2025

Submitter	Keith Yeager
Submission Date	Jul 28, 2025 11:05 AM
Date of inspection:	Jul 28, 2025
Inspector	Keith Yeager
Where are carbon traps being collected during this inspection?	On-Property Monitoring Wells
Was a carbon trap retrieved from MW-6?	No
Was a grab sample of water simultaneously collected at MW-6?	No
Date + Time of collection for the carbon trap and/or water sample at MW-6:	Jul 28, 2025 8:55 AM
Was the carbon trap replaced at MW-6?	No
Was a carbon trap retrieved from MW-15?	Yes
Was a grab sample of water simultaneously collected at MW-15?	Yes
Date + Time of collection for the carbon trap and/or water sample at MW-15:	Jul 28, 2025 9:00 AM
Was the carbon trap replaced at MW-15?	Yes
Take a photo of the carbon trap at MW-15:	

Was a carbon trap retrieved from MW-16?	No
Was a grab sample of water simultaneously collected at MW-16?	No
Date + Time of collection for the carbon trap and/or water sample at MW-16:	Jul 28, 2025 8:55 AM
Was the carbon trap replaced at MW-16?	No
Was a chain-of-custody completed for all samples collected?	Yes
Signature of sampler:	 signature

Appendix H

Dye Trace Study Results

Ozark UNDERGROUND LABORATORY 1572 Aley Lane • Protem, MO 65733 • (417) 785-4289 • fax (417) 785-4290 • contact@ozarkundergroundlab.com

Certificate of Analysis

Date of certificate: June 13, 2025
Client: Western Sugr Cooperative
7100 Commercial Avenue Suite4
Billings, Montana 59101
Contact people: Tony Schroer (Tschroer@barr.com)
Keith.Yeager@tetratech.com
Tina Hansen (thansen@westernsugar.com)
Amy Hui (ahui@westernsugar.com)
CVillalbha@westernsugar.com

Project name: WSC - Billings Dye Test
Project number: 450005094
Samples collected by: Tina Hansen and KY
Date samples shipped:
Date samples rec'd at OUL: June 10, 2025
Date analyzed by OUL: June 12, 2025
Included with certificate of analysis: Table of results and copies of sample collection data sheets

Results for charcoal and water samples analyzed for the presence of rhodamine WT (RWT) dye.
Peak wavelengths are reported in nanometers (nm); dye concentrations are reported in parts per billion (ppb).
All results are for charcoal unless otherwise indicated.

OUL Number	Station Name	Date/Time Placed	Date/Time Collected	RWT	
				Peak (nm)	Conc (ppb)
H8578	ACS1	6/6/25 0918	6/9/25 0917	ND	
H8579	ACS2	6/6/25 0921	6/9/25 0925	ND	
H8580	Laboratory control charcoal blank				
H8581	ACS3	6/6/25 0928	6/9/25 0933	ND	
H8582	ACS4	6/6/25 0935	6/9/25 0941	ND	
H8583	ACS5	6/6/25 0942	6/9/25 0949	ND	
H8584	ACS6	6/6/25 0945	6/9/25 0954	ND	
H8585	ACS2	6/5/25 1145	6/6/25 0921	ND	
H8586	ACS3	6/5/25 1137	6/6/25 0928	ND	
H8587	ACS4	6/5/25 1127	6/6/25 0935	ND	
H8588	ACS2	6/4/25 0931	6/5/25 1145	ND	
H8589	ACS3	6/4/25 0942	6/5/25 1137	ND	
H8590	ACS4	6/4/25 0948	6/5/25 1127	ND	
H8591	ACS2	6/3/25 0922	6/4/25 0931	ND	
H8592	ACS3	6/3/25 0930	6/4/25 0942	ND	
H8593	ACS4	6/3/25 0938	6/4/25 0948	ND	
H8594	ACS2	6/2/25 1107	6/3/25 0922	ND	
H8595	ACS3	6/2/25 1110	6/3/25 0930	ND	
H8596	ACS4	6/2/25 1113	6/3/25 0938	ND	
H8597	Yegen off property background	5/27/25 1220	6/2/25 0900	ND	
H8598	Yegen on property background	5/27/25 1240	6/2/25 0915	ND	
H8599	MW-15 Background	5/27/25 1330	6/2/25 0935	ND	

OUL Number	Station Name	Date/Time Placed	Date/Time Collected	RWT	
				Peak (nm)	Conc (ppb)
H8638	condenser pond background	Water	6/6/25 0910	574.1	272
H8639	condenser pond background	Water	6/5/25 1122	574.1	284
H8640	Laboratory control water blank				
H8641	condenser pond background	Water	6/4/25 0925	574.2	326
H8642	Pond Background	Water	6/3/25 0947	574.1	350
H8643	Cond 2 Baseline-Background	Water	6/2/25 1324	574.2	362

Note: Dye concentrations are based upon standards used at the OUL. The standard concentrations are based upon the as sold weight of the dye that the OUL uses. If the client is not using OUL dyes, the client should provide the OUL with a sample of the dye to compare to the OUL dyes.

Footnotes: ND = No dye detected

Thomas J. Aley, PHG and RG



6/9/25

OZARK UNDERGROUND LABORATORY, INC.

1572 Aley Lane Protem, MO 65733 (417) 785-4289 fax (417) 785-4290 email: contact@ozarkundergroundlab.com

SAMPLE COLLECTION DATA SHEET for FLUORESCENCE ANALYSIS

Project Western Sugar Dye Trace Study Week No: 1 Samples Collected By: Tina Hauser

Samples Shipped By: _____ Samples Received By: Chris Comstock/OUL

Date Samples Shipped: _____ Date Samples Received: 6/10/25 Time Samples Received: 1700 Return Cooler? Yes ☐ No ☐

Bill to: Western Sugar Cooperative Send Results to: _____

Analyze for: ☐ Fluorescein ☐ Eosine ☒ Rhodamine WT ☐ Other _____ Ship cooler to: _____

OUL use only			*Please indicate stations where dye was visible in the field* for field technician use - use black ink only					OUL use only
# CHAR REC'D	LAB NUMBER (Charcoal)	STATION NUMBER	STATION NAME	PLACED DATE	PLACED TIME	COLLECTED DATE	COLLECTED TIME	# WATER REC'D
1	H8578		ACS1	6-6-25	918	6-9-25	917a	0
0			ACS1 grab water sample					0
1	H8579		ACS2		921		925a	0
0			ACS2 Grab water Sample				925a	1
1	H8581		ACS3		928		933a	0
0			ACS3 grab water sample				933a	1
1	H8582		ACS4		935		941am	0
0			ACS4 grab water sample				941a	1
1	H8583		ACS5		942		949a	0
0			ACS5 grab water sample				949a	1
1	H8584		ACS6		945		954	0
0			ACS6 grab water sample				954a	1

COMMENTS H8580 OUL Charcoal Blank

This sheet filled out by OUL staff? Yes (No) Charts for samples on this page proofed by OUL: CC

OUL Project No 2095 Date Analyzed: 6/12/25 Analyzed By: AC/AM

0248

6/6/25

OZARK UNDERGROUND LABORATORY, INC.

1572 Aley Lane Protem, MO 65733 (417) 785-4289 fax (417) 785-4290 email: contact@ozarkundergroundlab.com

SAMPLE COLLECTION DATA SHEET for FLUORESCENCE ANALYSIS

Project Western Sugar Dye Trace Study Week No: 1 Samples Collected By: Tina Hanson

Samples Shipped By: _____ Samples Received By: Chase Comstock/OUL

Date Samples Shipped: _____ Date Samples Received: 6/10/25 Time Samples Received: 1700 Return Cooler? Yes ☐ No ☐

Bill to: Western Sugar Cooperative Send Results to: _____

Analyze for: ☐ Fluorescein ☐ Eosine ☒ Rhodamine WT ☐ Other _____ Ship cooler to: _____

OUL use only			*Please indicate stations where dye was visible in the field* for field technician use - use black ink only					OUL use only
# CHAR REC'D	LAB NUMBER Charcoal	STATION NUMBER	STATION NAME	PLACED DATE	PLACED TIME	COLLECTED DATE	COLLECTED TIME	# WATER REC'D
1	H8585		ACS2	6-5-25	1145	6-6-25	921a	0
0			ACS2 Grab water Sample					1
1	H8586		ACS3	6-5-25	1137		928a	0
0			ACS3 grab water sample					1
1	H8587		ACS4	6-5-25	1127		935a	0
0			ACS4 grab water sample					1
0			condenser pond background grab sample				910am	1

COMMENTS _____

This sheet filled out by OUL staff? Yes (No) Charts for samples on this page proofed by OUL: CC

OUL Project No 2095 Date Analyzed: 6/12/25 Analyzed By: AC/OUL

0249

6-5-25

OZARK UNDERGROUND LABORATORY, INC.

1572 Aley Lane Protem, MO 65733 (417) 785-4289 fax (417) 785-4290 email: contact@ozarkundergroundlab.com

SAMPLE COLLECTION DATA SHEET for FLUORESCENCE ANALYSIS

Project Western Sugar Dye Trace Study Week No: 1 Samples Collected By: Tina Hanes

Samples Shipped By: _____ Samples Received By: Amber Comstock/OUL

Date Samples Shipped: _____ Date Samples Received: 6/10/25 Time Samples Received: 1700 Return Cooler? Yes ☐ No ☐

Bill to: Western Sugar Cooperative Send Results to: _____

Analyze for: ☐ Fluorescein ☐ Eosine ☒ Rhodamine WT ☐ Other _____ Ship cooler to: _____

OUL use only			*Please indicate stations where dye was visible in the field* for field technician use - use black ink only					OUL use only
# CHAR REC'D	LAB NUMBER (Chrcual)	STATION NUMBER	STATION NAME	PLACED DATE	PLACED TIME	COLLECTED DATE	COLLECTED TIME	# WATER REC'D
1	H8588		ACS2	6-4-25	931a	6-5-25	1145	0
0			ACS2 Grab water Sample		~~93~~			1
1	H8589		ACS3	6-4-25	942a ✓		1137	0
0			ACS3 grab water sample					1
1	H8590		ACS4	6-4-25	948a		1127	0
0			ACS4 grab water sample					1
0			condenser pond background grab sample				1122	1

COMMENTS _____

This sheet filled out by OUL staff? Yes ~~No~~ Charts for samples on this page proofed by OUL: CC

OUL Project No. 2095 Date Analyzed: 6/12/25 Analyzed By: AC/OUL

0250

6-4-25

OZARK UNDERGROUND LABORATORY, INC.

1572 Aley Lane Protem, MO 65733 (417) 785-4289 fax (417) 785-4290 email: contact@ozarkundergroundlab.com

SAMPLE COLLECTION DATA SHEET for FLUORESCENCE ANALYSIS

Project Western Sugar Dye Trace Study Week No: 1 Samples Collected By: _____

Samples Shipped By: _____ Samples Received By: Amber Comstock/OUL

Date Samples Shipped: _____ Date Samples Received: 6/10/25 Time Samples Received: 1700 Return Cooler? Yes ☐ No ☐

Bill to: Western Sugar Cooperative Send Results to: _____

Analyze for: ☐ Fluorescein ☐ Eosine ☒ Rhodamine WT ☐ Other _____ Ship cooler to: _____

OUL use only			*Please indicate stations where dye was visible in the field* *for field technician use - use black ink only*					OUL use only
# CHAR REC'D	LAB NUMBER (Charcoal)	STATION NUMBER	STATION NAME	PLACED DATE	PLACED TIME	COLLECTED DATE	COLLECTED TIME	# WATER REC'D
1	H8591		ACS2	6-3-25	922a	6-4-25	931a	0
0			ACS2 Grab water Sample				931a	1
1	H8592		ACS3	6-3-25	930a		942a	0
0			ACS3 grab water sample	6-3-25			942a	1
1	H8593		ACS4	6-3-25	938a		948a	0
0			ACS4 grab water sample				948a	1
0			condenser pond background grab sample				925a	1

COMMENTS _____

This sheet filled out by OUL staff? Yes (No) Charts for samples on this page proofed by OUL: CA

OUL Project No 2095 Date Analyzed: 6/12/25 Analyzed By: AC/OUL

0251

6/3/25

OZARK UNDERGROUND LABORATORY, INC.

1572 Aley Lane Protem, MO 65733 (417) 785-4289 fax (417) 785-4290 email: contact@ozarkundergroundlab.com

SAMPLE COLLECTION DATA SHEET for FLUORESCENCE ANALYSIS

Project Western Sugar Dye Trace Study Week No: 1 Samples Collected By: Tina Hansen

Samples Shipped By: _____ Samples Received By: Chase Comstock/OUL

Date Samples Shipped: _____ Date Samples Received: 6/10/25 Time Samples Received: 1700 Return Cooler? Yes ☐ No ☐

Bill to: Western Sugar Cooperative Send Results to: _____

Analyze for: ☐ Fluorescein ☐ Eosine ☒ Rhodamine WT ☐ Other _____ Ship cooler to: _____

OUL use only			*Please indicate stations where dye was visible in the field* for field technician use - use black ink only					OUL use only
# CHAR REC'D	LAB NUMBER (Charcoal)	STATION NUMBER	STATION NAME	PLACED DATE	PLACED TIME	COLLECTED DATE	COLLECTED TIME	# WATER REC'D
1	H8594		ACS2	6/2/25	1107a	6/3/25	922a	0
0			ACS2 Grab water Sample			6/3/25	922am	1
1	H8595		ACS3	6/2/25	1110a	6/3/25	930a	0
0			ACS3 grab water sample			6/3/25	930am	1
1	H8596		ACS4	6/2/25	1113am	6/3/25	938am	0
0			ACS4 grab water sample			6/3/25	938 am	1
0			POND BACKGROUND.			6/3/25	947am	1

COMMENTS _____

This sheet filled out by OUL staff? Yes (No) Charts for samples on this page proofed by OUL: CC

OUL Project No. 2045 Date Analyzed: 6/12/25 Analyzed By: AC/OUL

0252

6/2/25

OZARK UNDERGROUND LABORATORY, INC.

1572 Aley Lane Protem, MO 65733 (417) 785-4289 fax (417) 785-4290 email: contact@ozarkundergroundlab.com

SAMPLE COLLECTION DATA SHEET for FLUORESCENCE ANALYSIS

Project WSC - BILLINGS Week No: _____ Samples Collected By: KY

Samples Shipped By: _____ Samples Received By: Amber Comstock/OUL

Date Samples Shipped: _____ Date Samples Received: 6/10/25 Time Samples Received: 1700 Return Cooler? Yes ☐ No ☐

Bill to: _____ Send Results to: _____

Analyze for: ☐ Fluorescein ☐ Eosine ☒ Rhodamine WT ☐ Other _____ Ship cooler to: _____

OUL use only			Please indicate stations where dye was visible in the field for field technician use - use black ink only					OUL use only
# CHAR REC'D	LAB NUMBER Charcoal	STATION NUMBER	STATION NAME	PLACED DATE	PLACED TIME	COLLECTED DATE	COLLECTED TIME	# WATER REC'D
1	H8597	—	VEGEN OFF PROPERTY BACKGROUND	5/27/25	1220	6/2/25	0900	1
1	H8598	—	VEGEN ON PROPERTY BACKGROUND	↓	1240	↓	0915	1
1	H8599	—	MW-15 BACKGROUND	↓	1330	↓	0935	1
0			↑ COND 2 - Baseline - BACKGROUND			6/2/25	1324	1

COMMENTS H8600 OUL Charcoal Blank

This sheet filled out by OUL staff? Yes (No) Charts for samples on this page proofed by OUL: AC

OUL Project No. 2095 Date Analyzed: 6/12/25 Analyzed By: AC/OUL

0253

6/6/25

OZARK UNDERGROUND LABORATORY, INC.

1572 Aley Lane Protem, MO 65733 (417) 785-4289 fax (417) 785-4290 email: contact@ozarkundergroundlab.com

SAMPLE COLLECTION DATA SHEET for FLUORESCENCE ANALYSIS

Project Western Sugar Dye Trace Study **Week No:** 1 **Samples Collected By:** Tina Hanson

Samples Shipped By: _____ **Samples Received By:** Chase Comstock/OUL

Date Samples Shipped: _____ **Date Samples Received:** 6/10/25 **Time Samples Received:** 1700 **Return Cooler?** Yes ☐ No ☐

Bill to: Western Sugar Cooperative **Send Results to:** _____

Analyze for: ☐ Fluorescein ☐ Eosine ☒ Rhodamine WT ☐ Other _____ **Ship cooler to:** _____

OUL use only			*Please indicate stations where dye was visible in the field* for field technician use - use black ink only					OUL use only
# CHAR REC'D	LAB NUMBER Water	STATION NUMBER	STATION NAME	PLACED DATE	PLACED TIME	COLLECTED DATE	COLLECTED TIME	# WATER REC'D
1			ACS2	6-5-25	1145	6-6-25	921a	0
0			ACS2 Grab water Sample					1
1			ACS3	6-5-25	1137		928a	0
0			ACS3 grab water sample					1
1			ACS4	6-5-25	1127		935a	0
0			ACS4 grab water sample					1
0	H8638		condenser pond background grab sample				910am	1

COMMENTS _____

This sheet filled out by OUL staff? Yes (No) **Charts for samples on this page proofed by OUL:** CC

OUL Project No 2025 **Date Analyzed:** 6/12/25 **Analyzed By:** AC/OUL

0254

6-5-25

OZARK UNDERGROUND LABORATORY, INC.

1572 Aley Lane Protem, MO 65733 (417) 785-4289 fax (417) 785-4290 email: contact@ozarkundergroundlab.com

SAMPLE COLLECTION DATA SHEET for FLUORESCENCE ANALYSIS

Project Western Sugar Dye Trace Study Week No: 1 Samples Collected By: Tina Hanes

Samples Shipped By: _____ Samples Received By: Amber Comstock/OUL

Date Samples Shipped: _____ Date Samples Received: 6/10/25 Time Samples Received: 1700 Return Cooler? Yes ☐ No ☐

Bill to: Western Sugar Cooperative Send Results to: _____

Analyze for: ☐ Fluorescein ☐ Eosine ☒ Rhodamine WT ☐ Other _____ Ship cooler to: _____

OUL use only			*Please indicate stations where dye was visible in the field* for field technician use - use black ink only					OUL use only
# CHAR REC'D	LAB NUMBER	STATION NUMBER	STATION NAME	PLACED DATE	PLACED TIME	COLLECTED DATE	COLLECTED TIME	# WATER REC'D
1	Water		ACS2	6-4-25	9310	6-5-25	1145	0
0			ACS2 Grab water Sample		~~93~~			1
1			ACS3	6-4-25	~~9420~~ ✓		1137	0
0			ACS3 grab water sample					1
1			ACS4	6-4-25	948a		1127	0
0			ACS4 grab water sample					1
0	H8639		condenser pond background grab sample				1122	1

COMMENTS H8640 OUL Water Blank

This sheet filled out by OUL staff? Yes ~~No~~ Charts for samples on this page proofed by OUL: EC

OUL Project No. 2025 Date Analyzed: 6/12/25 Analyzed By: AE/OUL

6-4-25

OZARK UNDERGROUND LABORATORY, INC.

1572 Aley Lane Protem, MO 65733 (417) 785-4289 fax (417) 785-4290 email: contact@ozarkundergroundlab.com

SAMPLE COLLECTION DATA SHEET for FLUORESCENCE ANALYSIS

Project Western Sugar Dye Trace Study **Week No:** 1 **Samples Collected By:** _____

Samples Shipped By: _____ **Samples Received By:** Amber Comstock/OUL

Date Samples Shipped: _____ **Date Samples Received:** 6/10/25 **Time Samples Received:** 1700 **Return Cooler?** Yes ☐ No ☐

Bill to: Western Sugar Cooperative **Send Results to:** _____

Analyze for: ☐ Fluorescein ☐ Eosine ☒ Rhodamine WT ☐ Other _____ **Ship cooler to:** _____

OUL use only			*Please indicate stations where dye was visible in the field* *for field technician use - use black ink only*					*OUL use only*
# CHAR REC'D	LAB NUMBER (water)	STATION NUMBER	STATION NAME	PLACED DATE	PLACED TIME	COLLECTED DATE	COLLECTED TIME	# WATER REC'D
1			ACS2	6-3-25	922a	6-4-25	931a	0
0			ACS2 Grab water Sample				931a	1
1			ACS3	6-3-25	930a		942a	0
0			ACS3 grab water sample	6-3-25			942a	1
1			ACS4	6-3-25	938a		948a	0
0			ACS4 grab water sample				948a	1
0	H8641		condenser pond background grab sample				925a	1

COMMENTS _____

This sheet filled out by OUL staff? Yes (No) **Charts for samples on this page proofed by OUL:** CA

OUL Project No. 2095 **Date Analyzed:** 6/12/25 **Analyzed By:** AC/OUL

0256

6/3/25

OZARK UNDERGROUND LABORATORY, INC.

1572 Aley Lane Protem, MO 65733 (417) 785-4289 fax (417) 785-4290 email: contact@ozarkundergroundlab.com

SAMPLE COLLECTION DATA SHEET for FLUORESCENCE ANALYSIS

Project Western Sugar Dye Trace Study Week No: 1 Samples Collected By: Tina Hansen

Samples Shipped By: _____ Samples Received By: Amber Comstock/OUL

Date Samples Shipped: _____ Date Samples Received: 6/10/25 Time Samples Received: 1700 Return Cooler? Yes ☐ No ☐

Bill to: Western Sugar Cooperative Send Results to: _____

Analyze for: ☐ Fluorescein ☐ Eosine ☒ Rhodamine WT ☐ Other _____ Ship cooler to: _____

OUL use only			***Please indicate stations where dye was visible in the field*** *for field technician use - use black ink only*					OUL use only
# CHAR REC'D	LAB NUMBER	STATION NUMBER	STATION NAME	PLACED		COLLECTED		# WATER REC'D
				DATE	TIME	DATE	TIME	
1	Water		ACS2	6/2/25	1107a	6/3/25	922a	0
0			ACS2 Grab water Sample			6/3/25	922am	1
1			ACS3	6/2/25	1110a	6/3/25	930a	0
0			ACS3 grab water sample			6/3/25	930am	1
1			ACS4	6/2/25	1113am	6/3/25	938am	0
0			ACS4 grab water sample			6/3/25	938am	1
0	H8642		POND BACKGROUND.			6/3/25	947am	1

COMMENTS _____

This sheet filled out by OUL staff? Yes (No) Charts for samples on this page proofed by OUL: CC

OUL Project No. 2095 Date Analyzed: 6/12/25 Analyzed By: AC/OUL

Page 5 of 6 AC/OUL

6/2/25

OZARK UNDERGROUND LABORATORY, INC.

1572 Aley Lane Protem, MO 65733 (417) 785-4289 fax (417) 785-4290 email: contact@ozarkundergroundlab.com

SAMPLE COLLECTION DATA SHEET for FLUORESCENCE ANALYSIS

Project WSC - BILLINGS Week No: _____ Samples Collected By: KY

Samples Shipped By: _____ Samples Received By: Amber Comstock/OUL

Date Samples Shipped: _____ Date Samples Received: 6/10/25 Time Samples Received: 1700 Return Cooler? Yes ☐ No ☐

Bill to: _____ Send Results to: _____

Analyze for: ☐ Fluorescein ☐ Eosine ☒ Rhodamine WT ☐ Other _____ Ship cooler to: _____

OUL use only			Please indicate stations where dye was visible in the field for field technician use - use black ink only					OUL use only
# CHAR REC'D	LAB NUMBER Water	STATION NUMBER	STATION NAME	PLACED DATE	PLACED TIME	COLLECTED DATE	COLLECTED TIME	# WATER REC'D
1		—	VEGEN OFF PROPERTY BACKGROUND	5/27/25	1220	6/2/25	0900	1
1		—	VEGEN ON PROPERTY BACKGROUND	↓	1240	↓	0915	1
1		—	MW-15 BACKGROUND	↓	1330	↓	0935	1
0	H8643		↑			6/2/25	1324	1
			COND 2 - Baseline - BACKGROUND					

COMMENTS _____

This sheet filled out by OUL staff? Yes (No) Charts for samples on this page proofed by OUL: CC

OUL Project No. 2095 Date Analyzed: 6/12/25 Analyzed By: AC/OUL

0258

Ozark UNDERGROUND LABORATORY 1572 Aley Lane • Protem, MO 65733 • (417) 785-4289 • fax (417) 785-4290 • contact@ozarkundergroundlab.com

Certificate of Analysis

Date of certificate: June 27, 2025
Client: Western Sugar Cooperative
7100 Commercial Avenue Suite 4
Billings, Montana 59101
Contact people: Tony Schroer (Tschroer@barr.com)
Keith.Yeager@tetratech.com
Tina Hansen (thansen@westernsugar.com)
Amy Hui (ahui@westernsugar.com)
CVillalba@westernsugar.com

Project name: WSC - Billings Dye Test
Project number: 450005094
Samples collected by: WSC - TH + AH and
Keith - Tetra Tech
Date samples shipped: June 24, 2025
Date samples rec'd at OUL: June 25, 2025
Date analyzed by OUL: June 26, 2025
Included with certificate of analysis: Table of results,
copy of sample collection data sheets and discrepancy sheet

Results for Week 1 charcoal and water samples analyzed for the presence of rhodamine WT (RWT) dye.
Peak wavelengths are reported in nanometers (nm); dye concentrations are reported in parts per billion (ppb).
All results are for charcoal unless otherwise indicated.

OUL Number	Station Name	Date/Time Placed	Date/Time Collected	RWT	
				Peak (nm)	Conc (ppb)
H9129	ACS15	6/9/2025 NT	6/24/25 1030	ND	
H9162	Condenser Pond #2 Background	Water	6/24/25 1123	573.6	103
H9163	Condenser Pond Background	Water	6/18/25 0745	573.7	131

Note: Dye concentrations are based upon standards used at the OUL. The standard concentrations are based upon the as sold weight of the dye that the OUL uses. If the client is not using OUL dyes, the client should provide the OUL with a sample of the dye to compare to the OUL dyes.

Footnotes: ND = No dye detected NT = No time given

Thomas J. Aley, PHG and RG



F:\docs\COA\WesternSugarCoop_BillingsDyeTest_02

mw15 6/24/25

OZARK UNDERGROUND LABORATORY, INC.

1572 Aley Lane Protem, MO 65733 (417) 785-4289 fax (417) 785-4290 email: contact@ozarkundergroundlab.com

SAMPLE COLLECTION DATA SHEET for FLUORESCENCE ANALYSIS

Project Western Sugar Dye Trace Study Week No: 1 Samples Collected By: Keith - TetraTECH

Samples Shipped By: Jma WSC Samples Received By: Amber Comstock/OUL

Date Samples Shipped: 6/24/25 Date Samples Received: 6/25/25 Time Samples Received: 1030 Return Cooler? Yes ☐ No ☐

Bill to: Western Sugar Cooperative Send Results to:

Analyze for: ☐ Fluorescein ☐ Eosine ☒ Rhodamine WT ☐ Other Ship cooler to:

OUL use only		*Please indicate stations where dye was visible in the field* for field technician use - use black ink only							OUL use only
# CHAR REC'D	LAB NUMBER (charcoal)	STATION NUMBER	STATION NAME	PLACED DATE	PLACED TIME	COLLECTED DATE	COLLECTED TIME		# WATER REC'D
1	H9129		ACS1 · ACS15	6/9/25		6/24/25	1030a		D
0			ACS1 grab water sample · mw15 grab water			6/24/25	1030a		1
			ACS2						
			ACS2 Grab water Sample						
			ACS3						
			ACS3 grab water sample						
			ACS4						
			ACS4 grab water sample						
			ACS5						
			ACS5 grab water sample						
			ACS6						
			ACS6 grab water sample						

COMMENTS

This sheet filled out by OUL staff? Yes (No) Charts for samples on this page proofed by OUL: AG/OUL

OUL Project No. 2095 Date Analyzed: 6/26/25 Analyzed By: AG/OUL

0260

6/24/25

OZARK UNDERGROUND LABORATORY, INC.

1572 Aley Lane Protem, MO 65733 (417) 785-4289 fax (417) 785-4290 email: contact@ozarkundergroundlab.com

SAMPLE COLLECTION DATA SHEET for FLUORESCENCE ANALYSIS

Project Western Sugar Dye Trace Study **Week No:** 1 **Samples Collected By:** WSC TH + AH

Samples Shipped By: WSC - TH **Samples Received By:** Amber Comstock/OUL

Date Samples Shipped: 6.24.25 **Date Samples Received:** 6/25/25 **Time Samples Received:** 1030 **Return Cooler?** Yes ☒ No ☐

Bill to: Western Sugar Cooperative **Send Results to:**

Analyze for: ☐ Fluorescein ☐ Eosine ☒ Rhodamine WT ☐ Other **Ship cooler to:**

OUL use only		Please indicate stations where dye was visible in the field for field technician use - use black ink only						OUL use only
# CHAR REC'D	LAB NUMBER	STATION NUMBER	STATION NAME	PLACED DATE	PLACED TIME	COLLECTED DATE	COLLECTED TIME	# WATER REC'D
	Water							
1			ACS1	6-20-25	708a	6-24-25	10:25	0
0			ACS1 grab water sample			↓	↓	1
1			ACS2	6-20-25	710a	6-24-25	10:35	0
0			ACS2 Grab water Sample			↓	↓	1
1			ACS3	6-20-25	713a	6-24-25	10:45	0
0			ACS3 grab water sample			↓	↓	1
1			ACS4	6-20-25	724	6-24-25	10:56	0
0			ACS4 grab water sample			↓	↓	1
1			ACS5	6-20-25	730	6-24-25	11:05	0
0			ACS5 grab water sample			↓	↓	1
1			ACS6	6-20-25	743	6-24-25	11:15	0
0			ACS6 grab water sample				↓	1
			N/O					
0	H9162		CONDENSER POND #2 BACKGROUND		~~11:23~~	~~6-24-25~~	11:23	1

COMMENTS

This sheet filled out by OUL staff? Yes (No) **Charts for samples on this page proofed by OUL:** AG/OUL

OUL Project No. 2095 **Date Analyzed:** 6/26/25 **Analyzed By:** A.Goers/OUL

0261

6/18/25

OZARK UNDERGROUND LABORATORY, INC.

1572 Aley Lane Protem, MO 65733 (417) 785-4289 fax (417) 785-4290 email: contact@ozarkundergroundlab.com

SAMPLE COLLECTION DATA SHEET for FLUORESCENCE ANALYSIS

Project Western Sugar Dye Trace Study Week No: 1 Samples Collected By: Tina Hansen

Samples Shipped By: Tina WSC Samples Received By: Cindy Comstock/OUL

Date Samples Shipped: 6/24/25 Date Samples Received: 6/25/25 Time Samples Received: 1630 Return Cooler? Yes ☒ No ☐

Bill to: Western Sugar Cooperative Send Results to:

Analyze for: ☐ Fluorescein ☐ Eosine ☒ Rhodamine WT ☐ Other Ship cooler to:

OUL use only			*Please indicate stations where dye was visible in the field* for field technician use - use black ink only					OUL use only
# CHAR REC'D	LAB NUMBER Water	STATION NUMBER	STATION NAME	PLACED DATE	PLACED TIME	COLLECTED DATE	COLLECTED TIME	# WATER REC'D
1			ACS1	6/16/25	917a	6-18-25	708a	0
0			ACS1 grab water sample				708a	1
1			ACS2	6/16/25	928a		710a	0
0			ACS2 Grab water Sample				710a	1
1			ACS3	6/16/25	936a		717a	0
0			ACS3 grab water sample				717a	1
1			ACS4	6/16/25	947a		724a	0
0			ACS4 grab water sample				724a	1
1			ACS5	6/16/25	953a		730a	0
0			ACS5 grab water sample				730a	1
1			ACS6	6/16/25	959a		743a	0
0			ACS6 grab water sample			6/18/25	745am	1
0	H9163		Condenser Pond Background			6-18-25	745a	1

COMMENTS

This sheet filled out by OUL staff? Yes (No) Charts for samples on this page proofed by OUL: AG/OUL

OUL Project No. 2095 Date Analyzed: 6/26/25 Analyzed By: AGoers/OUL

0262

Ozark Underground Laboratory, Inc.

DISCREPANCIES BETWEEN CHAIN-OF-CUSTODY SHEETS AND ACTUAL SAMPLES RECEIVED Page 1 of 2

Company & Project Name: Tetra Tech/Western Sugar **Date Rec'd by OUL:** 6/25/25 **Wk #** _____

Lab #	Sta #	Station Name	Date Pulled	Problem	Solution
		ACS6	6/18/25	Collection time on COC is 0743 and water sample has 0737	
		ACS5	6/18/25	Collection time on COC is 0730 and water sample has 0731.	
		ACS1	6/18/25	Collection time on COC is 0708 and sample has 0703	
H91163		Condenser Pond Background	6/18/25	Station name on COC is Condenser Pond Background and sample has Cond2	OUL will use information provided on the COC.
		ACS5	6/16/25	Collection time on COC is 0959 and water sample has 0958	
		ACS2	6/20/25	Collection time on COC is 0710 and water sample has 1030	

Comments:

f:\shared\forms\dscrpsht.doc
rev. 12/28/99

OZARK UNDERGROUND LABORATORY, INC.

DISCREPANCIES BETWEEN CHAIN-OF-CUSTODY SHEETS AND ACTUAL SAMPLES RECEIVED Page 2 of 7

Company & Project Name: Tetra Tech / Western Sugar **Date Rec'd by OUL:** 6/25/25 **Wk #** _____

Lab #	Sta #	Station Name	Date Pulled	Problem	Solution
		ACS6	6/20/25	Collection time on COC is 0743 and water sample has 1120	.
H9129		ACS15	6/20/25	COC has station name as ACS15 and charcoal sample has mw-15	OUL will use the information provided on the COC.

Comments:

f:\shared\forms\dscrpsht.doc
rev. 12/28/99

0264

Ozark UNDERGROUND LABORATORY 1572 Aley Lane • Protem, MO 65733 • (417) 785-4289 • fax (417) 785-4290 • contact@ozarkundergroundlab.com

Certificate of Analysis

Date of certificate: June 30, 2025
Client: Western Sugar Cooperative
7100 Commercial Avenue Suite 4
Billings, Montana 59101
Contact people: Tony Schroer (Tschroer@barr.com)
Keith.Yeager@tetratech.com
Tina Hansen (thansen@westernsugar.com)
Amy Hui (ahui@westernsugar.com)
CVillalba@westernsugar.com

Project name: WSC - Billings Dye Test
Project number: 450005094
Samples collected by: WSC - TH + AH and
Keith - Tetra Tech
Date samples shipped: June 24, 2025
Date samples rec'd at OUL: June 25, 2025
Date analyzed by OUL: June 27 and 30, 2025
Included with certificate of analysis: Table of results,
copy of sample collection data sheets and discrepancy sheets

Results for Week 1 charcoal and water samples analyzed for the presence of rhodamine WT (RWT) dye.
Peak wavelengths are reported in nanometers (nm); dye concentrations are reported in parts per billion (ppb).
All results are for charcoal unless otherwise indicated.

OUL Number	Station Name	Date/Time Placed	Date/Time Collected	RWT	
				Peak (nm)	Conc (ppb)
H9130	ACS1	6/20/25 0708	6/24/25 1025	ND	
H9131	ACS2	6/20/25 0710	6/24/25 1035	ND	
H9132	ACS3	6/20/25 0713	6/24/25 1045	ND	
H9133	ACS4	6/20/25 0724	6/24/25 1056	ND	
H9134	ACS5	6/20/25 0730	6/24/25 1105	ND	
H9135	ACS6	6/20/25 0743	6/24/25 1115	ND	
H9136	ACS1	6/18/25 0708	6/20/25 0708	ND	
H9137	ACS2	6/18/25 0710	6/20/25 0710	ND	
H9138	ACS3	6/18/25 0717	6/20/25 0713	ND	
H9139	ACS4	6/18/25 0724	6/20/25 0724	ND	
H9140	Laboratory control charcoal blank				
H9141	ACS5	6/18/25 0731	6/20/25 0730	ND	
H9142	ACS6	6/18/25 0737	6/20/25 0743	ND	
H9143	ACS1	6/16/25 0917	6/18/25 0708	ND	
H9144	ACS2	6/16/25 0928	6/18/25 0710	ND	
H9145	ACS3	6/16/25 0936	6/18/25 0717	ND	
H9146	ACS4	6/16/25 0947	6/18/25 0724	ND	
H9147	ACS5	6/16/25 0953	6/18/25 0730	ND	
H9148	ACS6	6/16/25 0959	6/18/25 0743	ND	
H9149	ACS1	6/12/25 0910	6/16/25 0917	ND	
H9150	ACS2	6/12/25 0922	6/16/25 0928	ND	
H9151	ACS3	6/12/25 0928	6/16/25 0936	ND	
H9152	ACS4	6/12/25 0934	6/16/25 0947	ND	

OUL Number	Station Name	Date/Time Placed	Date/Time Collected	RWT	
				Peak (nm)	Conc (ppb)
H9153	ACS5	6/12/25 0944	6/16/25 0953	ND	
H9154	ACS6	6/12/25 0951	6/16/25 0959	ND	
H9155	ACS1	6/9/25 1520	6/12/25 0910	ND	
H9156	ACS2	6/9/25 0925	6/12/25 0922	ND	
H9157	ACS3	6/9/25 0933	6/12/25 0928	ND	
H9158	ACS4	6/9/25 0941	6/12/25 0934	ND	
H9159	ACS5	6/9/25 0949	6/12/25 0944	ND	
H9160	Laboratory control charcoal blank				
H9161	ACS6	6/9/25 0954	6/12/25 0951	ND	
H9215	MW-15	Water	6/24/25 1030	ND	

Note: Dye concentrations are based upon standards used at the OUL. The standard concentrations are based upon the as sold weight of the dye that the OUL uses. If the client is not using OUL dyes, the client should provide the OUL with a sample of the dye to compare to the OUL dyes.

Footnotes: ND = No dye detected

Thomas J. Aley, PHG and RG



6/24/25

OZARK UNDERGROUND LABORATORY, INC.

1572 Aley Lane Protem, MO 65733 (417) 785-4289 fax (417) 785-4290 email: contact@ozarkundergroundlab.com

SAMPLE COLLECTION DATA SHEET for FLUORESCENCE ANALYSIS

Project Western Sugar Dye Trace Study Week No: 1 Samples Collected By: WSC TH + AH

Samples Shipped By: WSC - TH Samples Received By: Amber Comstock/OUL

Date Samples Shipped: 6-24-25 Date Samples Received: 6/25/25 Time Samples Received: 1030 Return Cooler? Yes ☒ No ☐

Bill to: Western Sugar Cooperative Send Results to:

Analyze for: ☐ Fluorescein ☐ Eosine ☒ Rhodamine WT ☐ Other Ship cooler to:

OUL use only			*Please indicate stations where dye was visible in the field* for field technician use - use black ink only					OUL use only
# CHAR REC'D	LAB NUMBER (Charcoal)	STATION NUMBER	STATION NAME	PLACED DATE	PLACED TIME	COLLECTED DATE	COLLECTED TIME	# WATER REC'D
1	H9130		ACS1	6-20-25	708a	6-24-25	10:25	0
0			ACS1 grab water sample			↓	↓	1
1	H9131		ACS2	6-20-25	710a	6-24-25	10:35	0
0			ACS2 Grab water Sample			↓	↓	1
1	H9132		ACS3	6-20-25	713a	6-24-25	10:45	0
0			ACS3 grab water sample			↓	↓	1
1	H9133		ACS4	6-20-25	724	6-24-25	10:56	0
0			ACS4 grab water sample			↓	↓	1
1	H9134		ACS5	6-20-25	730	6-24-25	11:05	0
0			ACS5 grab water sample			↓	↓	1
1	H9135		ACS6	6-20-25	743	6-24-25	11:15	0
0			ACS6 grab water sample				↓	1
			NO					
0			CONDENSER POND #2 BACKGROUND		~~11:23~~	~~6-24-25~~	11:23	1

COMMENTS

This sheet filled out by OUL staff? Yes (No) Charts for samples on this page proofed by OUL: AG/OUL

OUL Project No. 2095 Date Analyzed: 6/27/25 Analyzed By: A.Goers

0267

6/20/25

OZARK UNDERGROUND LABORATORY, INC.

1572 Aley Lane Protem, MO 65733 (417) 785-4289 fax (417) 785-4290 email: contact@ozarkundergroundlab.com

SAMPLE COLLECTION DATA SHEET for FLUORESCENCE ANALYSIS

Project Western Sugar Dye Trace Study Week No: 1 Samples Collected By: Tina Hansen

Samples Shipped By: Tina - WSC Samples Received By: Amber Comstock/OUL

Date Samples Shipped: 6-24-25 Date Samples Received: 6/25/25 Time Samples Received: 1430 Return Cooler? Yes ☒ No ☐

Bill to: Western Sugar Cooperative Send Results to:

Analyze for: ☐ Fluorescein ☐ Eosine ☒ Rhodamine WT ☐ Other Ship cooler to:

OUL use only			*Please indicate stations where dye was visible in the field* for field technician use - use black ink only					OUL use only
# CHAR REC'D	LAB NUMBER (Charcoal)	STATION NUMBER	STATION NAME	PLACED DATE	PLACED TIME	COLLECTED DATE	COLLECTED TIME	# WATER REC'D
1	H9136		ACS1	6-18-25	708a	6-20-25	708a	0
0			ACS1 grab water sample				708a	1
1	H9137		ACS2	6-18-25	710am		710a	0
0			ACS2 Grab water Sample			NO Sample	710a	1
1	H9138		ACS3	6-18-25	717am		713a	0
0			ACS3 grab water sample				713a	1
1	H9139		ACS4	6-18-25	724a		724a	0
0			ACS4 grab water sample				724a	1
1	H9141		ACS5	6-18-25	731a		730a	0
0			ACS5 grab water sample				730a	1
1	H9142		ACS6	6-18-25	737a		743a	0
0			ACS6 grab water sample				743a	1

COMMENTS #9140 OUL Charcoal Blank

This sheet filled out by OUL staff? Yes (No) Charts for samples on this page proofed by OUL: AG/OUL

OUL Project No. 2095 Date Analyzed: 6/27/25 Analyzed By: A. Goers

0268

6/18/25

OZARK UNDERGROUND LABORATORY, INC.

1572 Aley Lane Protem, MO 65733 (417) 785-4289 fax (417) 785-4290 email: contact@ozarkundergroundlab.com

SAMPLE COLLECTION DATA SHEET for FLUORESCENCE ANALYSIS

Project Western Sugar Dye Trace Study Week No: 1 Samples Collected By: Tina Hansen

Samples Shipped By: Tina WSC Samples Received By: Amber Comstock/OUL

Date Samples Shipped: 6/24/25 Date Samples Received: 6/25/25 Time Samples Received: 1630 Return Cooler? Yes [X] No [ ]

Bill to: Western Sugar Cooperative Send Results to:

Analyze for: [ ] Fluorescein [ ] Eosine [X] Rhodamine WT [ ] Other Ship cooler to:

OUL use only		*Please indicate stations where dye was visible in the field* for field technician use - use black ink only						OUL use only
# CHAR REC'D	LAB NUMBER Charcoal	STATION NUMBER	STATION NAME	PLACED DATE	PLACED TIME	COLLECTED DATE	COLLECTED TIME	# WATER REC'D
1	H9143		ACS1	6/16/25	917a	6-18-25	708a	0
0			ACS1 grab water sample				708a	1
1	H9144		ACS2	6/16/25	928a		710a	0
0			ACS2 Grab water Sample				710a	1
1	H9145		ACS3	6/16/25	936a		717a	0
0			ACS3 grab water sample				717a	1
1	H9146		ACS4	6/16/25	947a		724a	0
0			ACS4 grab water sample				724a	1
1	H9147		ACS5	6/16/25	953a		730a	0
0			ACS5 grab water sample				730a	1
1	H9148		ACS6	6/16/25	959a		743a	0
0			ACS6 grab water sample			6/18/25	743a	1
0			Condenser Pond Background			6-18-25	745a	1

COMMENTS

This sheet filled out by OUL staff? Yes (No) Charts for samples on this page proofed by OUL: AG/OUL

OUL Project No. 2095 Date Analyzed: 6/27/25 Analyzed By: A.Goers/OUL

0269

6/16/25

OZARK UNDERGROUND LABORATORY, INC.

1572 Aley Lane Protem, MO 65733 (417) 785-4289 fax (417) 785-4290 email: contact@ozarkundergroundlab.com

SAMPLE COLLECTION DATA SHEET for FLUORESCENCE ANALYSIS

Project Western Sugar Dye Trace Study Week No: 1 Samples Collected By: Tina Hansen

Samples Shipped By: WSC - TH Samples Received By: Amber Comstock/OUL

Date Samples Shipped: 6-24-25 Date Samples Received: 6/25/25 Time Samples Received: 1630 Return Cooler? Yes [X] No [ ]

Bill to: Western Sugar Cooperative Send Results to:

Analyze for: [ ] Fluorescein [ ] Eosine [X] Rhodamine WT [ ] Other Ship cooler to:

OUL use only		*Please indicate stations where dye was visible in the field* for field technician use - use black ink only						OUL use only
# CHAR REC'D	LAB NUMBER Charcoal	STATION NUMBER	STATION NAME	PLACED DATE	PLACED TIME	COLLECTED DATE	COLLECTED TIME	# WATER REC'D
1	H9149		ACS1	6-12-25	910a	6-16-25	917a	0
0			ACS1 grab water sample				917a	1
1	H9150		ACS2	6-12-25	922a		928a	0
0			ACS2 Grab water Sample				928a	1
1	H9151		ACS3	6-12-25	928a		936a	0
0			ACS3 grab water sample				936a	1
1	H9152		ACS4	6-12-25	934a		947a	0
0			ACS4 grab water sample				953a	1
1	H9153		ACS5	~~6-12-25~~ 6-25	944a		953a	0
0			ACS5 grab water sample				959a	1
1	H9154		ACS6	6-12-25	951a		959a	0
0			ACS6 grab water sample					1

COMMENTS

This sheet filled out by OUL staff? Yes (No) Charts for samples on this page proofed by OUL: AG/OUL

OUL Project No. 2095 Date Analyzed: 6/27/25 Analyzed By: A. Goers/OUL

0270

6/17/25

OZARK UNDERGROUND LABORATORY, INC.

1572 Aley Lane Protem, MO 65733 (417) 785-4289 fax (417) 785-4290 email: contact@ozarkundergroundlab.com

SAMPLE COLLECTION DATA SHEET for FLUORESCENCE ANALYSIS

Project Western Sugar Dye Trace Study Week No: 1 Samples Collected By: Tina Hansen

Samples Shipped By: WSC . TH Samples Received By: Anton Comstock/OUL

Date Samples Shipped: 6.24.25 Date Samples Received: 6/25/25 Time Samples Received: 1630 Return Cooler? Yes ☐ No ☐

Bill to: Western Sugar Cooperative Send Results to:

Analyze for: ☐ Fluorescein ☐ Eosine ☒ Rhodamine WT ☐ Other Ship cooler to:

OUL use only		*Please indicate stations where dye was visible in the field* for field technician use - use black ink only							OUL use only
# CHAR REC'D	LAB NUMBER Charcoal	STATION NUMBER	STATION NAME	PLACED		COLLECTED			# WATER REC'D
				DATE	TIME	DATE	TIME		
1	H9155		ACS1	6.9.25	15:20	6.12.25	9:10 Am		0
0			ACS1 grab water sample			6.12.25	9:10 Am		1
1	H9156		ACS2	6-9-25	925a	6.12.25	9:22Am		0
0			ACS2 Grab water Sample			6.12.25	9:22Am		1
1	H9157		ACS3	6-9-25	933am	6.12.25	9:28Am		0
0			ACS3 grab water sample			6.12.25	9:28Am		1
1	H9158		ACS4	6.9.25	941am	6.12.25	9:34Am		0
0			ACS4 grab water sample			6.12.25	9:34Am		1
1	H9159		ACS5	6.9.25	949am	6.12.25	9:44Am		0
0			ACS5 grab water sample			6.12.25	9:44Am		1
1	H9161		ACS6	6-9-25	954am	6.12.25	9:51Am		0
0			ACS6 grab water sample			6.12.25	9:51Am		1

COMMENTS H9160 OUL Charcoal Blank

This sheet filled out by OUL staff? Yes (No) Charts for samples on this page proofed by OUL: AG/OUL

OUL Project No. 2095 Date Analyzed: 6/27/25 Analyzed By: A.Goers/OUL

0271

mw15 6/24/25

OZARK UNDERGROUND LABORATORY, INC.

1572 Aley Lane Protem, MO 65733 (417) 785-4289 fax (417) 785-4290 email: contact@ozarkundergroundlab.com

SAMPLE COLLECTION DATA SHEET for FLUORESCENCE ANALYSIS

Project Western Sugar Dye Trace Study Week No: 1 Samples Collected By: Keith - TetraTECH

Samples Shipped By: Tina WSC Samples Received By: Amber Comstock/OUL

Date Samples Shipped: 6/24/25 Date Samples Received: 6/25/25 Time Samples Received: 1030 Return Cooler? Yes ☐ No ☐

Bill to: Western Sugar Cooperative Send Results to:

Analyze for: ☐ Fluorescein ☐ Eosine ☒ Rhodamine WT ☐ Other Ship cooler to:

OUL use only			*Please indicate stations where dye was visible in the field* *for field technician use - use black ink only*					OUL use only
# CHAR REC'D	LAB NUMBER (Water)	STATION NUMBER	STATION NAME	PLACED DATE	PLACED TIME	COLLECTED DATE	COLLECTED TIME	# WATER REC'D
1			ACS1 · ACS15	6/9/25		6/24/25	1030a	0
0	H9215		ACS1 grab water sample mw15 grab water			6/24/25	1030a	1
			ACS2					
			ACS2 Grab water Sample					
			ACS3					
			ACS3 grab water sample					
			ACS4					
			ACS4 grab water sample					
			ACS5					
			ACS5 grab water sample					
			ACS6					
			ACS6 grab water sample					

COMMENTS

This sheet filled out by OUL staff? Yes (No)

OUL Project No. 2095 Date Analyzed: 6/30/25 Charts for samples on this page proofed by OUL: AG/OUL

Analyzed By: A.Evers/OUL

0272

Ozark Underground Laboratory, Inc.

DISCREPANCIES BETWEEN CHAIN-OF-CUSTODY SHEETS AND ACTUAL SAMPLES RECEIVED

Company & Project Name: Tetra Tech/Western Sugar **Date Rec'd by OUL:** 6/25/25 **Wk #** _____

Lab #	Sta #	Station Name	Date Pulled	Problem	Solution
		ACS6	6/18/25	Collection time on COC is 0743 and water sample has 0737	
		ACS5	6/18/25	Collection time on COC is 0730 and water sample has 0731.	
H9143		ACS1	6/18/25	Collection time on COC is 0708 and sample has 0703	OUL will use the information provided on the COC
		Condenser Pond Background	6/18/25	Station name on COC is Condenser Pond Background and sample has Cond2	
		ACS5	6/16/25	Collection time on COC is 0959 and water sample has 0958	
		ACS2	6/20/25	Collection time on COC is 0710 and water sample has 1030	

Comments:

OZARK UNDERGROUND LABORATORY, INC.

DISCREPANCIES BETWEEN CHAIN-OF-CUSTODY SHEETS AND ACTUAL SAMPLES RECEIVED Page 2 of 7

Company & Project Name: Tetra Tech / Western Sugar **Date Rec'd by OUL:** 6/25/25 **Wk #** _____

Lab #	Sta #	Station Name	Date Pulled	Problem	Solution
		ACS16	6/20/25	Collection time on COC is 0743 and water sample has 1120	.
		ACS15	6/24/25	COC has station name as ACS15 and charcoal sample has MW-15	

Comments:

f:\shared\forms\dscrpsht.doc
rev. 12/28/99

Ozark UNDERGROUND LABORATORY 1572 Aley Lane • Protem, MO 65733 • (417) 785-4289 • fax (417) 785-4290 • contact@ozarkundergroundlab.com

Certificate of Analysis

Date of certificate: July 11, 2025
Client: Western Sugar Cooperative
7100 Commercial Avenue Suite 4
Billings, Montana 59101
Contact people: Tony Schroer (Tschroer@barr.com)
Keith.Yeager@tetratech.com
Tina Hansen (thansen@westernsugar.com)
Amy Hui (ahui@westernsugar.com)
CVillalba@westernsugar.com

Project name: WSC - Billings Dye Test
Project number: 450005094
Samples collected by: WSC - TH + AH and
Tt K. Yeager
Date samples shipped: July 9, 2025
Date samples rec'd at OUL: July 10, 2025
Date analyzed by OUL: June 11, 2025
Included with certificate of analysis: Table of results
copy of sample collection data sheets

Results for water samples analyzed for the presence of rhodamine WT (RWT) dye.

Peak wavelengths are reported in nanometers (nm); dye concentrations are reported in parts per billion (ppb).

OUL Number	Station Name	Date/Time Collected	RWT	
			Peak (nm)	Conc (ppb)
H9445	CP2	7/3/25 0925	574.2	269
H9446	MW-15	7/9/25 0840	ND	
H9447	Condenser Pond #2	7/7/25 0845	573.9	228
H9448	Condenser Pond #2	7/9/25 0920	574	210

Note: Dye concentrations are based upon standards used at the OUL. The standard concentrations are based upon the as sold weight of the dye that the OUL uses. If the client is not using OUL dyes, the client should provide the OUL with a sample of the dye to compare to the OUL dyes.

Footnotes: ND = No dye detected

Thomas J. Aley, PHG and RG

Thomas J. Aley

Bag # 3 p1

OZARK UNDERGROUND LABORATORY, INC.

1572 Aley Lane Protem, MO 65733 (417) 785-4289 fax (417) 785-4290 email: contact@ozarkundergroundlab.com

SAMPLE COLLECTION DATA SHEET for FLUORESCENCE ANALYSIS

Project Western Sugar Dye Trace Study Week No: 1 Samples Collected By: WSC AH + TH

Samples Shipped By: _____ Samples Received By: C. Aley OUL

Date Samples Shipped: 7-9-25 Date Samples Received: 7-10-25 Time Samples Received: 1500 Return Cooler? Yes ☐ No ☐

Bill to: Western Sugar Cooperative Send Results to: _____

Analyze for: ☐ Fluorescein ☐ Eosine ☒ Rhodamine WT ☐ Other _____ Ship cooler to: _____

OUL use only			Please indicate stations where dye was visible in the field for field technician use - use black ink only					OUL use only
# CHAR REC'D	LAB NUMBER	STATION NUMBER	STATION NAME	PLACED DATE	PLACED TIME	COLLECTED DATE	COLLECTED TIME	# WATER REC'D
1	Water		ACS1	6/30/25	13:15	7/3/25	0940	0
0			ACS1 grab water sample	↓	↓	↓	↓	1
1			ACS2	↓	13:25	↓	0955	0
0			ACS2 Grab water Sample	↓	↓	↓	↓	1
1			ACS3	↓	13:30	↓	1005	0
0			ACS3 grab water sample	↓	↓	↓	↓	1
1			ACS4	↓	13:40	↓	1015	0
0			ACS4 grab water sample	↓	↓	↓	↓	1
1			ACS5	↓	13:50	↓	1025	0
0			ACS5 grab water sample	↓	↓	↓	↓	1
1			ACS6	↓	14:00	↓	1035	0
0			ACS6 grab water sample	↓	↓	↓	↓	1
0	H945		CP2 GRAB WATER SAMPLE			7/3/25	0925	1

COMMENTS _____

This sheet filled out by OUL staff? Yes (No) Charts for samples on this page proofed by OUL: CA

OUL Project No. 2095 Date Analyzed: 7/11/25 Analyzed By: AC/OUL

0276

Bag #3 pz

OZARK UNDERGROUND LABORATORY, INC.

1572 Aley Lane Protem, MO 65733 (417) 785-4289 fax (417) 785-4290 email: contact@ozarkundergroundlab.com

SAMPLE COLLECTION DATA SHEET for FLUORESCENCE ANALYSIS

Project Western Sugar Dye Trace Study **Week No:** _____ **Samples Collected By:** Tt K. Yeager

Samples Shipped By: _____ **Samples Received By:** C. Aley / OUL

Date Samples Shipped: 7-9-25 **Date Samples Received:** 7-10-25 **Time Samples Received:** 1500 **Return Cooler?** Yes ☐ No ☐

Bill to: Western Sugar Cooperative **Send Results to:** _____

Analyze for: ☐ Fluorescein ☐ Eosine ☒ Rhodamine WT ☐ Other _____ **Ship cooler to:** _____

OUL use only			*Please indicate stations where dye was visible in the field* *for field technician use - use black ink only*					OUL use only
# CHAR REC'D	LAB NUMBER Winter	STATION NUMBER	STATION NAME	PLACED DATE	PLACED TIME	COLLECTED DATE	COLLECTED TIME	# WATER REC'D
1			MW-15	6/24/25	10:30	7/9/25	0840	0
0	H9446		MW-15 grab water sample	1	1	1	1	1

COMMENTS _____

This sheet filled out by OUL staff? Yes (No) **Charts for samples on this page proofed by OUL:** CA

OUL Project No. 2095 **Date Analyzed:** 7/11/25 **Analyzed By:** AC/OUL

0277

Bag #4

OZARK UNDERGROUND LABORATORY, INC.

1572 Aley Lane Protem, MO 65733 (417) 785-4289 fax (417) 785-4290 email: contact@ozarkundergroundlab.com

SAMPLE COLLECTION DATA SHEET for FLUORESCENCE ANALYSIS

Project Western Sugar Dye Trace Study **Week No:** 1 **Samples Collected By:** WSC AH

Samples Shipped By: _____ **Samples Received By:** C. Alley / OUL

Date Samples Shipped: 7-9-25 **Date Samples Received:** 7-10-25 **Time Samples Received:** 1500 **Return Cooler?** Yes ☐ No ☐

Bill to: Western Sugar Cooperative **Send Results to:** _____

Analyze for: ☐ Fluorescein ☐ Eosine ☒ Rhodamine WT ☐ Other _____ **Ship cooler to:** _____

OUL use only			*Please indicate stations where dye was visible in the field* *for field technician use - use black ink only*					OUL use only
# CHAR REC'D	LAB NUMBER	STATION NUMBER	STATION NAME	PLACED DATE	PLACED TIME	COLLECTED DATE	COLLECTED TIME	# WATER REC'D
	Water							
1			ACS1	7/3/2025	09:40	7/7/2025	08:00	0
0			ACS1 grab water sample	↓	↓	↓	↓	1
1			ACS2	↓	09:55	↓	08:05	0
0			ACS2 Grab water Sample	↓	↓	↓	↓	1
1			ACS3	↓	10:05	↓	08:10	0
0			ACS3 grab water sample	↓	↓	↓	↓	1
1			ACS4	↓	10:15	↓	08:20	0
0			ACS4 grab water sample	↓	↓	↓	↓	1
1			ACS5	↓	10:25	↓	08:30	0
0			ACS5 grab water sample	↓	↓	↓	↓	1
1			ACS6	↓	10:35	↓	08:40	0
0			ACS6 grab water sample	↓	↓	↓	↓	1
0	H9447		Condenser Pond #2			↓	08:45	1

COMMENTS _____

This sheet filled out by OUL staff? Yes (No) **Charts for samples on this page proofed by OUL:** CA

OUL Project No. 2095 **Date Analyzed:** 7/11/25 **Analyzed By:** AC/OUL

0278

Bag #5

OZARK UNDERGROUND LABORATORY, INC.

1572 Aley Lane Protem, MO 65733 (417) 785-4289 fax (417) 785-4290 email: contact@ozarkundergroundlab.com

SAMPLE COLLECTION DATA SHEET for FLUORESCENCE ANALYSIS

Project Western Sugar Dye Trace Study **Week No:** 1 **Samples Collected By:** _____

Samples Shipped By: _____ **Samples Received By:** C. Colley Lowe

Date Samples Shipped: 7-9-25 **Date Samples Received:** 7-10-25 **Time Samples Received:** 1500 **Return Cooler?** Yes ☐ No ☐

Bill to: Western Sugar Cooperative **Send Results to:** _____

Analyze for: ☐ Fluorescein ☐ Eosine ☒ Rhodamine WT ☐ Other _____ **Ship cooler to:** _____

OUL use only			*Please indicate stations where dye was visible in the field* *for field technician use - use black ink only*					OUL use only
# CHAR REC'D	LAB NUMBER	STATION NUMBER	STATION NAME	PLACED		COLLECTED		# WATER REC'D
				DATE	TME	DATE	TIME	
6	Water		ACS1	7/7/2025	08:00	7/9/2025	08:25	0
0			ACS1 grab water sample	↓	↓	↓	↓	1
1			ACS2	↓	08:05	↓	08:35	0
0			ACS2 Grab water Sample	↓	↓	↓	↓	1
1			ACS3	↓	08:10	↓	08:45	0
0			ACS3 grab water sample	↓	↓	↓	↓	1
1			ACS4	↓	08:20	↓	08:55	0
0			ACS4 grab water sample	↓	↓	↓	↓	1
1			ACS5	↓	08:30	↓	09:05	0
0			ACS5 grab water sample	↓	↓	↓	↓	1
1			ACS6	↓	08:40	↓	10:30	0
0			ACS6 grab water sample	↓	↓	↓	↓	1
0	H9448		Condenser Pond #2			↓	09:20	1

COMMENTS _____

This sheet filled out by OUL staff? Yes (No) **Charts for samples on this page proofed by OUL:** CA

OUL Project No. 2095 **Date Analyzed:** 7/11/25 **Analyzed By:** AC/OUL

0279

Ozark UNDERGROUND LABORATORY 1572 Aley Lane • Protem, MO 65733 • (417) 785-4289 • fax (417) 785-4290 • contact@ozarkundergroundlab.com

Certificate of Analysis

Date of certificate: July 14, 2025
Client: Western Sugar Cooperative
7100 Commercial Avenue Suite 4
Billings, Montana 59101
Contact people: Tony Schroer (Tschroer@barr.com)
Keith.Yeager@tetratech.com
Tina Hansen (thansen@westernsugar.com)
Amy Hui (ahui@westernsugar.com)
CVillalba@westernsugar.com

Project name: WSC - Billings Dye Test
Project number: 450005094
Samples collected by: WSC - TH + AH and
Tt K. Yeager
Date samples shipped: July 9, 2025
Date samples rec'd at OUL: July 10, 2025
Date analyzed by OUL: July 11 and 14, 2025
Included with certificate of analysis: Table of results and copies of sample collection data sheets

Results for Week 1 charcoal and water samples analyzed for the presence of rhodamine WT (RWT) dye.
Peak wavelengths are reported in nanometers (nm); dye concentrations are reported in parts per billion (ppb).
All results are for charcoal unless otherwise indicated.

OUL Number	Station Name	Date/Time Placed	Date/Time Collected	RWT	
				Peak (nm)	Conc (ppb)
H9412	ACS1	6/24/25 1025	6/27/25 1225	ND	
H9413	ACS2	6/24/25 1035	6/27/25 1235	ND	
H9414	ACS3	6/24/25 1045	6/27/25 1240	ND	
H9415	ACS4	6/24/25 1056	6/27/25 1250	ND	
H9416	ACS5	6/24/25 1105	6/27/25 1300	ND	
H9417	ACS6	6/24/25 1115	6/27/25 1310	ND	
H9418	ACS1	6/27/25 1225	6/30/25 1315	ND	
H9419	ACS2	6/27/25 1235	6/30/25 1325	ND	
H9420	Laboratory control charcoal blank				
H9421	ACS3	6/27/25 1240	6/30/25 1330	ND	
H9422	ACS4	6/27/25 1250	6/30/25 1340	ND	
H9423	ACS5	6/27/25 1300	6/30/25 1350	ND	
H9424	ACS6	6/27/25 1310	6/30/25 1400	ND	
H9425	ACS1	6/30/25 1315	7/3/25 0940	ND	
H9426	ACS2	6/30/25 1325	7/3/25 0955	ND	
H9427	ACS3	6/30/25 1330	7/3/25 1005	ND	
H9428	ACS4	6/30/25 1340	7/3/25 1015	ND	
H9429	ACS5	6/30/25 1350	7/3/25 1025	ND	
H9430	ACS6	6/30/25 1400	7/3/25 1035	ND	
H9431	MW-15	6/24/25 1030	7/9/25 0840	ND	
H9432	ACS1	7/3/25 0940	7/7/25 0800	ND	
H9433	ACS2	7/3/25 0955	7/7/25 0805	ND	
H9434	ACS3	7/3/25 1005	7/7/25 0810	ND	

OUL Number	Station Name	Date/Time Placed	Date/Time Collected	RWT	
				Peak (nm)	Conc (ppb)
H9435	ACS4	7/3/25 1015	7/7/25 0820	ND	
H9436	ACS5	7/3/25 1025	7/7/25 0830	ND	
H9437	ACS6	7/3/25 1035	7/7/25 0840	ND	
H9438	ACS1	7/7/25 0800	7/9/25 0825	ND	
H9439	ACS2	7/7/25 0805	7/9/25 0835	ND	
H9440	Laboratory control charcoal blank				
H9441	ACS3	7/7/25 0810	7/9/25 0845	ND	
H9442	ACS4	7/7/25 0820	7/9/25 0855	ND	
H9443	ACS5	7/7/25 0830	7/9/25 0905	ND	
H9444	ACS6	7/7/25 0840	7/9/25 1030	ND	
H9515	Condenser Pond #2	**Water**	6/30/25 1410	573.6	96.7

Note: Dye concentrations are based upon standards used at the OUL. The standard concentrations are based upon the as sold weight of the dye that the OUL uses. If the client is not using OUL dyes, the client should provide the OUL with a sample of the dye to compare to the OUL dyes.

Footnotes: ND = No dye detected

Thomas J. Aley, PHG and RG



Bag #1

OZARK UNDERGROUND LABORATORY, INC.

1572 Aley Lane Protem, MO 65733 (417) 785-4289 fax (417) 785-4290 email: contact@ozarkundergroundlab.com

SAMPLE COLLECTION DATA SHEET for FLUORESCENCE ANALYSIS

Project Western Sugar Dye Trace Study **Week No:** 1 **Samples Collected By:** WSC - AH & TH

Samples Shipped By: _____ **Samples Received By:** C. Aley/OUL

Date Samples Shipped: 7-9-25 **Date Samples Received:** 7-10-25 **Time Samples Received:** 1500 **Return Cooler?** Yes ☐ No ☐

Bill to: Western Sugar Cooperative **Send Results to:** _____

Analyze for: ☐ Fluorescein ☐ Eosine ☒ Rhodamine WT ☐ Other _____ **Ship cooler to:** _____

OUL use only		*Please indicate stations where dye was visible in the field* for field technician use - use black ink only						OUL use only
# CHAR REC'D	LAB NUMBER (Charcoal)	STATION NUMBER	STATION NAME	PLACED DATE	PLACED TIME	COLLECTED DATE	COLLECTED TIME	# WATER REC'D
1	H9412		ACS1	6/24/25	10:25	6/27/25	12:25	0
0			ACS1 grab water sample	6/24/25	10:25	↓	12:25	1
1	H9413		ACS2	6/24/25	10:35	↓	12:35	0
0			ACS2 Grab water Sample	6/24/25	10:35	↓	12:35	1
1	H9414		ACS3	6/24/25	10:45	↓	12:40	0
0			ACS3 grab water sample	6/24/25	10:45	↓	12:40	1
1	H9415		ACS4	6/24/25	10:56	↓	12:50	0
0			ACS4 grab water sample	6/24/25	10:56	↓	12:50	1
1	H9416		ACS5	6/24/25	11:05	↓	13:00	0
0			ACS5 grab water sample	6/24/25	11:05	↓	13:00	1
1	H9417		ACS6	6/24/25	11:15	↓	13:10	0
0			ACS6 grab water sample	6/24/25	11:15	6/27/25	13:10	1

COMMENTS _____

This sheet filled out by OUL staff? Yes (No) **Charts for samples on this page proofed by OUL:** AG/OUL

OUL Project No 2025 **Date Analyzed:** 7/11/25 **Analyzed By:** AG/OUL

0282

Bag #2

OZARK UNDERGROUND LABORATORY, INC.

1572 Aley Lane Protem, MO 65733 (417) 785-4289 fax (417) 785-4290 email: contact@ozarkundergroundlab.com

SAMPLE COLLECTION DATA SHEET for FLUORESCENCE ANALYSIS

Project Western Sugar Dye Trace Study **Week No:** 1 **Samples Collected By:** WSC AH + TH

Samples Shipped By: _____ **Samples Received By:** C. Aley / OUL

Date Samples Shipped: 7-9-25 **Date Samples Received:** 7-10-25 **Time Samples Received:** 1500 **Return Cooler?** Yes ☐ No ☐

Bill to: Western Sugar Cooperative **Send Results to:** _____

Analyze for: ☐ Fluorescein ☐ Eosine ☒ Rhodamine WT ☐ Other _____ **Ship cooler to:** _____

OUL use only			*Please indicate stations where dye was visible in the field* *for field technician use - use black ink only*					*OUL use only*
# CHAR REC'D	LAB NUMBER (Charcoal)	STATION NUMBER	STATION NAME	PLACED DATE	PLACED TIME	COLLECTED DATE	COLLECTED TIME	# WATER REC'D
1	H9418		ACS1	6/27/25	12:25	6/30/25	13:15	0
0			ACS1 grab water sample	↓	12:25	↓	↓	1
1	H9419		ACS2	↓	12:35	↓	13:25	0
0			ACS2 Grab water Sample	↓	12:35	↓	↓	1
1	H9421		ACS3	↓	12:40	↓	13:30	0
0			ACS3 grab water sample	↓	12:40	↓	↓	1
1	H9422		ACS4	↓	12:50	↓	13:40	0
0			ACS4 grab water sample	↓	12:50	↓	↓	1
1	H9423		ACS5	↓	13:00	↓	13:50	0
0			ACS5 grab water sample	↓	13:00	↓	↓	1
1	H9424		ACS6	↓	13:10	↓	14:00	0
0			ACS6 grab water sample	↓	13:10	↓	↓	1
0			Condenser Pond #2 grab water sample			↓	14:10	1

COMMENTS H9420 OUL Charcoal Blank

This sheet filled out by OUL staff? Yes No **Charts for samples on this page proofed by OUL:** AG/OUL

OUL Project No 2095 **Date Analyzed:** 7/11/25 **Analyzed By:** AC/OUL

0283

Bag # 3 p1

OZARK UNDERGROUND LABORATORY, INC.

1572 Aley Lane Protem, MO 65733 (417) 785-4289 fax (417) 785-4290 email: contact@ozarkundergroundlab.com

SAMPLE COLLECTION DATA SHEET for FLUORESCENCE ANALYSIS

Project Western Sugar Dye Trace Study **Week No:** 1 **Samples Collected By:** WSC AH + TH

Samples Shipped By: _____ **Samples Received By:** C. Aley OUL

Date Samples Shipped: 7-9-25 **Date Samples Received:** 7-10-25 **Time Samples Received:** 1500 **Return Cooler?** Yes ☐ No ☐

Bill to: Western Sugar Cooperative **Send Results to:** _____

Analyze for: ☐ Fluorescein ☐ Eosine ☒ Rhodamine WT ☐ Other _____ **Ship cooler to:** _____

OUL use only			*Please indicate stations where dye was visible in the field* for field technician use - use black ink only					OUL use only
# CHAR REC'D	LAB NUMBER (Charcoal)	STATION NUMBER	STATION NAME	PLACED DATE	PLACED TIME	COLLECTED DATE	COLLECTED TIME	# WATER REC'D
1	H9425		ACS1	6/30/25	13:15	7/3/25	0940	0
0			ACS1 grab water sample	↓	↓	↓	↓	1
1	H9426		ACS2		13:25		0955	0
0			ACS2 Grab water Sample		↓		↓	1
1	H9427		ACS3		13:30		1005	0
0			ACS3 grab water sample		↓		↓	1
1	H9428		ACS4		13:40		1015	0
0			ACS4 grab water sample		↓		↓	1
1	H9429		ACS5		13:50		1025	0
0			ACS5 grab water sample		↓		↓	1
1	H9430		ACS6		14:00		1035	0
0			ACS6 grab water sample	↓	↓	↓	↓	1
0			CP2 GRAB WATER SAMPLE			7/3/25	0925	1

COMMENTS _____

This sheet filled out by OUL staff? Yes (No) **Charts for samples on this page proofed by OUL:** AG/OUL

OUL Project No. 2095 **Date Analyzed:** 7/11/25 **Analyzed By:** AG/OUL

0284

Bag #3 p2

OZARK UNDERGROUND LABORATORY, INC.

1572 Aley Lane Protem, MO 65733 (417) 785-4289 fax (417) 785-4290 email: contact@ozarkundergroundlab.com

SAMPLE COLLECTION DATA SHEET for FLUORESCENCE ANALYSIS

Project Western Sugar Dye Trace Study **Week No:** _____ **Samples Collected By:** Tt K. Yeager

Samples Shipped By: _____ **Samples Received By:** C. Aley / OUL

Date Samples Shipped: 7-9-25 **Date Samples Received:** 7-10-25 **Time Samples Received:** 1500 **Return Cooler?** Yes ☐ No ☐

Bill to: Western Sugar Cooperative **Send Results to:** _____

Analyze for: ☐ Fluorescein ☐ Eosine ■ Rhodamine WT ☐ Other _____ **Ship cooler to:** _____

OUL use only		*Please indicate stations where dye was visible in the field* for field technician use - use black ink only						*OUL use only*
# CHAR REC'D	LAB NUMBER (Charcoal)	STATION NUMBER	STATION NAME	PLACED		COLLECTED		# WATER REC'D
				DATE	TIME	DATE	TIME	
1	H9431		MW-15	6/24/25	10:30	7/9/25	0840	0
0			MW-15 grab water sample	1	1	1	1	1

COMMENTS _____

This sheet filled out by OUL staff? Yes (No) **Charts for samples on this page proofed by OUL:** AG/OUL

OUL Project No. 2095 **Date Analyzed:** 7/11/25 **Analyzed By:** AC/OUL

0285

Bag #4

OZARK UNDERGROUND LABORATORY, INC.

1572 Aley Lane Protem, MO 65733 (417) 785-4289 fax (417) 785-4290 email: contact@ozarkundergroundlab.com

SAMPLE COLLECTION DATA SHEET for FLUORESCENCE ANALYSIS

Project Western Sugar Dye Trace Study **Week No:** 1 **Samples Collected By:** WSC AH

Samples Shipped By: _____ **Samples Received By:** C. Alley / OUL

Date Samples Shipped: 7-9-25 **Date Samples Received:** 7-10-25 **Time Samples Received:** 1500 **Return Cooler?** Yes ☐ No ☐

Bill to: Western Sugar Cooperative **Send Results to:** _____

Analyze for: ☐ Fluorescein ☐ Eosine ☒ Rhodamine WT ☐ Other _____ **Ship cooler to:** _____

OUL use only			*Please indicate stations where dye was visible in the field* for field technician use - use black ink only					OUL use only
# CHAR REC'D	LAB NUMBER (Charcoal)	STATION NUMBER	STATION NAME	PLACED DATE	PLACED TIME	COLLECTED DATE	COLLECTED TIME	# WATER REC'D
1	H9432		ACS1	7/3/2025	09:40	7/7/2025	08:00	0
0			ACS1 grab water sample	↓	↓	↓	↓	1
1	H9433		ACS2	↓	09:55	↓	08:05	0
0			ACS2 Grab water Sample	↓	↓	↓	↓	1
1	H9434		ACS3	↓	10:05	↓	08:10	0
0			ACS3 grab water sample	↓	↓	↓	↓	1
1	H9435		ACS4	↓	10:15	↓	08:20	0
0			ACS4 grab water sample	↓	↓	↓	↓	1
1	H9436		ACS5	↓	10:25	↓	08:30	0
0			ACS5 grab water sample	↓	↓	↓	↓	1
1	H9437		ACS6	↓	10:35	↓	08:40	0
0			ACS6 grab water sample	↓	↓	↓	↓	1
0			Condenser Pond #2			↓	08:45	1

COMMENTS _____

This sheet filled out by OUL staff? Yes (No) **Charts for samples on this page proofed by OUL:** AG/OUL

OUL Project No. 2015 **Date Analyzed:** 7/11/25 **Analyzed By:** ACAU

0286

Bag #5

OZARK UNDERGROUND LABORATORY, INC.

1572 Aley Lane Protem, MO 65733 (417) 785-4289 fax (417) 785-4290 email: contact@ozarkundergroundlab.com

SAMPLE COLLECTION DATA SHEET for FLUORESCENCE ANALYSIS

Project Western Sugar Dye Trace Study Week No: 1 Samples Collected By: _____

Samples Shipped By: _____ Samples Received By: C. Coley Lowe

Date Samples Shipped: 7-9-25 Date Samples Received: 7-10-25 Time Samples Received: 1500 Return Cooler? Yes ☐ No ☐

Bill to: Western Sugar Cooperative Send Results to: _____

Analyze for: ☐ Fluorescein ☐ Eosine ☒ Rhodamine WT ☐ Other _____ Ship cooler to: _____

OUL use only			*Please indicate stations where dye was visible in the field* *for field technician use - use black ink only*					OUL use only
# CHAR REC'D	LAB NUMBER Charcoal	STATION NUMBER	STATION NAME	PLACED DATE	PLACED TME	COLLECTED DATE	COLLECTED TIME	# WATER REC'D
1	H9438		ACS1	7/7/2025	08:00	7/9/2025	08:25	0
0			ACS1 grab water sample	↓	↓	↓	↓	1
1	H9439		ACS2	↓	08:05	↓	08:35	0
0			ACS2 Grab water Sample	↓	↓	↓	↓	1
1	H9441		ACS3	↓	08:10	↓	08:45	0
0			ACS3 grab water sample	↓	↓	↓	↓	1
1	H9442		ACS4	↓	08:20	↓	08:55	0
0			ACS4 grab water sample	↓	↓	↓	↓	1
1	H9443		ACS5	↓	08:30	↓	09:05	0
0			ACS5 grab water sample	↓	↓	↓	↓	1
1	H9444		ACS6	↓	08:40	↓	10:30	0
0			ACS6 grab water sample	↓	↓	↓	↓	1
0			Condenser Pond #2			↓	09:20	1

COMMENTS H9440 OUL Charcoal Blank

This sheet filled out by OUL staff? Yes (No) Charts for samples on this page proofed by OUL: AG/OUL

OUL Project No. 2095 Date Analyzed: 7/14/25 Analyzed By: AC/OUL

0287

Bag #2

OZARK UNDERGROUND LABORATORY, INC.

1572 Aley Lane Protem, MO 65733 (417) 785-4289 fax (417) 785-4290 email: contact@ozarkundergroundlab.com

SAMPLE COLLECTION DATA SHEET for FLUORESCENCE ANALYSIS

Project Western Sugar Dye Trace Study **Week No:** 1 **Samples Collected By:** WSC AH + TH

Samples Shipped By: _____ **Samples Received By:** C. Aley / OUL

Date Samples Shipped: 7-9-25 **Date Samples Received:** 7-10-25 **Time Samples Received:** 1500 **Return Cooler?** Yes ☐ No ☐

Bill to: Western Sugar Cooperative **Send Results to:** _____

Analyze for: ☐ Fluorescein ☐ Eosine ☒ Rhodamine WT ☐ Other _____ **Ship cooler to:** _____

OUL use only			*Please indicate stations where dye was visible in the field* *for field technician use - use black ink only*					OUL use only
# CHAR REC'D	LAB NUMBER	STATION NUMBER	STATION NAME	PLACED		COLLECTED		# WATER REC'D
				DATE	TIME	DATE	TIME	
1	Water		ACS1	6/27/25	12:25	6/30/25	13:15	6
0			ACS1 grab water sample	↓	12:25	↓	↓	1
1			ACS2	↓	12:35	↓	13:25	0
0			ACS2 Grab water Sample	↓	12:35	↓	↓	1
1			ACS3	↓	12:40	↓	13:30	0
0			ACS3 grab water sample	↓	12:40	↓	↓	1
1			ACS4	↓	12:50	↓	13:40	0
0			ACS4 grab water sample	↓	12:50	↓	↓	1
0			ACS5	↓	13:00	↓	13:50	0
0			ACS5 grab water sample	↓	13:00	↓	↓	1
1			ACS6	↓	13:10	↓	14:00	0
0			ACS6 grab water sample	↓	13:10	↓	↓	1
0	H9515		Condenser Pond #2 grab water sample			↓	14:10	1

COMMENTS _____

This sheet filled out by OUL staff? Yes No **Charts for samples on this page proofed by OUL:** AG/OUL

OUL Project No: 2025 **Date Analyzed:** 7/14/25 **Analyzed By:** AG/OUL

0288

Ozark UNDERGROUND LABORATORY 1572 Aley Lane • Protem, MO 65733 • (417) 785-4289 • fax (417) 785-4290 • contact@ozarkundergroundlab.com

Certificate of Analysis

Date of certificate: July 29, 2025
Client: Western Sugar Cooperative
7100 Commercial Avenue Suite 4
Billings, Montana 59101
Contact people: Tony Schroer (Tschroer@barr.com)
Keith.Yeager@tetratech.com
Tina Hansen (thansen@westernsugar.com)
Amy Hui (ahui@westernsugar.com)
CVillalba@westernsugar.com

Project name: WSC - Billings Dye Test
Project number: 450005094
Samples collected by: WSC AH
Date samples shipped: July 24, 2025
Date samples rec'd at OUL: July 25, 2025
Date analyzed by OUL: July 28, 2025
Included with certificate of analysis: Table of results, copies of sample collection data sheets and discrepancy sheet

Results for charcoal and water samples analyzed for the presence of rhodamine WT (RWT) dye.
Peak wavelengths are reported in nanometers (nm); dye concentrations are reported in parts per billion (ppb).
All results are for charcoal unless otherwise indicated.

OUL Number	Station Name	Date/Time Placed	Date/Time Collected	RWT	
				Peak (nm)	Conc (ppb)
H9846	ACS1	7/9/25 0825	7/11/25 0745	ND	
H9847	ACS2	7/9/25 0835	7/11/25 0750	ND	
H9848	ACS3	7/9/25 0845	7/11/25 0755	ND	
H9849	ACS4	7/9/25 0855	7/11/25 0805	ND	
H9850	ACS5	7/9/25 0905	7/11/25 0815	ND	
H9851	ACS6	7/9/25 1030	7/11/25 0820	ND	
H9852	ACS1	7/11/25 0745	7/15/25 0630	ND	
H9853	ACS2	7/11/25 0750	7/15/25 0635	ND	
H9854	ACS3	7/11/25 0755	7/15/25 0645	ND	
H9855	ACS4	7/11/25 0805	7/15/25 0655	ND	
H9856	ACS5	7/11/25 0815	7/15/25 0700	ND	
H9857	ACS6	7/11/25 0820	7/15/25 0705	ND	
H9858	ACS1	7/15/25 0630	7/18/25 0725	ND	
H9859	ACS2	7/15/25 0635	7/18/25 0730	ND	
H9860	Laboratory control charcoal blank				
H9861	ACS3	7/15/25 0645	7/18/25 0735	ND	
H9862	ACS4	7/15/25 0655	7/18/25 0740	ND	
H9863	ACS5	7/15/25 0700	7/18/25 0750	ND	
H9864	ACS6	7/15/25 0705	7/18/25 0755	ND	
H9865	ACS1	7/18/25 0725	7/21/25 0730	ND	
H9866	ACS2	7/18/25 0730	7/21/25 0735	ND	

OUL Number	Station Name	Date/Time Placed	Date/Time Collected	RWT	
				Peak (nm)	Conc (ppb)
H9867	ACS3	7/18/25 0735	7/21/25 0750	ND	
H9868	ACS4	7/18/25 0740	7/21/25 0800	ND	
H9869	ACS5	7/18/25 0750	7/21/25 0810	ND	
H9870	ACS6	7/18/25 0755	7/21/25 0815	ND	
H9871	ACS1	7/21/25 0730	7/24/25 0735	ND	
H9872	ACS2	7/21/25 0735	7/24/25 0740	ND	
H9873	ACS3	7/21/25 0750	7/24/25 0755	ND	
H9874	ACS4	7/21/25 0800	7/24/25 0805	ND	
H9875	ACS5	7/21/25 0810	7/24/25 0815	ND	
H9876	ACS6	7/21/25 0815	7/24/25 0820	ND	
H9877	MW-15	7/9/25 0840	7/24/25 0900	ND	
H9883	Condenser Pond #2 (CP#2)	**Water**	7/15/25 0715	573.8	157
H9884	Condenser Pond #2 (CP#2)	**Water**	7/21/25 0830	573.8	131
H9885	MW-15	**Water**	7/24/25 0900	ND	

Note: Dye concentrations are based upon standards used at the OUL. The standard concentrations are based upon the as sold weight of the dye that the OUL uses. If the client is not using OUL dyes, the client should provide the OUL with a sample of the dye to compare to the OUL dyes.

Footnotes: ND = No dye detected

Thomas J. Aley, PHG and RG



OZARK UNDERGROUND LABORATORY, INC.

1572 Aley Lane Protem, MO 65733 (417) 785-4289 fax (417) 785-4290 email: contact@ozarkundergroundlab.com

SAMPLE COLLECTION DATA SHEET for FLUORESCENCE ANALYSIS

Project Western Sugar Dye Trace Study **Week No:** 1 **Samples Collected By:** WSC AH

Samples Shipped By: Fedex **Samples Received By:** A. Goers/OUL

Date Samples Shipped: 7/24/25 **Date Samples Received:** 7/25/25 **Time Samples Received:** 1430 **Return Cooler?** Yes ☐ No ☐

Bill to: Western Sugar Cooperative **Send Results to:**

Analyze for: ☐ Fluorescein ☐ Eosine ☒ Rhodamine WT ☐ Other **Ship cooler to:**

OUL use only		*Please indicate stations where dye was visible in the field* *for field technician use - use black ink only*						*OUL use only*
# CHAR REC'D	LAB NUMBER (Charcoal)	STATION NUMBER	STATION NAME	PLACED DATE	PLACED TIME	COLLECTED DATE	COLLECTED TIME	# WATER REC'D
1	H9846		ACS1	7/9/2025	08:25	7/11/25	07:45	0
0			ACS1 grab water sample	↓	↓	↓	↓	1
1	H9847		ACS2	↓	08:35	↓	07:50	0
0			ACS2 Grab water Sample	↓	↓	↓	↓	1
1	H9848		ACS3	↓	08:45	↓	07:55	0
0			ACS3 grab water sample	↓	↓	↓	↓	1
1	H9849		ACS4	↓	08:55	↓	08:05	0
0			ACS4 grab water sample	↓	↓	↓	↓	1
1	H9850		ACS5	↓	09:05	↓	08:15	0
0			ACS5 grab water sample	↓	↓	↓	↓	1
1	H9851		ACS6	↓	10:30	↓	08:20	0
0			ACS6 grab water sample	↓	↓	↓	↓	1

COMMENTS

This sheet filled out by OUL staff? Yes (No) **Charts for samples on this page proofed by OUL:** CA

OUL Project No. 2095 **Date Analyzed:** 7/28/25 **Analyzed By:** AC/OUL

OZARK UNDERGROUND LABORATORY, INC.

1572 Aley Lane Protem, MO 65733 (417) 785-4289 fax (417) 785-4290 email: contact@ozarkundergroundlab.com

SAMPLE COLLECTION DATA SHEET for FLUORESCENCE ANALYSIS

Project Western Sugar Dye Trace Study Week No: 1 Samples Collected By: WSC AH

Samples Shipped By: Fedex Samples Received By: A.Goers/OUL

Date Samples Shipped: _____ Date Samples Received: 7/25/25 Time Samples Received: 1430 Return Cooler? Yes ☐ No ☐

Bill to: Western Sugar Cooperative Send Results to: _____

Analyze for: ☐ Fluorescein ☐ Eosine ☒ Rhodamine WT ☐ Other _____ Ship cooler to: _____

OUL use only		Please indicate stations where dye was visible in the field for field technician use - use black ink only						OUL use only
# CHAR REC'D	LAB NUMBER (Charcoal)	STATION NUMBER	STATION NAME	PLACED DATE	PLACED TIME	COLLECTED DATE	COLLECTED TIME	# WATER REC'D
1	H9852		ACS1	7/11/2025	07:45	7/15/25	06:30	0
0			ACS1 grab water sample	↓	↓	↓	↓	1
1	H9853		ACS2	↓	07:50	↓	6:35	0
0			ACS2 Grab water Sample	↓	↓	↓	↓	1
1	H9854		ACS3	↓	07:55	↓	6:45	0
0			ACS3 grab water sample	↓	↓	↓	↓	1
1	H9855		ACS4	↓	08:05	↓	6:55	0
0			ACS4 grab water sample	↓	↓	↓	↓	1
1	H9856		ACS5	↓	08:15	↓	7:00	0
0			ACS5 grab water sample	↓	↓	↓	↓	1
1	H9857		ACS6	↓	08:20	↓	7:05	0
0			ACS6 grab water sample	↓	↓	↓	↓	1
0			Condenser Pond #2 ("CP#2")				7:15	1

COMMENTS _____

This sheet filled out by OUL staff? Yes (No) Charts for samples on this page proofed by OUL: Oa

OUL Project No. 2095 Date Analyzed: 7/28/25 Analyzed By: AG/OUL

0292

OZARK UNDERGROUND LABORATORY, INC.

1572 Aley Lane Protem, MO 65733 (417) 785-4289 fax (417) 785-4290 email: contact@ozarkundergroundlab.com

SAMPLE COLLECTION DATA SHEET for FLUORESCENCE ANALYSIS

Project Western Sugar Dye Trace Study **Week No:** 1 **Samples Collected By:** WSC AH

Samples Shipped By: Fedex **Samples Received By:** A.Goers/OUL

Date Samples Shipped: 7/24/25 **Date Samples Received:** 7/25/25 **Time Samples Received:** 1430 **Return Cooler?** Yes ☐ No ☐

Bill to: Western Sugar Cooperative **Send Results to:**

Analyze for: ☐ Fluorescein ☐ Eosine ☒ Rhodamine WT ☐ Other **Ship cooler to:**

OUL use only			*Please indicate stations where dye was visible in the field* for field technician use - use black ink only 7/15/2025 dh					OUL use only
# CHAR REC'D	LAB NUMBER Charcoal	STATION NUMBER	STATION NAME	PLACED DATE	PLACED TIME	COLLECTED DATE	COLLECTED TIME	# WATER REC'D
1	H9858		ACS1	~~7/18/2025~~	06:30	7/18/25	07:25	0
0			ACS1 grab water sample	↓	↓	↓	↓	1
1	H9859		ACS2	↓	06:35	↓	7:30	0
0			ACS2 Grab water Sample	↓	↓	↓	↓	1
1	H9861		ACS3	↓	06:45	↓	7:35	0
0			ACS3 grab water sample	↓	↓	↓	↓	1
1	H9862		ACS4	↓	06:55	↓	7:40	0
0			ACS4 grab water sample	↓	↓	↓	↓	1
1	H9863		ACS5	↓	07:00	↓	7:50	0
0			ACS5 grab water sample	↓	↓	↓	↓	1
1	H9864		ACS6	↓	07:05	↓	7:55	0
0			ACS6 grab water sample	↓	↓	↓	↓	1

COMMENTS H9860 OUL Charcoal Blank

This sheet filled out by OUL staff? Yes (No) **Charts for samples on this page proofed by OUL:** CA

OUL Project No. 2095 **Date Analyzed:** 7/28/25 **Analyzed By:** AG/OUL

0293

OZARK UNDERGROUND LABORATORY, INC.

1572 Aley Lane Protem, MO 65733 (417) 785-4289 fax (417) 785-4290 email: contact@ozarkundergroundlab.com

SAMPLE COLLECTION DATA SHEET for FLUORESCENCE ANALYSIS

Project Western Sugar Dye Trace Study **Week No:** 1 **Samples Collected By:** WSC AH

Samples Shipped By: Fedex **Samples Received By:** A. Goers

Date Samples Shipped: 7/24/25 **Date Samples Received:** 7/25/25 **Time Samples Received:** 1430 **Return Cooler?** Yes ☐ No ☐

Bill to: Western Sugar Cooperative **Send Results to:**

Analyze for: ☐ Fluorescein ☐ Eosine ☒ Rhodamine WT ☐ Other **Ship cooler to:**

OUL use only			*Please indicate stations where dye was visible in the field* for field technician use - use black ink only					*OUL use only*
# CHAR REC'D	LAB NUMBER (Charcoal)	STATION NUMBER	STATION NAME	PLACED DATE	PLACED TIME	COLLECTED DATE	COLLECTED TIME	# WATER REC'D
1	H9805		ACS1	7/18/2025	07:25	7/21/25	07:30	0
0			ACS1 grab water sample	↓	↓	↓	↓	1
1	H9806		ACS2	↓	07:30	↓	7:35	0
0			ACS2 Grab water Sample	↓	↓	↓	↓	1
1	H9807		ACS3	↓	07:35	↓	7:50	0
0			ACS3 grab water sample	↓	↓	↓	↓	1
1	H9808		ACS4	↓	07:40	↓	8:00	0
0			ACS4 grab water sample	↓	↓	↓	↓	1
1	H9809		ACS5	↓	07:50	↓	8:10	0
0			ACS5 grab water sample	↓	↓	↓	↓	1
1	H9810		ACS6	↓	07:55	↓	8:15	0
0			ACS6 grab water sample	↓	↓	↓	↓	1
0			Condenser Pond #2 ("CP#2")				8:30	1

COMMENTS

This sheet filled out by OUL staff? Yes (No) **Charts for samples on this page proofed by OUL:** CA

OUL Project No 2095 **Date Analyzed:** 7/28/25 **Analyzed By:** AG/OUL

0294

OZARK UNDERGROUND LABORATORY, INC.

1572 Aley Lane Protem, MO 65733 (417) 785-4289 fax (417) 785-4290 email: contact@ozarkundergroundlab.com

SAMPLE COLLECTION DATA SHEET for FLUORESCENCE ANALYSIS

Project Western Sugar Dye Trace Study **Week No:** 1 **Samples Collected By:** WSC AH

Samples Shipped By: Fedex **Samples Received By:** A.Goers/OUL

Date Samples Shipped: 7/24/25 **Date Samples Received:** 7/25/25 **Time Samples Received:** 1430 **Return Cooler? Yes** ☐ **No** ☐

Bill to: Western Sugar Cooperative **Send Results to:**

Analyze for: ☐ Fluorescein ☐ Eosine ☒ Rhodamine WT ☐ Other **Ship cooler to:** AMY HUI/WSC, 3020 STATE AVE, BILLINGS, MT 59101

OUL use only			*Please indicate stations where dye was visible in the field* *for field technician use - use black ink only*					OUL use only
# CHAR REC'D	LAB NUMBER (Charcoal)	STATION NUMBER	STATION NAME	PLACED DATE	PLACED TIME	COLLECTED DATE	COLLECTED TIME	# WATER REC'D
1	H9871		ACS1	7/21/2025	07:30	7/24/25	~~07:30~~ 07:35	0 (*)
0			ACS1 grab water sample	↓	↓	↓	↓	1
1	H9872		ACS2	↓	07:35	↓	7:40	0
0			ACS2 Grab water Sample	↓	↓	↓	↓	1
1	H9873		ACS3	↓	07:50	↓	7:55	0
0			ACS3 grab water sample	↓	↓	↓	↓	1
1	H9874		ACS4	↓	08:00	↓	8:05	0
0			ACS4 grab water sample	↓	↓	↓	↓	1
1	H9875		ACS5	↓	08:10	↓	8:15	0
0			ACS5 grab water sample	↓	↓	↓	↓	1
1	H9876		ACS6	↓	08:15	↓	8:20	0
0			ACS6 grab water sample	↓	↓	↓	↓	1
1	H9877		MW-15	7/9/2025	08:40	↓	09:00	1

COMMENTS (*) see discrepancy sheet

This sheet filled out by OUL staff? Yes (No) **Charts for samples on this page proofed by OUL:** CG

OUL Project No. 2095 **Date Analyzed:** 7/28/25 **Analyzed By:** AC/OUL

OZARK UNDERGROUND LABORATORY, INC.

1572 Aley Lane Protem, MO 65733 (417) 785-4289 fax (417) 785-4290 email: contact@ozarkundergroundlab.com

SAMPLE COLLECTION DATA SHEET for FLUORESCENCE ANALYSIS

Project Western Sugar Dye Trace Study Week No: 1 Samples Collected By: WSC AH

Samples Shipped By: Fedex Samples Received By: A.Goers/OUL

Date Samples Shipped: _____ Date Samples Received: 7/25/25 Time Samples Received: 1430 Return Cooler? Yes ☐ No ☐

Bill to: Western Sugar Cooperative Send Results to: _____

Analyze for: ☐ Fluorescein ☐ Eosine ☒ Rhodamine WT ☐ Other _____ Ship cooler to: _____

OUL use only			*Please indicate stations where dye was visible in the field* for field technician use - use black ink only					OUL use only
# CHAR REC'D	LAB NUMBER water	STATION NUMBER	STATION NAME	PLACED DATE	PLACED TIME	COLLECTED DATE	COLLECTED TIME	# WATER REC'D
1			ACS1	7/11/2025	07:45	7/15/25	06:30	0
0			ACS1 grab water sample	↓	↓	↓	↓	1
1			ACS2	↓	07:50	↓	6:35	0
0			ACS2 Grab water Sample	↓	↓	↓	↓	1
1			ACS3	↓	07:55	↓	6:45	0
0			ACS3 grab water sample	↓	↓	↓	↓	1
1			ACS4	↓	08:05	↓	6:55	0
0			ACS4 grab water sample	↓	↓	↓	↓	1
1			ACS5	↓	08:15	↓	7:00	0
0			ACS5 grab water sample	↓	↓	↓	↓	1
1			ACS6	↓	08:20	↓	7:05	0
0			ACS6 grab water sample	↓	↓	↓	↓	1
0	H9883		Condenser Pond #2 ("CP#2")				7:15	1

COMMENTS _____

This sheet filled out by OUL staff? Yes (No) Charts for samples on this page proofed by OUL: CG

OUL Project No. 2095 Date Analyzed: 7/28/25 Analyzed By: AG/OUL

0296

OZARK UNDERGROUND LABORATORY, INC.

1572 Aley Lane Protem, MO 65733 (417) 785-4289 fax (417) 785-4290 email: contact@ozarkundergroundlab.com

SAMPLE COLLECTION DATA SHEET for FLUORESCENCE ANALYSIS

Project Western Sugar Dye Trace Study **Week No:** 1 **Samples Collected By:** WSC AH

Samples Shipped By: Fedex **Samples Received By:** A. Goers

Date Samples Shipped: 7/24/25 **Date Samples Received:** 7/25/25 **Time Samples Received:** 1430 **Return Cooler?** Yes ☐ No ☐

Bill to: Western Sugar Cooperative **Send Results to:**

Analyze for: ☐ Fluorescein ☐ Eosine ☒ Rhodamine WT ☐ Other **Ship cooler to:**

OUL use only			*Please indicate stations where dye was visible in the field* *for field technician use - use black ink only*					OUL use only
# CHAR REC'D	LAB NUMBER Water	STATION NUMBER	STATION NAME	PLACED DATE	PLACED TIME	COLLECTED DATE	COLLECTED TIME	# WATER REC'D
1			ACS1	7/18/2025	07:25	7/21/25	07:30	0
0			ACS1 grab water sample		↓		↓	1
1			ACS2		07:30		7:35	0
0			ACS2 Grab water Sample		↓		↓	1
1			ACS3		07:35		7:50	0
0			ACS3 grab water sample		↓		↓	1
1			ACS4		07:40		8:00	0
0			ACS4 grab water sample		↓		↓	1
1			ACS5		07:50		8:10	0
0			ACS5 grab water sample		↓		↓	1
1			ACS6		07:55		8:15	0
0			ACS6 grab water sample	↓	↓	↓	↓	1
0	H9884		Condenser Pond #2 ("CP#2")				8:30	1

COMMENTS

This sheet filled out by OUL staff? Yes (No) **Charts for samples on this page proofed by OUL:** CG

OUL Project No. 2095 **Date Analyzed:** 7/28/25 **Analyzed By:** AG/OUL

OZARK UNDERGROUND LABORATORY, INC.

1572 Aley Lane Protem, MO 65733 (417) 785-4289 fax (417) 785-4290 email: contact@ozarkundergroundlab.com

SAMPLE COLLECTION DATA SHEET for FLUORESCENCE ANALYSIS

Project Western Sugar Dye Trace Study **Week No:** 1 **Samples Collected By:** WSC AH

Samples Shipped By: Fedex **Samples Received By:** A.Goers/OUL

Date Samples Shipped: 7/24/25 **Date Samples Received:** 7/25/25 **Time Samples Received:** 1430 **Return Cooler?** Yes☐ No☐

Bill to: Western Sugar Cooperative **Send Results to:**

Analyze for: ☐ Fluorescein ☐ Eosine ☒ Rhodamine WT ☐ Other **Ship cooler to:** AMY HUI/WSC, 3020 STATE AVE, BILLINGS, MT 59101

OUL use only			*Please indicate stations where dye was visible in the field* *for field technician use - use black ink only*					OUL use only
# CHAR REC'D	LAB NUMBER	STATION NUMBER	STATION NAME	PLACED		COLLECTED		# WATER REC'D
				DATE	TIME	DATE	TIME	
1	water		ACS1	7/21/2025	07:30	7/24/25	07:30	0
0			ACS1 grab water sample		↓		↓	1
1			ACS2		07:35		7:40	0
0			ACS2 Grab water Sample		↓		↓	1
1			ACS3		07:50		7:55	0
0			ACS3 grab water sample		↓		↓	1
1			ACS4		08:00		8:05	0
0			ACS4 grab water sample		↓		↓	1
1			ACS5		08:10		8:15	0
0			ACS5 grab water sample		↓		↓	1
1			ACS6		08:15		8:20	0
0			ACS6 grab water sample	↓	↓		↓	1
1	H9885		MW-15	7/9/2025	08:40	↓	09:00	1

COMMENTS

This sheet filled out by OUL staff? Yes (No) **Charts for samples on this page proofed by OUL:** CG

OUL Project No. 2095 **Date Analyzed:** 7/28/25 **Analyzed By:** AG/OUL

OZARK UNDERGROUND LABORATORY, INC.

DISCREPANCIES BETWEEN CHAIN-OF-CUSTODY SHEETS AND ACTUAL SAMPLES RECEIVED Page 1 of 1

Company & Project Name: Tetra Tech/Western Sugar **Date Rec'd by OUL:** 7/25/25 **Wk #** _____

Lab #	Sta #	Station Name	Date Pulled	Problem	Solution
H9871		ACS1	7/24/25	Collection time on Carbon Sampler is 7:35 but COC says 730	Per A. Hed, the collection time is 7:35

Comments: Sample label information transferred from lid to vial for all water samples.

Ozark UNDERGROUND LABORATORY 1572 Aley Lane • Protem, MO 65733 • (417) 785-4289 • fax (417) 785-4290 • contact@ozarkundergroundlab.com

Certificate of Analysis

Date of certificate: July 31, 2025
Client: Western Sugar Cooperative
7100 Commercial Avenue Suite 4
Billings, Montana 59101
Contact people: Tony Schroer (Tschroer@barr.com)
Keith.Yeager@tetratech.com
Tina Hansen (thansen@westernsugar.com)
Amy Hui (ahui@westernsugar.com)
CVillalba@westernsugar.com

Project name: WSC - Billings Dye Test
Project number: 450005094
Samples collected by: WSC AH
Date samples shipped: July 28, 2025
Date samples rec'd at OUL: July 30, 2025
Date analyzed by OUL: July 31, 2025
Included with certificate of analysis: Table of results and copies of sample collection data sheet

Results for charcoal and water samples analyzed for the presence of rhodamine WT (RWT) dye.
Peak wavelengths are reported in nanometers (nm); dye concentrations are reported in parts per billion (ppb).
All results are for charcoal unless otherwise indicated.

OUL Number	Station Name	Date/Time Placed	Date/Time Collected	RWT	
				Peak (nm)	Conc (ppb)
I0036	ACS1	7/24/25 0730	7/28/25 0755	ND	
I0037	ACS2	7/24/25 0740	7/28/25 0800	ND	
I0038	ACS3	7/24/25 0755	7/28/25 0810	ND	
I0039	ACS4	7/24/25 0805	7/28/25 0825	ND	
I0040	Laboratory control charcoal blank				
I0041	ACS5	7/24/25 0815	7/28/25 0835	ND	
I0042	ACS6	7/24/25 0820	7/28/25 0840	ND	
I0043	MW-15	7/24/25 0900	7/28/25 0900	ND	
I0047	MW-15	Water	7/28/25 0900	ND	
I0048	Condenser Pond (CP#2)	Water	7/28/25 0850	573.7	135

Note: Dye concentrations are based upon standards used at the OUL. The standard concentrations are based upon the as sold weight of the dye that the OUL uses. If the client is not using OUL dyes, the client should provide the OUL with a sample of the dye to compare to the OUL dyes.
Footnotes: ND = No dye detected
Thomas J. Aley, PHG and RG



F:\docs\COA\WesternSugarCoop_BillingsDyeTest_07

0300

OZARK UNDERGROUND LABORATORY, INC.

1572 Aley Lane Protem, MO 65733 (417) 785-4289 fax (417) 785-4290 email: contact@ozarkundergroundlab.com

SAMPLE COLLECTION DATA SHEET for FLUORESCENCE ANALYSIS

Project Western Sugar Dye Trace Study **Week No:** 1 **Samples Collected By:** WSC AH

Samples Shipped By: Fedex **Samples Received By:** C. Aley OUL

Date Samples Shipped: 7/28/25 **Date Samples Received:** 7-30-25 **Time Samples Received:** 1400 **Return Cooler?** Yes☐ No☐

Bill to: Western Sugar Cooperative **Send Results to:**

Analyze for: ☐ Fluorescein ☐ Eosine ☒ Rhodamine WT ☐ Other **Ship cooler to:**

OUL use only			*Please indicate stations where dye was visible in the field* for field technician use - use black ink only					OUL use only
# CHAR REC'D	LAB NUMBER (Charcoal)	STATION NUMBER	STATION NAME	PLACED DATE	PLACED TIME	COLLECTED DATE	COLLECTED TIME	# WATER REC'D
1	F0036		ACS1	7/24/2025	07:30	7/28/25	07:55	0
0			ACS1 grab water sample	↓	↓	↓	↓	1
1	F0037		ACS2	↓	07:40	↓	8:00	0
0			ACS2 Grab water Sample	↓	↓	↓	↓	1
1	F0038		ACS3	↓	07:55	↓	8:10	0
0			ACS3 grab water sample	↓	↓	↓	↓	1
1	F0039		ACS4	↓	08:05	↓	8:25	0
0			ACS4 grab water sample	↓	↓	↓	↓	1
1	F0041		ACS5	↓	08:15	↓	8:35	0
0			ACS5 grab water sample	↓	↓	↓	↓	1
1	F0042		ACS6	↓	08:20	↓	8:40	0
0			ACS6 grab water sample	↓	↓	↓	↓	1
1	F0043		MW-15	↓	09:00	↓	09:00	1
0			Condenser Pond #2 ("CP#2")			↓	8:50	1

COMMENTS F0040 OUL Charcoal Blank

This sheet filled out by OUL staff? Yes (No) **Charts for samples on this page proofed by OUL:** AG/OUL

OUL Project No. 2095 **Date Analyzed:** 7/31/25 **Analyzed By:** AC/OUL

OZARK UNDERGROUND LABORATORY, INC.

1572 Aley Lane Protem, MO 65733 (417) 785-4289 fax (417) 785-4290 email: contact@ozarkundergroundlab.com

SAMPLE COLLECTION DATA SHEET for FLUORESCENCE ANALYSIS

Project Western Sugar Dye Trace Study **Week No:** 1 **Samples Collected By:** WSC AH

Samples Shipped By: Fedex **Samples Received By:** C. Aley / OUL

Date Samples Shipped: 7/28/25 **Date Samples Received:** 7-30-25 **Time Samples Received:** 1400 **Return Cooler?** Yes☐ No☐

Bill to: Western Sugar Cooperative **Send Results to:**

Analyze for: ☐ Fluorescein ☐ Eosine ☒ Rhodamine WT ☐ Other **Ship cooler to:**

OUL use only			*Please indicate stations where dye was visible in the field* *for field technician use - use black ink only*					OUL use only
# CHAR REC'D	LAB NUMBER	STATION NUMBER	STATION NAME	PLACED		COLLECTED		# WATER REC'D
				DATE	TIME	DATE	TIME	
1	Water		ACS1	7/24/2025	07:30	7/28/25	07:55	0
0			ACS1 grab water sample	↓	↓	↓	↓	1
1			ACS2	↓	07:40	↓	8:00	0
0			ACS2 Grab water Sample	↓	↓	↓	↓	1
1			ACS3	↓	07:55	↓	8:10	0
0			ACS3 grab water sample	↓	↓	↓	↓	1
1			ACS4	↓	08:05	↓	8:25	0
0			ACS4 grab water sample	↓	↓	↓	↓	1
1			ACS5	↓	08:15	↓	8:35	0
0			ACS5 grab water sample	↓	↓	↓	↓	1
1			ACS6	↓	08:20	↓	8:40	0
0			ACS6 grab water sample	↓	↓	↓	↓	1
1	I0047		MW-15	↓	09:00	↓	09:00	1
0	I0048		Condenser Pond #2 ("CP#2")	↓	↓	↓	8:50	1

COMMENTS

This sheet filled out by OUL staff? Yes (No) **Charts for samples on this page proofed by OUL:** AG / OUL

OUL Project No. 2095 **Date Analyzed:** 7/31/25 **Analyzed By:** AC / OUL

Appendix I

Notifications Provided to MTDEQ

Chelsea Villalba

From: Chelsea Villalba
Sent: Wednesday, September 25, 2024 3:19 PM
To: 'Alanna.Shaw2@mt.gov'
Cc: 'Theresa.Froehlich@mt.gov'; 'CWeaver@mt.gov'; Heather Luther; Vicki Marquis; Shelby Sleaford; Joe Bladecki; Tony M. Schroer
Subject: FW: MT DEQ Final Comments on the Settlement Studies Workplan for MPDES Permit MT0000281, The Western Sugar Coop, Billings Facility
Attachments: 20240909_153433.jpg; 20240909_153617.jpg; 20240909_153409.jpg

Good Afternoon, Ms. Shaw –

It's been a while since our last communication, and we thought it was appropriate to provide you and your team an update on where we are currently with executing the Workplan.

As mentioned in my last email correspondence, our well drillers had us on their schedule to complete the drilling of the new wells sometime in November. We got lucky, and their schedule unexpectedly opened this month. They have successfully drilled all the remaining new wells and we have TetraTech on site this week collecting the first round of samples in accordance with the Workplan. Additionally, prior to our startup on September 6th, we installed an extension on the end of our Outfall 001 discharge pipe to keep the stretch of the Yegen Drain that parallels our Condenser Pond #2 dry in anticipation for our dye trace study, as described in the Workplan. Once we began discharging at Outfall 001, the Yegen Drain immediately began to backup from the end of the extension all the way to where the first drain crossing on our property is located (see photos attached). The Yegen Drain typically looks like this during campaign, so this is not due to the extension. We thought the extension would help, but the shallow gradient of the drain bottom extends further downstream than we thought and it isn't allowing the water to freely flow away from the property.

Due to the water backing up in the Yegen Drain, we will be unable to complete the dye trace study this fall as intended. In our original plan, we had indicated that groundwater levels are high in the spring, and it would be an appropriate time to conduct the dye trace study. Our ponds will still be hydraulically loaded with water from campaign which should be more than suitable to transport the dye for the test. If Condenser Pond #2 has by chance lost water by the Spring, we would have the ability to pump Condenser Pond #1 over into #2 to ensure it stays full for the duration of the dye trace study. Please let us know your thoughts on this approach so we can plan appropriately.

Regards.

Chelsea Villalba, REM | Director of Environmental
7555 East Hampden Avenue | Suite 520
Denver, Colorado 80231
cvillalba@westernsugar.com | Mobile (720) 584-7506
Western Sugar Cooperative
(Grower Owned)
Website | Instagram | Facebook

From: Froehlich, Theresa <Theresa.Froehlich@mt.gov>
Sent: Tuesday, August 27, 2024 10:42 AM
To: Chelsea Villalba <cvillalba@westernsugar.com>
Cc: Weaver, Christine <CWeaver@mt.gov>; Shaw, Alanna <Alanna.Shaw2@mt.gov>; Heather Luther <hluther@westernsugar.com>; Shelby Sleaford <ssleaford@westernsugar.com>; Joe Bladecki

<jbladecki@westernsugar.com>; Vicki Marquis <vmarquis@crowleyfleck.com>; Tony M. Schroer <TSchroer@barr.com>
Subject: RE: MT DEQ Final Comments on the Settlement Studies Workplan for MPDES Permit MT0000281, The Western Sugar Coop, Billings Facility

CAUTION: This email originated from outside of Western Sugar. STOP and THINK – "IS THIS SAFE?" - before clicking on links or opening attachments.

Good Morning Chelsea Villalba,

I was able to download the files successfully and print them off.

Thank you!

Theresa Froehlich | *Program Support Specialist*
Water Protection Bureau | Water Quality Planning Bureau
Montana Department of Environmental Quality
Office: 406-444-6764 | Theresa.Froehlich@mt.gov



From: Chelsea Villalba <cvillalba@westernsugar.com>
Sent: Tuesday, August 27, 2024 9:22 AM
To: Froehlich, Theresa <Theresa.Froehlich@mt.gov>
Cc: Weaver, Christine <CWeaver@mt.gov>; Shaw, Alanna <Alanna.Shaw2@mt.gov>; Heather Luther <hluther@westernsugar.com>; Shelby Sleaford <ssleaford@westernsugar.com>; Joe Bladecki <jbladecki@westernsugar.com>; Vicki Marquis <vmarquis@crowleyfleck.com>; Tony M. Schroer <TSchroer@barr.com>
Subject: [EXTERNAL] FW: MT DEQ Final Comments on the Settlement Studies Workplan for MPDES Permit MT0000281, The Western Sugar Coop, Billings Facility

Good Morning, Ms. Froehlich –

I received the attached message after I attempted to email the Workplan and response letter last night. The file is too big, so I am sharing the document with you using OneDrive [westernsugar.sharepoint.com]. Please let me know if you do not receive a separate email granting you access.

Regards

Chelsea Villalba, REM | Director of Environmental
7555 East Hampden Avenue | Suite 520
Denver, Colorado 80231
cvillalba@westernsugar.com | Mobile (720) 584-7506
Western Sugar Cooperative
(Grower Owned)
Website [westernsugar.com] | Instagram [instagram.com] | Facebook [facebook.com]

0305

From: Chelsea Villalba
Sent: Monday, August 26, 2024 5:03 PM
To: Froehlich, Theresa <Theresa.Froehlich@mt.gov>
Cc: Weaver, Christine <CWeaver@mt.gov>; Shaw, Alanna <Alanna.Shaw2@mt.gov>; Heather Luther <hluther@westernsugar.com>; Shelby Sleaford <ssleaford@westernsugar.com>; Joe Bladecki <jbladecki@westernsugar.com>; Vicki Marquis <vmarquis@crowleyfleck.com>; Tony M. Schroer <TSchroer@barr.com>
Subject: RE: MT DEQ Final Comments on the Settlement Studies Workplan for MPDES Permit MT0000281, The Western Sugar Coop, Billings Facility

Greetings, Ms. Froehlich –

Thank you for your prompt response to our Workplan. We have carefully considered your final comments and have attached the revised Workplan in response, along with a cover letter. Please note, there have been changes made to the coordinates originally provided for the wells due to interference from utilities underground. In addition, this time of year seems to be exceptionally busy for drillers in the area. We were able to drill MW-14 today (the draw-down well), but HazTech is unable to drill the remaining, smaller monitoring wells until November. I have reached out to them and asked to be put on their on-call list in the event they get a cancellation. We are hopeful that they will be able to drill for us sooner than November and will keep you updated on our progress.

If you have questions about the revisions or the response to your letter, please feel free to call me any time to discuss. We are also open to a Teams meeting, if necessary.

Have a good evening.

Chelsea Villalba, REM | Director of Environmental
7555 East Hampden Avenue | Suite 520
Denver, Colorado 80231
cvillalba@westernsugar.com | Mobile (720) 584-7506
Western Sugar Cooperative
(Grower Owned)
Website [westernsugar.com] | Instagram [instagram.com] | Facebook [facebook.com]

From: Froehlich, Theresa <Theresa.Froehlich@mt.gov>
Sent: Monday, August 19, 2024 8:39 AM
To: Chelsea Villalba <cvillalba@westernsugar.com>
Cc: Weaver, Christine <CWeaver@mt.gov>; Shaw, Alanna <Alanna.Shaw2@mt.gov>
Subject: FW: MT DEQ Final Comments on the Settlement Studies Workplan for MPDES Permit MT0000281, The Western Sugar Coop, Billings Facility

You don't often get email from theresa.froehlich@mt.gov. Learn why this is important [aka.ms]

CAUTION: This email originated from outside of Western Sugar. STOP and THINK – "IS THIS SAFE?" - before clicking on links or opening attachments.

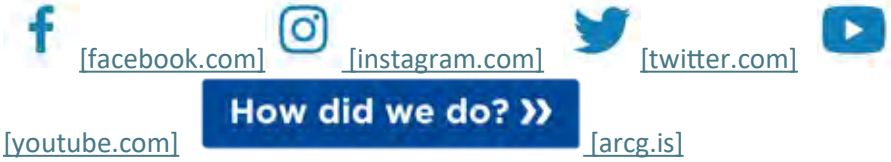
Please see attached letter regarding Western Sugar Cooperative Billings Facility.

Thank you,

Theresa Froehlich | *Program Support Specialist*
Water Protection Bureau | Water Quality Planning Bureau
Montana Department of Environmental Quality

Office: 406-444-6764 | Theresa.Froehlich@mt.gov





From: Froehlich, Theresa
Sent: Monday, August 19, 2024 8:32 AM
To: Bawden, Susan <SBawden@mt.gov>; TSchroer@barr.com; hluther@westernsugar.com; jbladecki@westernsugar.com; ssleaford@westernsugar.com
Cc: Shaw, Alanna <Alanna.Shaw2@mt.gov>; Weaver, Christine <CWeaver@mt.gov>
Subject: MT DEQ Final Comments on the Settlement Studies Workplan for MPDES Permit MT0000281, The Western Sugar Coop, Billings Facility

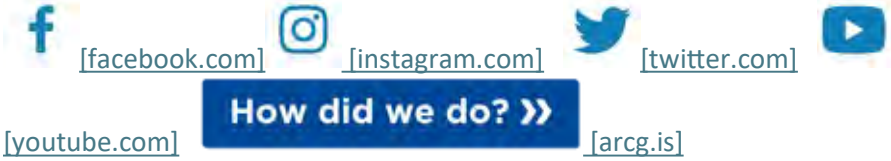
Good Morning,

Please see attached letter regarding the Western Sugar Cooperative, Billings Facility.

Thank you,

Theresa Froehlich | *Program Support Specialist*
Water Protection Bureau | Water Quality Planning Bureau
Montana Department of Environmental Quality
Office: 406-444-6764 | Theresa.Froehlich@mt.gov





Chelsea Villalba

From: Chelsea Villalba
Sent: Friday, October 25, 2024 1:49 PM
To: Shaw, Alanna
Cc: Froehlich, Theresa; Weaver, Christine; Heather Luther; Vicki Marquis; Shelby Sleaford; Joe Bladecki; Tony M. Schroer; Moser, Kurt; Davila, Tatiana
Subject: RE: MT DEQ Final Comments on the Settlement Studies Workplan for MPDES Permit MT0000281, The Western Sugar Coop, Billings Facility

Hi, Ms. Shaw –

Thanks for your response to our aquifer testing field update. The field staff performing the aquifer testing completed their work and demobilized from the site on Friday, October 18th.

Regarding your request, although slug tests do typically provide aquifer characterization data for a smaller area than a pumping test is capable of providing, we feel that the tests performed during the field event captured enough aquifer data to sufficiently characterize the aquifer for the groundwater model. During the field event, there were six locations slug tested across the site (in addition to the pumping test performed on MW-14). Aquifer characterization data was collected from the upgradient, central and downgradient portions of the site. For most locations multiple slug tests were performed at a location. Performing an additional slug test in the vicinity of wells EXT-1/OBS-1 would not yield any significant data that would benefit model development. The aquifer at the site is fairly transmissive and therefore aquifer testing locations spread across the site do a better job at characterizing the aquifer and that was the approach taken for the aquifer testing program.

If you have questions or concerns with this approach, we're more than happy to set up a call with Barr to discuss.

Thank you

Chelsea Villalba, REM | Director of Environmental
7555 East Hampden Avenue | Suite 520
Denver, Colorado 80231
cvillalba@westernsugar.com | Mobile (720) 584-7506
Western Sugar Cooperative
(Grower Owned)
Website | Instagram | Facebook

From: Shaw, Alanna <Alanna.Shaw2@mt.gov>
Sent: Monday, October 21, 2024 10:29 AM
To: Chelsea Villalba <cvillalba@westernsugar.com>
Cc: Froehlich, Theresa <Theresa.Froehlich@mt.gov>; Weaver, Christine <CWeaver@mt.gov>; Heather Luther <hluther@westernsugar.com>; Vicki Marquis <vmarquis@crowleyfleck.com>; Shelby Sleaford <ssleaford@westernsugar.com>; Joe Bladecki <jbladecki@westernsugar.com>; Tony M. Schroer <TSchroer@barr.com>; Moser, Kurt <KMoser2@mt.gov>; Davila, Tatiana <Tatiana.Davila@mt.gov>
Subject: Re: MT DEQ Final Comments on the Settlement Studies Workplan for MPDES Permit MT0000281, The Western Sugar Coop, Billings Facility

CAUTION: This email originated from outside of Western Sugar. STOP and THINK – "IS THIS SAFE?" - before clicking on links or opening attachments.

Chelsea,

Given that slug tests characterize aquifer hydraulic data over a much smaller area than pump tests, replacement of the pump test at EXT-1 with a slug test necessitates additional slug tests in nearby wells to yield equivalent data. We ask that you propose these supplementary tests with the goal of capturing representative aquifer data at a similar spatial scale as would be achieved with the originally-proposed pump test.

Please reach out if you have any further questions.

Best,
Alanna

Alanna Shaw, Ph.D. (she/they) | *MPDES Section Supervisor*

Water Quality Division

Montana Department of Environmental Quality

DESK: 406-444-3967

How did we do? Let us know here: Feedback Survey

From: Chelsea Villalba <cvillalba@westernsugar.com>
Sent: Thursday, October 17, 2024 4:42 PM
To: Shaw, Alanna <Alanna.Shaw2@mt.gov>
Cc: Froehlich, Theresa <Theresa.Froehlich@mt.gov>; Weaver, Christine <CWeaver@mt.gov>; Heather Luther <hluther@westernsugar.com>; Vicki Marquis <vmarquis@crowleyfleck.com>; Shelby Sleaford <ssleaford@westernsugar.com>; Joe Bladecki <jbladecki@westernsugar.com>; Tony M. Schroer <TSchroer@barr.com>
Subject: [EXTERNAL] RE: MT DEQ Final Comments on the Settlement Studies Workplan for MPDES Permit MT0000281, The Western Sugar Coop, Billings Facility

Hi, Ms. Shaw –

We wanted to reach out and provide you an update on a change to the aquifer testing that we are executing this week. The work plan describes performing an aquifer pumping test for two wells – MW-14 and EXT-1. While the field staff were onsite this week it was noticed that there could be significant issues with being able to discharge the pumping test water from well EXT-1 effectively. Therefore, we will replace the pumping test for that well with a slug test. This change will allow us to collect representative aquifer hydraulic data from that location for use in the groundwater modeling and the subsequent Source Specific Mixing Zone Analysis. If you have any questions regarding this change please let us know so that we can address them promptly.

Thank you

Chelsea Villalba, REM | Director of Environmental
7555 East Hampden Avenue | Suite 520
Denver, Colorado 80231
cvillalba@westernsugar.com | Mobile (720) 584-7506
Western Sugar Cooperative
(Grower Owned)
Website [westernsugar.com] | Instagram [instagram.com] | Facebook [facebook.com]

From: Chelsea Villalba
Sent: Wednesday, September 25, 2024 3:19 PM
To: Alanna.Shaw2@mt.gov
Cc: Theresa.Froehlich@mt.gov; CWeaver@mt.gov; Heather Luther <hluther@westernsugar.com>; Vicki Marquis <vmarquis@crowleyfleck.com>; Shelby Sleaford <ssleaford@westernsugar.com>; Joe Bladecki <jbladecki@westernsugar.com>; Tony M. Schroer <TSchroer@barr.com>
Subject: FW: MT DEQ Final Comments on the Settlement Studies Workplan for MPDES Permit MT0000281, The Western Sugar Coop, Billings Facility

Good Afternoon, Ms. Shaw –

It's been a while since our last communication, and we thought it was appropriate to provide you and your team an update on where we are currently with executing the Workplan.

As mentioned in my last email correspondence, our well drillers had us on their schedule to complete the drilling of the new wells sometime in November. We got lucky, and their schedule unexpectedly opened this month. They have successfully drilled all the remaining new wells and we have TetraTech on site this week collecting the first round of samples in accordance with the Workplan. Additionally, prior to our startup on September 6th, we installed an extension on the end of our Outfall 001 discharge pipe to keep the stretch of the Yegen Drain that parallels our Condenser Pond #2 dry in anticipation for our dye trace study, as described in the Workplan. Once we began discharging at Outfall 001, the Yegen Drain immediately began to backup from the end of the extension all the way to where the first drain crossing on our property is located (see photos attached). The Yegen Drain typically looks like this during campaign, so this is not due to the extension. We thought the extension would help, but the shallow gradient of the drain bottom extends further downstream than we thought and it isn't allowing the water to freely flow away from the property.

Due to the water backing up in the Yegen Drain, we will be unable to complete the dye trace study this fall as intended. In our original plan, we had indicated that groundwater levels are high in the spring, and it would be an appropriate time to conduct the dye trace study. Our ponds will still be hydraulically loaded with water from campaign which should be more than suitable to transport the dye for the test. If Condenser Pond #2 has by chance lost water by the Spring, we would have the ability to pump Condenser Pond #1 over into #2 to ensure it stays full for the duration of the dye trace study. Please let us know your thoughts on this approach so we can plan appropriately.

Regards.

Chelsea Villalba, REM | Director of Environmental
7555 East Hampden Avenue | Suite 520
Denver, Colorado 80231
cvillalba@westernsugar.com | Mobile (720) 584-7506
Western Sugar Cooperative
(Grower Owned)
Website [westernsugar.com] | Instagram [instagram.com] | Facebook [facebook.com]

From: Froehlich, Theresa <Theresa.Froehlich@mt.gov>
Sent: Tuesday, August 27, 2024 10:42 AM
To: Chelsea Villalba <cvillalba@westernsugar.com>
Cc: Weaver, Christine <CWeaver@mt.gov>; Shaw, Alanna <Alanna.Shaw2@mt.gov>; Heather Luther <hluther@westernsugar.com>; Shelby Sleaford <ssleaford@westernsugar.com>; Joe Bladecki <jbladecki@westernsugar.com>; Vicki Marquis <vmarquis@crowleyfleck.com>; Tony M. Schroer <TSchroer@barr.com>
Subject: RE: MT DEQ Final Comments on the Settlement Studies Workplan for MPDES Permit MT0000281, The Western Sugar Coop, Billings Facility

CAUTION: This email originated from outside of Western Sugar. STOP and THINK – "IS THIS SAFE?" - before clicking on links or opening attachments.

Good Morning Chelsea Villalba,

I was able to download the files successfully and print them off.

Thank you!

Theresa Froehlich | *Program Support Specialist*
Water Protection Bureau | Water Quality Planning Bureau
Montana Department of Environmental Quality
Office: 406-444-6764 | Theresa.Froehlich@mt.gov

DEQ Montana Department of Environmental Quality

[facebook.com] [instagram.com] [twitter.com]

[youtube.com] How did we do? » [arcg.is]

From: Chelsea Villalba <cvillalba@westernsugar.com>
Sent: Tuesday, August 27, 2024 9:22 AM
To: Froehlich, Theresa <Theresa.Froehlich@mt.gov>
Cc: Weaver, Christine <CWeaver@mt.gov>; Shaw, Alanna <Alanna.Shaw2@mt.gov>; Heather Luther <hluther@westernsugar.com>; Shelby Sleaford <ssleaford@westernsugar.com>; Joe Bladecki <jbladecki@westernsugar.com>; Vicki Marquis <vmarquis@crowleyfleck.com>; Tony M. Schroer <TSchroer@barr.com>
Subject: [EXTERNAL] FW: MT DEQ Final Comments on the Settlement Studies Workplan for MPDES Permit MT0000281, The Western Sugar Coop, Billings Facility

Good Morning, Ms. Froehlich –

I received the attached message after I attempted to email the Workplan and response letter last night. The file is too big, so I am sharing the document with you using OneDrive [westernsugar.sharepoint.com]. Please let me know if you do not receive a separate email granting you access.

Regards

Chelsea Villalba, REM | Director of Environmental
7555 East Hampden Avenue | Suite 520
Denver, Colorado 80231
cvillalba@westernsugar.com | Mobile (720) 584-7506
Western Sugar Cooperative
(Grower Owned)
Website [westernsugar.com] | Instagram [instagram.com] | Facebook [facebook.com]

From: Chelsea Villalba
Sent: Monday, August 26, 2024 5:03 PM
To: Froehlich, Theresa <Theresa.Froehlich@mt.gov>
Cc: Weaver, Christine <CWeaver@mt.gov>; Shaw, Alanna <Alanna.Shaw2@mt.gov>; Heather Luther <hluther@westernsugar.com>; Shelby Sleaford <ssleaford@westernsugar.com>; Joe Bladecki <jbladecki@westernsugar.com>; Vicki Marquis <vmarquis@crowleyfleck.com>; Tony M. Schroer <TSchroer@barr.com>
Subject: RE: MT DEQ Final Comments on the Settlement Studies Workplan for MPDES Permit MT0000281, The Western Sugar Coop, Billings Facility

Greetings, Ms. Froehlich –

Thank you for your prompt response to our Workplan. We have carefully considered your final comments and have attached the revised Workplan in response, along with a cover letter. Please note, there have been changes made to the coordinates originally provided for the wells due to interference from utilities underground. In addition, this time of year seems to be exceptionally busy for drillers in the area. We were able to drill MW-14 today (the draw-down well), but HazTech is unable to drill the remaining, smaller monitoring wells until November. I have reached out to them and asked to be put on their on-call list in the event they get a cancellation. We are hopeful that they will be able to drill for us sooner than November and will keep you updated on our progress.

If you have questions about the revisions or the response to your letter, please feel free to call me any time to discuss. We are also open to a Teams meeting, if necessary.

Have a good evening.

Chelsea Villalba, REM | Director of Environmental
7555 East Hampden Avenue | Suite 520
Denver, Colorado 80231
cvillalba@westernsugar.com | Mobile (720) 584-7506
Western Sugar Cooperative
(Grower Owned)
Website [westernsugar.com] | Instagram [instagram.com] | Facebook [facebook.com]

From: Froehlich, Theresa <Theresa.Froehlich@mt.gov>
Sent: Monday, August 19, 2024 8:39 AM
To: Chelsea Villalba <cvillalba@westernsugar.com>
Cc: Weaver, Christine <CWeaver@mt.gov>; Shaw, Alanna <Alanna.Shaw2@mt.gov>

Subject: FW: MT DEQ Final Comments on the Settlement Studies Workplan for MPDES Permit MT0000281, The Western Sugar Coop, Billings Facility

You don't often get email from theresa.froehlich@mt.gov. Learn why this is important [aka.ms]

CAUTION: This email originated from outside of Western Sugar. STOP and THINK – "IS THIS SAFE?" - before clicking on links or opening attachments.

Please see attached letter regarding Western Sugar Cooperative Billings Facility.

Thank you,

Theresa Froehlich | *Program Support Specialist*
Water Protection Bureau | Water Quality Planning Bureau
Montana Department of Environmental Quality
Office: 406-444-6764 | Theresa.Froehlich@mt.gov

DEQ Montana Department of Environmental Quality

[facebook.com] [instagram.com] [twitter.com] [youtube.com] How did we do? » [arcg.is]

From: Froehlich, Theresa
Sent: Monday, August 19, 2024 8:32 AM
To: Bawden, Susan <SBawden@mt.gov>; TSchroer@barr.com; hluther@westernsugar.com; jbladecki@westernsugar.com; ssleaford@westernsugar.com
Cc: Shaw, Alanna <Alanna.Shaw2@mt.gov>; Weaver, Christine <CWeaver@mt.gov>
Subject: MT DEQ Final Comments on the Settlement Studies Workplan for MPDES Permit MT0000281, The Western Sugar Coop, Billings Facility

Good Morning,

Please see attached letter regarding the Western Sugar Cooperative, Billings Facility.

Thank you,

Theresa Froehlich | *Program Support Specialist*
Water Protection Bureau | Water Quality Planning Bureau
Montana Department of Environmental Quality
Office: 406-444-6764 | Theresa.Froehlich@mt.gov

DEQ Montana Department of Environmental Quality

[facebook.com] [instagram.com] [twitter.com] [youtube.com] How did we do? » [arcg.is]

Victoria A. Marquis
Kurt W. Shanahan
CROWLEY FLECK PLLP
500 Transwestern Plaza II
P. O. Box 2529
Billings, MT 59103-2529
406-252-3441
vmarquis@crowleyfleck.com
kshanahan@crowleyfleck.com

Attorneys for The Western Sugar Cooperative

Kurt R. Moser
Department of Environmental Quality
P.O. Box 200901
Helena, MT 59620
(406) 444-4009
Kmoser2@mt.gov

Attorney for the Department

BEFORE THE BOARD OF ENVIRONMENTAL REVIEW
OF THE STATE OF MONTANA

IN THE MATTER OF: NOTICE OF APPEAL AND REQUEST FOR HEARING BY THE WESTERN SUGAR COOPERATIVE REGARDING ITS MONTANA POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT NO. MT0000281 ISSUED OCTOBER 29, 2020.	Case No. BER 2020-05 WQ (dismissed on May 3, 2024) **JOINT NOTICE OF FIRST MODIFICATION TO SETTLEMENT AGREEMENT**

On March 22, 2024, Hearing Examiner Rob Cameron issued an *Order Granting Joint Motion for Remand and Dismissal,* which remanded MPDES Permit

EXHIBIT
0314 2

No. MT0000281 to DEQ "for renewal in accordance with the terms of the Settlement Agreement" reached between the Montana Department of Environmental Quality ("DEQ") and The Western Sugar Cooperative ("WSC"), (collectively, the "Parties"). Doc. 76.[1] The *Settlement Agreement* is attached as Exhibit A to the Parties' March 20, 2024, *Joint Motion for Remand and Stipulation for Dismissal of Proceedings*. Doc. 75. Stipulation 18 of the *Settlement Agreement* provides that the *Settlement Agreement* "may be modified or amended by written agreement executed by the Parties." Doc. 75, Ex. A, p. 6.

On May 3, 2024, the Board of Environmental Review issued its *Final Agency Action*, dismissing this contested case, reiterating several provisions of the *Settlement Agreement* (including timelines for supplemental permit application, review, and tentative determination), and adopting Hearing Examiner Cameron's Order "and all of the stipulations agreed to by the parties." Doc. 77.

In accordance with Stipulation 18 of the Settlement Agreement, the Parties have agreed to a First Modification to the Settlement Agreement, attached here as **Exhibit A**. The First Modification modifies the following deadlines:

- Western Sugar will supplement its MPDES Renewal Application by November 1, 2026 (item 5 on page 3 of the *Settlement Agreement* and paragraph 6 of the *Final Agency Action*);

[1] Docket numbers are provided based on the order in which documents were filed with the Board in this matter.

- DEQ will review the supplement and request additional information, if and as needed, by January 1, 2027 (item 6 on page 4 of the *Settlement Agreement* and paragraph 7 of the *Final Agency Action*).

- DEQ will issue a new tentative determination, accompanied by a draft permit and public notice by June 1, 2027 (item 7 on page 4 of the *Settlement Agreement* and paragraph 8 of the *Final Agency Action*).

Western Sugar has completed the tasks in paragraphs 2 through 5 of the *Final Agency Action*, including:

- installation of four additional monitoring wells;

- investigation and incorporation of one pre-existing city-owned well into the monitoring well data collection program;

- aquifer characterization using slug tests at six monitoring wells and step/pumping tests at two monitoring wells;

- completion of a dye tracer test in ponds and the Yegen Drain;

- extensive collection of water quality and other data during the 2024-2025 and 2025-2026 beet processing campaigns in excess of the Designs approved by DEQ in accordance with paragraphs 2 and 3 of the *Final Agency Action*;

- additional outfall characterization;

- evaluation of the facility's water balance in accordance with paragraph 6.a of the *Final Agency Action*;

- water management and water quality improvements, including optimization of new treatment techniques for fecal coliform and *E.coli* bacteria;

Development of a complex Groundwater Flow/Fate and Transport Model and the supporting Geochemical Model (collectively, the "Models") was initiated in

parallel with the extensive data collection efforts. The Models are intended to inform and support the Supplemental Application and are especially important for the Functional Equivalent Analysis, Mixing Zone Studies, consideration of a separate Montana Groundwater Pollution Control System (MGWPCS) permit, and other relevant requests and information, all as required pursuant to Stipulation 5 of the *Settlement Agreement* (paragraph 6 of the *Final Agency Action*).

Despite Western Sugar's best efforts, the modeling work to date has not yielded accurate or reliable Models, in part due to the complexity of the Models and development of the numerical models in parallel with ongoing data collection and development of a site conceptual model. At this time, the Models do not meet the calibration targets required for their use in completing the Functional Equivalent Analysis, Mixing Zone Studies, and other requests and information required by Stipulation 5 of the *Settlement Agreement* (paragraph 6 of the *Final Agency Action*).

Western Sugar worked diligently with its existing consultant and hired an additional consultant who recommended pausing work on the Models for an extended period of time to assess data gaps and revise the site conceptual model so the Models can be improved to meet the required calibration targets. Accordingly, on February 19, 2026, Western Sugar requested an extension.

DEQ offered a six-month extension, making the Supplemental Application due on or before November 1, 2026. Western Sugar has agreed, to best of its abilities

and as completely and accurately as the modeling efforts will allow, to provide its Supplemental Application within the six-month extension, by November 1, 2026. The Parties have therefore agreed to modify the *Settlement Agreement* to reflect the six-month extension for Western Sugar's submission, DEQ's review and request for additional information, and DEQ's tentative determination. See Exhibit A. The parties enter the First Modification solely to adjust certain deadlines and it does not alter their respective positions or arguments in any future proceedings.

Paragraph 20 of the *Final Agency Action* incorporates the Parties' Stipulations, including Stipulation 18 that allows modification of the *Settlement Agreement*. Paragraphs 6, 7, and 8 of the *Final Agency Action* reiterate the timelines affected by the Parties' First Modification. Therefore, in an abundance of caution, the Parties file this Joint Notice to inform the Board of their First Modification so that the Board may acknowledge this Joint Notice or amend its *Final Agency Action*, as the Board deems necessary.

Dated this 6th day of April, 2026.

/s/ Victoria A. Marquis
CROWLEY FLECK PLLP
P. O. Box 2529
Billings, MT 59103-2529

Attorneys for the Western Sugar Cooperative

/s/ Kurt R. Moser
DEPARTMENT OF ENVIRONMENTAL QUALITY
P.O. Box 200901
Helena, MT 59620

Attorney for the Department of Environmental Quality

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served upon the following counsel of record, by the means designated below, this 6th day of April, 2026:

[ ] U.S. Mail	Sandy Moisey Scherer, Board Secretary
[ ] FedEx	Board of Environmental Review
[ ] Hand-Delivery	1520 E. Sixth Avenue
[x] Email	P.O. Box 200901
[ ] Sharefile	Helena, MT 59620-0901
	deqbersecretary@mt.gov

[ ] U.S. Mail	Kurt R. Moser
[ ] FedEx	Montana Department of Environmental
[ ] Hand-Delivery	Quality 1520 East Sixth Avenue
[x] Email	P.O. Box 200901
[ ] Sharefile	Helena, MT 59620
	kmoser2@mt.gov
	catherine.armstrong2@mt.gov

[ ] U.S. Mail	Tatiana Davila, Bureau Chief
[ ] FedEx	Water Protection Bureau
[ ] Hand-Delivery	1520 East Sixth Avenue
[x] Email	P.O. Box 200901
[ ] Sharefile	Helena, MT 59620
	Tatiana.davila@mt.gov

/s/ Victoria A. Marquis
CROWLEY FLECK PLLP

EXHIBIT
1

FIRST MODIFICATION
TO THE SETTLEMENT AGREEMENT

WHEREAS on March 20, 2024, The Western Sugar Cooperative ("WSC") and the Montana Department of Environmental Quality ("DEQ") entered into a Settlement Agreement to resolve Case No. BER 2020-05 WQ, *In the Matter of: Notice of Appeal and Request for Hearing by The Western Sugar Cooperative Regarding its Montana Pollutant Discharge Elimination System Permit No. MT0000281*, before the Board of Environmental Review.

WHEREAS items one through four of the Settlement Agreement (page 3) have been completed and WSC has been making progress on the Designs, which will include creation, calibration, and use of complex conceptual hydrogeologic models (the "Models").

WHEREAS, additional time is needed to complete the Models.

NOW THEREFORE, in accordance with paragraph 18 of the Settlement Agreement, DEQ and WSC agree to the following modifications to the Settlement Agreement:

- Item 5 (page 3) is modified to change the due date of WSC's supplement from May 1, 2026 to **November 1, 2026**.
- Item 6 (page 4) is modified to change the due date for DEQ to review the supplement and request additional information, if and as needed, by **January 1, 2027**.
- Item 7 (page 4) is modified to change the date by which DEQ will issue a new tentative determination, accompanied by a draft permit and public notice from December 1, 2026 to **June 1, 2027**.

S. Nowakowski Sonja Nowakowski, Director for the Director Montana Department of Environmental Quality April 6, 2026	Rodney D. Perry Rodney D. Perry, President & CEO The Western Sugar Cooperative April 6, 2026

Victoria A. Marquis
CROWLEY FLECK PLLP
500 Transwestern Plaza II
P. O. Box 2529
Billings, MT 59103-2529
Phone: (406) 252-3441
vmarquis@crowleyfleck.com

Attorneys for The Western Sugar Cooperative

BEFORE THE BOARD OF ENVIRONMENTAL REVIEW
OF THE STATE OF MONTANA

IN THE MATTER OF: NOTICE OF APPEAL AND REQUEST FOR HEARING BY THE WESTERN SUGAR COOPERATIVE REGARDING ITS MONTANA DISCHARGE ELIMINATION SYSTEM PERMIT NO. MT0000281 ISSUED OCTOBER 29, 2020.	Case No. BER 2020-05 WQ (dismissed on May 3, 2024) **AFFIDAVIT OF GREG BRYCE**

1. I am over the age of eighteen, have personal knowledge of the facts below, and am competent to testify.

2. I am a Manager and Senior Hydrogeologist at Hydrometrics, Inc., which provides professional scientific and engineering services for industrial, commercial, municipal, and private sectors across the United States.

3. I have more than 20 years of professional experience specializing in hydrogeologic characterization, groundwater remediation, groundwater modeling, groundwater discharge permitting, and surface water discharge permitting. I have

0321
EXHIBIT
3

worked on many complex surface and groundwater discharge permits, including Montana Pollution Discharge Elimination System ("MPDES") and Montana Groundwater Pollution Control System ("MGWPCS") permits in compliance with the Montana Water Quality Act.

4. I was retained by the Western Sugar Cooperative ("Western") in July 2025 to review and provide recommendations on their existing modeling efforts and work to accurately supplement their MPDES permit renewal application and apply for a MGWPCS permit.

5. I noted issues with calibration of the groundwater flow and fate and transport models due to the complexity of the models and the timeline, which did not allow for proper development of a site conceptual model prior to development of the numerical model.

6. To solve any site-specific groundwater problem, the hydrogeologist must assemble and analyze relevant field data and articulate important aspects of the ground water system, then synthesize that data into the site conceptual model. Inaccuracies in the site conceptual model will be greatly exaggerated in the numerical model, resulting in highly inaccurate results, making it imperative to start with an accurate site conceptual model.

7. The May 1, 2026, deadline was not set to provide sufficient time for monitoring, data review, and development of an accurate site conceptual model prior to developing the numerical model. Therefore, in February 2026, I recommended that Western request a 14-month extension, to July 1, 2027, to ensure the models were accurate.

8. My understanding is that DEQ does not independently conduct its own modeling and would rely on the modeling provided by the permit applicant. After DEQ offered a more limited six-month extension, my team and I doubled down and began working extended hours with over 3,000 hours dedicated to the project since March 2026, to ensure the modeling is defensible and supports accurate MPDES and MGWPCS permit applications.

9. We have completed the flow model and will be able to submit an accurate supplement to Western's MPDES permit renewal within the six-month extension, by November 1, 2026.

10. When working with the Fate and Transport Model, it showed the need to further evaluate and reassess the site conceptual model for groundwater, which is in line with industry standards on groundwater modeling. Groundwater under the site has complex geochemistry that must be accounted for to ensure accurate, defensible modeling.

11. Given the complexity of the site and the extensive data, we cannot complete the groundwater modeling and associated materials in sufficient time to meet the November 1, 2026 deadline.

12. Given our existing schedules (including holiday travel schedules), we anticipate being able to complete the modeling and associate materials so that a defensible model and an accurate MGWPCS permit application can be submitted to DEQ by April 1, 2027.

FURTHER AFFIANT SAYETH NOT.

DATED this 1st day of October, 2026.

GREG BRYCE

The foregoing was acknowledged before me on October 1, 2026, by GREG BRYCE.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the date first above written.

Notary Public for the State of Montana

(S E A L)

KERI MURGEL
NOTARY PUBLIC FOR THE STATE OF MONTANA
RESIDING AT EAST HELENA, MONTANA
MY COMMISSION EXPIRES
JUNE 05, 2029

KERI MURGEL
[printed name]

Residing at EAST HELENA, Montana

My commission expires: June 05, 2029

Matthew H. Dolphay
HOLLAND & HART LLP
401 North 31st Street Suite 1200
P.O. Box 639
Billings, Montana 59103-0639
Telephone: (406) 252-2166
Fax: (406) 252-1669
mhdolphay@hollandhart.com

Electronically Filed with the
Montana Board of Environmental Review
10/2/26 at 4:56 PM
By: *Sandy Moisey Scherer*
Docket No: BER 2022-06 WQ

Attorneys for Westmoreland Rosebud Mining LLC

BEFORE THE BOARD OF ENVIRONMENTAL REVIEW
OF THE STATE OF MONTANA

IN THE MATTER OF: **APPEAL AND REQUEST FOR HEARING BY WESTMORELAND ROSEBUD MINING LLC REGARDING ISSUANCE OF MPDES PERMIT NO. MT0032042, COLSTRIP, MT**	**APPELLANT WESTMORELAND ROSEBUD MINING LLC'S STATUS REPORT** **CAUSE NO. BER 2022-06 WQ**

Westmoreland Rosebud Mining LLC ("Westmoreland") submits the following status report regarding the above-captioned appeal of Montana Pollutant Discharge Elimination System ("MPDES") Permit No. MT0032042 (the "Permit") issued by Department of Environmental Quality ("Department" or "DEQ"). On February 24, 2023, the Board of Environmental Review ("Board") entered the Final Agency Decision (the "Stipulation"), which memorialized Westmoreland's and DEQ's (collectively, the "Parties") agreement to stay Westmoreland's appeal while the Parties worked to address Westmoreland's concerns with respect to the numeric

effluent limitations for Electrical Conductivity ("EC") and Sodium Absorption Ratio ("SAR") under the Permit. Specifically, the Parties agreed to collaborate and collect data to determine whether naturally occurring, nonanthropogenic levels of EC and SAR in the receiving waters exceeded the numeric effluent limitations set forth in the Permit, and if so, whether it was feasible for DEQ to pursue rulemaking pursuant to Section 75-5-222(1), MCA, to develop nonanthropogenic standards for EC and SAR in the receiving waters.

Westmoreland submits this status report to apprise the Board of recent developments under the Stipulation and, ultimately, to provide notice that it does not consider DEQ's proposal to be a feasible path forward. Accordingly, pursuant to Paragraph 21.g of the Stipulation, Westmoreland intends to move the Board to terminate the Stipulation and issue a new Prehearing Order to recommence this appeal.

I. Background

On March 11, 2020, Westmoreland submitted an application for a new MPDES permit to cover the proposed Area B AM5 of its Rosebud Mine, an existing mine located adjacent to Colstrip, Montana. The receiving waters associated with the proposed 18 outfalls within Area B AM5 are Lee Coulee, Fossil Fork of Lee Coulee, unnamed tributaries to Fossil Fork of Lee Coulee, and unnamed tributaries

0327

to Richard Coulee (collectively, "the Receiving Waters"), all of which are tributary to Rosebud Creek.

DEQ issued the Permit on August 12, 2022, proposing numeric effluent limitations for EC and SAR that mirrored the water quality standards established in ARM 17.30.670(4). Westmoreland took issue with these limitations because they do not consider the naturally occurring levels of those parameters in the Receiving Waters or the ephemeral nature of the Receiving Waters. Westmoreland appealed the EC and SAR limitations on September 9, 2022. *See* Notice of Appeal, at 5; *see also* Stip. ¶¶ 14–15. Among other things, Westmoreland argued that the Montana Water Quality Act ("MWQA") does *not* require that effluent discharges be treated "to a purer condition than the natural condition of the receiving stream as long as the minimum treatment requirements established under [the MWQA] are met." Section 75-5-306(1), MCA. Westmoreland also emphasized that DEQ is prohibited from "apply[ing] a standard to a water body for water quality that is more stringent than the nonanthropogenic condition of the water body[,]" and, if the standard is "more stringent than the nonanthropogenic condition, the standard is the nonanthropogenic condition of the parameter in the water body." Section 75-5-222, MCA.

The Parties subsequently reached an agreement, memorialized in the Stipulation, that the effluent limitations of the Permit needed to properly account for the nonanthropogenic condition of the Receiving Waters. *See* Stip. ¶ 20. The Parties

established a plan to collect the necessary data to determine the naturally occurring concentrations of EC and SAR. *Id*. ¶¶ 20–21. And, using that data, DEQ agreed to develop nonanthropogenic standards for EC and SAR in the Receiving Waters pursuant to Section 75-5-222(1), MCA. *Id.* ¶ 21.

After the Board entered the Stipulation in February 2023, the Parties assessed the existing data and commenced the agreed-upon plan to develop nonanthropogenic standards for EC and SAR. On October 30, 2023, DEQ issued its Written Determination of Whether Ambient EC and SAR in the Receiving Waters Exceed Applicable Water Quality Standards (the "Written Determination"). There, DEQ determined it did *not* require more data "to conclude if ambient EC and SAR in the Receiving Waters exceed the standards in ARM 17.30.670(4)." Written Determination at 2. DEQ found that "[c]ollectively, the Receiving Waters in the Stipulation exceed the EC water quality standard of 500 µS/cm." *Id.* at 1. As to SAR, DEQ found that "[c]ollectively, the Lee Coulee Receiving Waters in the Stipulation exceed the SAR monthly water quality standards except for the period of November 1 through March 1," and "[t]he single sample water quality standard showed a small percentage of exceedances except" for the November 1 to March 1 period. *Id.* Likewise, "[c]ollectively, the Richard Coulee Receiving Waters in the Stipulation exceed both the SAR monthly water quality standards and the single sample in all seasons." *Id.*

Still, as previously reported to the Board, DEQ concluded more data collection *was* necessary "to properly develop nonanthropogenic standards for EC and SAR for the Receiving Waters." *Id*. Thus, as contemplated by Paragraph 21.e of the Stipulation, DEQ and Westmoreland developed the Sampling Analysis Plan ("SAP"), which was finalized in December 2023. The SAP established a 12-month sampling program from February 2024 through January 2025 at designated sites in the Receiving Waters. As explained in the SAP's introduction, "the Receiving Waters are located in fairly small watersheds." *Id.* at 1. Significantly, the SAP provided that "[a]s a policy, DEQ will *not* develop nonanthropogenic standards for only a sub reach of a waterbody in a small watershed but will, instead, identify nonanthropogenic standards *for the entire waterbody*." *Id.* (emphases added).

Following the 12-month sampling program, and pursuant to Paragraph 21.f of the Stipulation, in March 2025 DEQ issued another Written Determination (the "Second Written Determination") finding that "nonanthropogenic sources alone are causing exceedances of the adopted water quality standards for EC and SAR" in the Receiving Waters. Then, in May 2025, DEQ presented Westmoreland with its proposal for nonanthropogenic standards for EC and SAR in the Receiving Waters. Backtracking from its stated policy in the SAP, and to Westmoreland's surprise given the prior Written Determinations, DEQ proposed a highly segmented approach, under which it would establish nonanthropogenic standards for EC and

SAR only for certain short segments of the Receiving Waters; otherwise, DEQ proposed maintaining the existing standards set by ARM 17.30.670(4) for the remaining reaches of the Receiving Waters. Given the nature of DEQ's proposal, Westmoreland remained concerned about the EC and SAR standards for the same reasons raised in its initial Notice of Appeal.

II. DEQ's proposal is contrary to the statute and the SAP, and its impact on Westmoreland is untenable.

DEQ's proposed nonanthropogenic standards for EC and SAR in the Receiving Waters continued the trend of inadequately considering naturally occurring EC and SAR. An independent evaluation of DEQ's data and its proposed standards, performed by Hydrometrics, Inc. at Westmoreland's request, explains why DEQ's highly segmented approach is flawed and unsupported from a scientific and technical perspective, and outlines a proposed alternative approach that accounts for the naturally occurring EC and SAR in the Receiving Waters as well as the variability that can occur given the ephemeral nature of the Receiving Waters.

Apart from its technical deficiencies described in the Hydrometrics Report, DEQ's proposal to adopt nonanthropogenic EC and SAR standards in only short segments of the Receiving Waters also conflicts with the agency's statutory authority. DEQ "may *not* apply a standard to a water body for water quality that is more stringent than the nonanthropogenic condition of the water body." Section 75-5-222(1), MCA. Yet under DEQ's proposal, most of the length of the Receiving

Waters would be subject to the existing standards set by ARM 17.30.670(4). This is despite DEQ's Written Determinations that the Receiving Waters, considered on the whole, exceed those standards and that "nonanthropogenic sources *alone* are causing exceedances of the adopted water quality standards for EC and SAR." Second Written Determination, at 5 (emphasis added). By imposing the default EC and SAR standards in ARM 17.30.670(4) to most of the Receiving Waters, DEQ improperly demands "that wastes be treated to a purer condition than the natural condition of the receiving stream[,]" Section 75-5-306(1), MCA. Instead, DEQ's statutory mandate is to set as "the standard . . . the nonanthropogenic condition in the water body." Section 75-5-222(1), MCA.

Separate from MWQA's restrictions, DEQ's proposal strays from its policy articulated and endorsed in the SAP, which was adopted as a component of the Parties' plan in the Stipulation. Again, DEQ stated that as a matter of "policy" it would "not develop nonanthropogenic standards for only a sub reach of a water body in a small watershed." SAP, at 1. But, by segmenting the Receiving Waters into very short segments and falling back to the standards in ARM 17.30.670(4) for most segments, DEQ essentially proposes nonanthropogenic standards for only a few, select "sub reaches" of the Receiving Waters. Because "the Receiving Waters are located in fairly small watersheds," Westmoreland expected DEQ to adhere to its

"policy" of "identify[ing] nonanthropogenic standards *for the entire waterbody*." *Id.* (emphasis added).

Westmoreland presented its legal and practical concerns regarding DEQ's proposal to DEQ in December 2025 and provided the Hydrometrics Report to DEQ in January 2026. DEQ did not provide a direct response to the Hydrometrics Report until September 21, 2026. In that response, DEQ suggests that it has no plans to revise its prior proposal. Thus, after more than 3.5 years, DEQ is proposing to maintain the existing EC and SAR standards, which DEQ previously acknowledged are more stringent than the natural condition, for nearly the full extent of the Receiving Waters. In effect, DEQ's proposal is no different from the standards currently in place for the Receiving Waters.

Implementing nonanthropogenic standards for only very limited segments in the Receiving Waters also poses significant practical challenges to Westmoreland's operations under the Permit. As proposed, a short reach of the Receiving Waters would have a significantly different EC and SAR standard from an adjoining segment, making it impossible for Westmoreland to determine a feasible treatment program for discharges under the Permit. Moreover, the practical difficulties in adhering to DEQ's proposed standards cut both ways: it will be equally difficult to administer and enforce the Permit if discharges are subject to multiple inconsistent standards along the various reaches of the Receiving Waters.

Further, if the current standards remain in place for most of the Receiving Waters, the Permit will essentially require that Westmoreland operate as a zero-discharge facility. Under ARM 17.24.639(2), surface mine operators must construct sedimentation ponds that will capture and contain stormwater runoff from a 10-year, 24-hour storm event. Discharges can only occur after precipitation events in excess of a 10-year, 24-hour event. If the current standards remain in place for most of the Receiving Waters, Westmoreland will no longer be able to discharge during these larger precipitation events because the natural levels of EC and SAR in the Receiving Waters already exceed the standards. Rather, Westmoreland will need to design and construct sedimentation ponds whose capacity far exceeds the requirement in ARM 17.24.639(2). Sedimentation pond capacity that is designed and constructed to contain the runoff produced from the 100-year 24-hour precipitation event would suffice to mitigate the potential for discharge. The size of these structures is significantly larger than a pond constructed to the 10-year 24-hour requirement per ARM 17.24.639(2) and would require millions of dollars of additional expenditures to achieve. For instance, if four planned sedimentation ponds were constructed to capture a 100-year 24-hour precipitation event, the design and construction would cost over $4 million more than it would for ponds constructed to capture a 10-year, 24-hour event.

III. Conclusion

Westmoreland has been cooperating with DEQ for the last nearly four years as it works to develop nonanthropogenic standards that adequately account for naturally occurring EC and SAR levels in the Receiving Waters. But despite Westmoreland's efforts and DEQ's own findings, the agency has proposed to pursue nonanthropogenic standards for EC and SAR in only short segments of the Receiving Waters and retain the established ARM 17.30.670(4) standards in the remainder of the Receiving Waters. This approach is not workable and is contrary to the Stipulation, the SAP, and the Montana Water Quality Act. For these reasons, Westmoreland intends to resume its appeal of the Permit to allow it to present its arguments to the Board. As contemplated by Paragraph 21.g of the Stipulation, Westmoreland plans to move the Board to terminate the Stipulation and issue a new Prehearing Order to govern this appeal. At that time or in subsequent filings, Westmoreland will also submit the correspondence and documents referenced in this update.

DATED this 2nd day of October 2026.

/s/ Matthew H. Dolphay
Matthew H. Dolphay
Holland & Hart LLP
Attorneys for Westmoreland Rosebud Mining LLC

CERTIFICATE OF SERVICE

I hereby certify that on October 2, 2026 I served the foregoing

APPELLANT WESTMORELAND ROSEBUD MINING LLC'S STATUS REPORT via email on the following:

Sandy Moisey-Scherer
Board Secretary
Board of Environmental Review
1520 E. 6th Ave.
P.O. Box 200901
Helena, MT 59620-0901
deqbersecretary@mt.gov

Dana Hupp
BER Counsel
321 W. Broadway, Suite 300
Missoula, MT 59802
dhupp@wordenthane.com

Kirsten H. Bowers
Department of Environmental Quality
Legal Unit, Metcalf Building
1520 East Sixth Avenue
P.O. Box 200901
Helena, Montana 59620-0901
kbowers@mt.gov
Tel: (406) 444-4222
Attorney for Defendant Montana Department of Environmental Quality

Catherine Armstrong
Montana Department of Environmental Quality
P.O. Box 200901
Helena, MT 59620-0901
catherine.armstrong2@mt.gov

/s/ Valerie Arias
Legal Assistant

Victoria A. Marquis
Taylor M. McIlvain
CROWLEY FLECK PLLP
500 Transwestern Plaza II
P. O. Box 2529
Billings, MT 59103-2529
406-252-3441
vmarquis@crowleyfleck.com
tmcilvain@crowleyfleck.com

Attorneys for Westmoreland Absaloka Mining LLC

BEFORE THE BOARD OF ENVIRONMENTAL REVIEW
OF THE STATE OF MONTANA

IN THE MATTER OF: THE NOTICE OF APPEAL AND REQUEST FOR HEARING BY WESTMORELAND ABSALOKA MINING LLC FOR COAL SURFACE MINE PERMIT C1985005, NONCOMPLIANCE NO. CN2026001	Case Nos.: BER 2026-02 SM BER 2026-04 SM **WESTMORELAND ABSALOKA MINING LLC'S RECLAMATION REPORT**

In accordance with a commitment made during the Board of Environmental Review's ("Board") August 14, 2026 meeting, Westmoreland Absaloka Mining LLC ("Westmoreland") files this Reclamation Report to provide a comprehensive description of reclamation at the Absaloka Mine and to clarify the issues Westmoreland brought before the Board in these two cases as well as Case No. BER 2025-04 SM.

I. BACKGROUND

While considering the parties' Joint Proposed Order Granting Stay in these two cases, both of which stem from Case No. 2025-04 SM, the impetus for the cases and the status of reclamation at the Absaloka Mine were raised. There seemed to be a presumption that the cases were not "so much about the bond calc – or the bond adjustment as it is about the status of reclamation of Absaloka" and that Westmoreland should "work with the Department to come up with a reclamation plan and schedule and move forward with the work … toward some bond releases." Bd. Mtg. Trans., 18:10-19:3. There was also a presumption that the bond would increase over time "if reclamation is *not* completed on the ground." *Id*., 19:7-8 (emphasis added). Counsel for Westmoreland clarified that the appeals filed with the Board were about the equipment rates applied by DEQ and that Westmoreland is appropriately completing reclamation on the ground. *Id*., 20:10-25. The Board voted unanimously to deny the Joint Proposed Order Granting Stay and instead ordered a stay until February 2027. *Id*., 19:14-21:21; *see also* Order Staying Proceedings, p. 2 (August 19, 2026).

As detailed below, Westmoreland has been and continues to reclaim the Absaloka Mine pursuant to a DEQ-approved reclamation plan, most recently at a pace of 100 acres per year. DEQ has approved bond releases for a significant portion of the mine, but the bond amount has not decreased.

II. RECLAMATION AT THE ABSALOKA MINE

A. TWO MINES OPERATED AS ONE

The Absaloka Mine consists of two permitted areas regulated by two separate agencies. The North Side of the Absaloka Mine is permitted for a total of 7,215 surface acres located wholly outside the boundaries of the Crow Reservation. Mining on the North Side began in 1974 and is co-regulated by Montana DEQ and the Office of Surface Mining Reclamation and Enforcement ("OSMRE") pursuant to Montana DEQ Coal Mine Permit No. C1985005 and OSMRE Permit MT-007I. Aff. K. Wooley, ¶¶ 6-9

The South Side of the Absaloka Mine was first permitted in 2008 for a total of 3,660.23 surface acres, located wholly within the boundaries of the Crow Reservation. The South Side is regulated only by OSMRE pursuant to Permit No. MT-0021D. Montana DEQ does not regulate the South Side. *Id*.

Westmoreland is accountable to Montana DEQ and OSMRE for the North Side. Therefore, the regulatory requirements (including annual reporting) imposed by DEQ are necessarily limited to the North Side. *Id*., ¶ 9.

But operationally, both the North Side and South Side of the Absaloka Mine are operated by one company (Westmoreland), with one fleet of equipment, one dragline, one work crew, one budget, one management team, and one coal processing facility. *Id*., ¶¶ 4, 10. Although the North Side and South Side are

regulated separately, the Absaloka Mine is one mine for all operational purposes—including reclamation work. This allows Westmoreland to optimize its resources and ensure efficient operation and reclamation. *Id*., ¶ 11. Because the Absaloka Mine is operated as one mine, a complete view of reclamation should consider both the North and South Sides together, even though they are regulated separately.

B. RECLAMATION ON THE NORTH SIDE

For many years, Westmoreland has reclaimed more acres than it has disturbed on the North Side. Between 2019 and 2026, Westmoreland disturbed just 89 acres and reclaimed 127.5 acres. More recently, from 2024 to 2026, Westmoreland did not disturb any additional acres on the North Side and reclaimed 75.8 acres. *Id*., Ex. 2. Since 2019, Westmoreland's reclamation work on the North Side has moved more than 2.1 million cubic yards of overburden and soil materials. *Id*.

Westmoreland's reclamation work complies with MSUMRA. Specifically, Westmoreland commenced reclamation "as soon as possible after the beginning of mining" and kept the reclamation "current" with the operation. § 82-4-234, MCA. Westmoreland has no outstanding notices of noncompliance or notices of violation related to its reclamation work on the North Side. *Id.,* ¶ 18.

Between 2018 and 2025, DEQ approved four bond releases, acknowledging that reclamation is being appropriately completed on the North Side. *Id.,* Ex. 4 (Bond Release Approvals SL19, SL20, SL21, and SL22). In 2018,

DEQ deemed Phase II[1] reclamation complete on 39 acres and Phase III reclamation complete on 1,939 acres. In 2024, DEQ deemed Phase I complete on 257 acres and Phase II complete on 354 acres. In 2025, DEQ deemed Phase III reclamation complete on 536 acres. Two months ago, on July 28, 2026, DEQ deemed Phase I reclamation complete on 112 acres and Phase II reclamation complete on 190 acres. *Id.* As successful reclamation continues and bond releases are granted, the reasonable expectation would be—as noted by Chair Simpson—that the required bond amount would decrease, especially here, where the disturbed area remains the same. But that is not the case. Westmoreland has left the higher bond in place regardless of its successful reclamation and approved bond releases, yet somehow DEQ still requires even more bond.

Of the 5,154 acres disturbed on the North Side, 3,763 acres (73% of the disturbed acres) have been backfilled and graded (complete or near-complete Phase I reclamation). Nearly all of those 3,763 acres, (3,374 acres or 65% of the disturbed acres) have been topsoiled (complete or near-complete Phase II or III). *Id.*, Ex. 5. Therefore, the majority of the North Side disturbance is backfilled, graded, and either is near or is actually supporting vegetation—well on the way to final bond

[1] Montana requires four successive phases of reclamation. Generally, Phase I requires completion of backfilling, regrading, and drainage control; Phase II requires soil replacement and vegetation growing for at least two growing seasons; Phase III requires a stable landscape with no excess suspended solids being contributed to stream flow or runoff outside the permit area; and Phase IV is complete when an entire drainage basin is reclaimed, fish and wildlife habitats have been restored, and there is minimal disturbance to the hydrologic balance and no offsite material damage. ARM 17.24.1116(6).

release. The successful progression of reclamation is obvious in the series of aerial photographs from 2016 through 2026. *Id*., ¶ 16, Ex. 3.

For the remaining 1,824 disturbed acres on the North Side, 778 acres are used for mine facilities, including roads, ramps, railroads, loadout facilities, mine offices, equipment storage areas, coal storage barns, dams and impoundments, soil stockpiles, and conveyor routes, which will not be reclaimed until mining is completed. Additionally, more than 14 pit areas, some of which have already been disturbed, remain to be mined on the North Side. Those planned pits contain unmined coal belonging to the Crow Tribe; therefore, no reclamation may be completed in those areas at this time. *Id*., ¶¶ 5, 15, Ex. 1.

Review of the aerial photographs, consideration of the acreage dedicated to facilities and acreage that cannot yet be reclaimed due to the existence of permitted but unmined coal, confirms that Westmoreland's reclamation opportunities on the North Side are becoming somewhat limited.

C. Reclamation on the South Side

In contrast, more acres are available for reclamation on the South Side, where mining began more recently, in 2008. Here again, in the years 2019-2026, Westmoreland reclaimed more acres (614.7) than it disturbed (377.8). For the most recent period of 2024-2026, Westmoreland only disturbed 1.2 additional acres on the South Side while reclaiming 234.3 acres. Since 2019, Westmoreland's

reclamation has moved more than 16 million cubic yards of overburden and soil material on the South Side – taking the total reclamation effort for the Absaloka Mine to nearly 20 million cubic yards in the last seven years. *Id.*, Ex. 2.

Of the 1,739 acres disturbed on the South Side, 691 acres (40% of the disturbed acres) have been backfilled and graded. Of those 691 acres, more than half (398 acres, or 23% of the disturbed acres) have been topsoiled. Coal is currently being mined in one pit that is primarily located in the South Side, although the very northeast tip of it lies in the North Side. *Id.*, Exs. 1, 6. Three additional pits are planned to be mined in the South Side. Those planned pits contain unmined coal belonging to the Crow Tribe; therefore, no reclamation may be completed in those areas at this time. *Id.*, ¶¶ 5, 15, Ex. 1. An additional 243 acres are used for mine facilities, including roads, ramps, dams and impoundments, and soil stockpiles, which cannot be reclaimed until mining is completed. *Id.*, Ex. 6. The successful progression of mining followed by reclamation, although not as dramatic as the North Side, is obvious in the series of aerial photographs, primarily from 2021 through 2026. *Id.*, ¶ 16, Ex. 3.

D. RECLAMATION OF THE ABSALOKA MINE

When properly viewed as one mine, it is clear that Westmoreland has completed a significant amount of reclamation. Since 2019, Westmoreland has disturbed 466.8 acres and reclaimed 742.2 acres at the Absaloka Mine. *Id.*, Ex. 2.

From 2022 through 2025, Westmoreland has consistently reclaimed more than 100 acres each year. *Id*., Exs. 2, 3. No bond releases have been sought or granted for the federally-regulated South Side, but DEQ has approved significant bond releases (without lowering the bond amount) for Westmoreland's reclamation on the North Side. *Id*., Ex. 4. Although the reasonable expectation for the North Side is that the bond amount would be reduced, given DEQ's approval of significant bond releases, that has not been the case, and in fact, DEQ has required a higher bond amount. The only explanation—as Westmoreland pointed out in its appeal of Minor Revision 311 (Case No. 2025-04 SM)—is a dramatic increase in some facet of the bond calculation other than acreage and the amount of reclamation work remaining to be done. After diligent review and research, Westmoreland and the Montana Coal Council discovered the discrepancy is due to the equipment rates applied by DEQ.

III. WESTMORELAND'S PENDING APPEALS

During the Board's discussion of the Joint Proposed Order Staying Proceedings in Case Nos. BER 2026-02 SM and BER 2026-04 SM, Board Chair Simpson noted that those two cases stem from Case No. BER 2025-04 SM.[2] In that case, Westmoreland filed a "Notice of Appeal and Request for Hearing" on DEQ's apparent denial of its application for "Minor Revision 311 **to update the bond**

[2]DEQ initiated enforcement against Westmoreland to impose its erroneous bond calculation and denial of MR311 (Case No. BER 2025-04 SM), which resulted in DEQ sending both a Notice of Noncompliance and a Notice of Violation to Westmoreland. Westmoreland timely appealed the Notice of Noncompliance (Case No. BER 2026-02 SM) and the Notice of Violation (Case No. BER 2026-04 SM).

calculation for the Absaloka Mine." Westmoreland included a "Petition for Declaratory Ruling" seeking the following specific relief:

> Westmoreland requests the Board issue a Declaratory Ruling that DEQ must **follow Montana industry standards for coal mine reclamation when determining the amount of performance bond** required pursuant to MSUMRA. This includes that DEQ must assume at least two shifts per day for reclamation work, totaling a minimum of 16 hours per day or 4,160 annual use hours, while preserving the flexibility to assume longer shifts, including 20- or 24-hour workdays, where consistent with industry practice. This also includes that DEQ cannot require the use of exclusively brand-new or leased equipment for coal mine reclamation activities.

Case No. BER 2025-04 SM, *Notice of Appeal, Request for Hearing, and Petition for Declaratory Ruling* (September 26, 2025) (emphasis added). Westmoreland provided 10 pages of factual and legal assertions regarding industry standards and equipment rates, making clear that the case hinged on equipment rates. *Id*., pp 4-14.

The bond equals **$23,620,789** when using *EquipmentWatch* rates presuming the industry standard 16-hour workdays. But DEQ presumed just 4.6-hour workdays when using *EquipmentWatch*, resulting in a bond totaling **$30,329,550**. Rather than adjust *EquipmentWatch* to the industry standard workday hours, DEQ instead required Absaloka to either pay the $30+ million dollar bond or defer to DEQ's new and poorly supported equipment rates from *Costmine Intelligence*, which result in a bond of **$27,501,102**. The reclamation work in each of those three calculations is exactly the same—the same acreage to reclaim, the same material volumes, the same

haul distances, etc. The only difference is the equipment rates used in the calculations.

Westmoreland's appeal was never about how much reclamation is done or not done because each bond calculation is based on the exact same number of acres being reclaimed in exactly the same way. The only difference is the equipment rates, and that difference is significant—DEQ's 4.6-hour workday calculation is nearly $7,000,000 in excess and DEQ's *Costmine Intelligence* calculation is nearly $4,000,000 in excess. The equipment rates used by DEQ in calculating the bond are the basis for Westmoreland's appeal of DEQ's denial of Minor Revision 311 in Case No. 2025-04 SM. That appeal has nothing to do with the amount of reclamation done or remaining to be done. Nonetheless, Westmoreland provides the reclamation data above to allay any concerns and to correct any mistaken interpretations of previous reclamation data.

IV. CONCLUSION

Westmoreland's reclamation of the Absaloka Mine is not at issue in any of these three cases. Even if it was, Westmoreland is on track with its reclamation plan and has been reclaiming at the remarkable pace of more than 100 acres per year for the entire Absaloka Mine, while still mining and marketing coal. From 2018 to 2025, DEQ approved significant bond releases for the North Side of the Absaloka Mine. Even so, these three cases do not call into question Westmoreland's

reclamation progress; instead, they each concern DEQ's mandatory use of inappropriate equipment rates in bond calculations, which has created a scenario where Westmoreland is constantly completing significant reclamation, yet continually facing significant bond increases based on unrealistic and unsupported equipment rates.

Dated this 2nd day of October, 2026.

/s/ Victoria A. Marquis

Victoria A. Marquis
Taylor M. McIlvain
CROWLEY FLECK PLLP
P. O. Box 2529
Billings, MT 59103-2529

Attorneys for Westmoreland Absaloka Mining LLC

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served upon the following counsel of record, by the means designated below, this 2nd day of October, 2026:

[ ] U.S. Mail	Sandy Moisey Scherer, Board Secretary
[ ] FedEx	Board of Environmental Review
[ ] Hand-Delivery	1520 E. Sixth Avenue
[**x**] Email	P.O. Box 200901
[**x**] State File Transfer	Helena, MT 59620-0901
	deqbersecretary@mt.gov

[ ] U.S. Mail	Sam King, Chief Legal Counsel
[ ] FedEx	Jeremiah Langston
[ ] Hand-Delivery	Amanda Galvan
[**x**] Email	Montana Department of Environmental
[**x**] State File Transfer	Quality
	1520 East Sixth Avenue
	P.O. Box 200901
	Helena, MT 59620-0901
	samuel.king@mt.gov
	jeremiah.langston2@mt.gov
	amanda.galvan@mt.gov
	catherine.armstrong2@mt.gov

/s/ Victoria A. Marquis
VICTORIA A. MARQUIS

Victoria A. Marquis
Taylor M. McIlvain
CROWLEY FLECK PLLP
500 Transwestern Plaza II
P. O. Box 2529
Billings, MT 59103-2529
406-252-3441
vmarquis@crowleyfleck.com
tmcilvain@crowleyfleck.com

Attorneys for Westmoreland Absaloka Mining LLC

Electronically Filed with the
Montana Board of Environmental Review
10/2/26 at 4:17 PM
By: *Sandy Moisey Scherer*
Docket No: BER 2026-02 SM and BER 2026-04 SM

BEFORE THE BOARD OF ENVIRONMENTAL REVIEW
OF THE STATE OF MONTANA

IN THE MATTER OF: THE NOTICE OF APPEAL AND REQUEST FOR HEARING BY WESTMORELAND ABSALOKA MINING LLC FOR COAL SURFACE MINE PERMIT C1985005, NONCOMPLIANCE NO. CN2026001	Case No.: BER 2026-02 SM **AFFIDAVIT OF KENNETH WOOLEY**

1. I am over the age of eighteen, have personal knowledge of the facts below, and am competent to testify.

2. I am the Chief Operating Officer for Westmoreland Mining LLC's U.S. Operations. I hold a Bachelor of Science in Mechanical Engineering from Montana Tech and I have over three decades of mining experience, including more

than 25 years overseeing both surface coal and underground hardrock mining operations. Before becoming COO, I served as Westmoreland Mining LLC's Regional General Manager for Montana and North Dakota. Prior to that, I was the General Manager of the Rosebud Mine.

3. I am personally familiar with the facts and circumstances regarding Westmoreland Absaloka Mining LLC's ("Westmoreland") reclamation at the Absaloka Mine.

4. The Absaloka Mine is operated as one mine by Westmoreland, with one office, one central coal processing facility, one equipment fleet, one work crew, and one management team.

5. All of the coal mined at the Absaloka Mine belongs to the Crow Tribe, but some is located within the Crow Reservation, and some is located outside of the Crow Reservation.

6. The original Absaloka Mine existed wholly outside of the Crow Reservation until 2008, when it was extended south onto the Crow Reservation.

7. Montana DEQ, with oversight from the Office of Surface Mining Reclamation and Enforcement ("OSMRE"), regulates coal mining outside the Crow Reservation, with Montana DEQ Coal Mine Permit No. C1985005 and OSMRE Permit MT-007I on the North Side of the Absaloka Mine. Exhibit 1. The North Side is permitted for 7,215 surface acres.

8. Coal mining within the Crow Reservation is only federally regulated by OSMRE through OSMRE Permit No. MT-0021D on the South Side of the mine. Exhibit 1. The South Side is permitted for 3,660.23 surface acres.

9. Each permit requires separate reporting, inspection, and modification with the relevant regulating agency or agencies. Westmoreland's permit requirements to DEQ only concern the North Side.

10. Westmoreland views the reclamation plans for both the North Side and South Side as working together and functioning as one fully executable reclamation plan for the entire Absaloka Mine.

11. While reclamation often occurs on both sides of the mine concurrently, major reclamation efforts are more efficient when concentrated on just one side of the mine. A table of mining statistics for both the North and South Sides is attached at Exhibit 2.

12. The Absaloka Mine relies on its one dragline for the majority of reclamation material movement, specifically for backfilling the pits. The Absaloka Mine also relies on its one dragline to mine coal; therefore, to optimize both mining and reclamation, the dragline (and therefore mining and major reclamation) is often located within the same general vicinity.

13. Current mining and reclamation with the dragline is focused on the South Side where backfilling has been done and 1 pit is being mined, shown in blue on Exhibit 1. Data for the backfill work is presented in Exhibit 2.

14. Since 2020, dozers and trucks have been backfilling and grading on the North Side toward achievement of the final Post Mining Topography. Westmoreland has also successfully vegetated many acres on the North Side. Material volumes moved on the North Side are provided in Exhibit 2.

15. Three large pits remain to be mined on the South Side and at least 14 pits remain to be mined on the North Side. Most, but not all of the unmined pits are disturbed to some extent. The unmined pits are shown in yellow and orange in Exhibit 1.

16. Aerial photos from 2016 through 2026 are attached at Exhibit 3. Disturbed land is generally shown as white or very light shading, with some mined pits and sedimentation ponds appears as solid dark with definite edges. Reclaimed areas are generally gray/brown/green. The photos show good progression of reclamation on both sides, but primarily on the North Side of the Absaloka Mine.

17. DEQ approval of bond releases SL19, SL20, SL21, and SL22 for the North Side are attached as Exhibit 4.

18. Westmoreland has no outstanding notices of noncompliance or notices of violation from DEQ related to reclamation work at the Absaloka Mine.

19. The 2025 annual report for the North Side is provided at Exhibit 5.

20. The 2025 annual report for the South Side is provided at Exhibit 6.

FURTHER AFFIANT SAYETH NOT.

Dated this 2nd day of October, 2026.

KENNETH WOOLEY

The foregoing was acknowledged before me on October 2nd, 2026, by KENNETH WOOLEY.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the date first above written.

DAVID KUZARA NOTARIAL SEAL STATE OF MONTANA
DAVID KUZARA
NOTARY PUBLIC
for the State of Montana
Residing at Billings, Montana
My Commission Expires
December 31, 2029

Notary Public for the State of Montana

David Kuzara
[printed name]

Residing at _____, Montana

My commission expires: _____, 20___

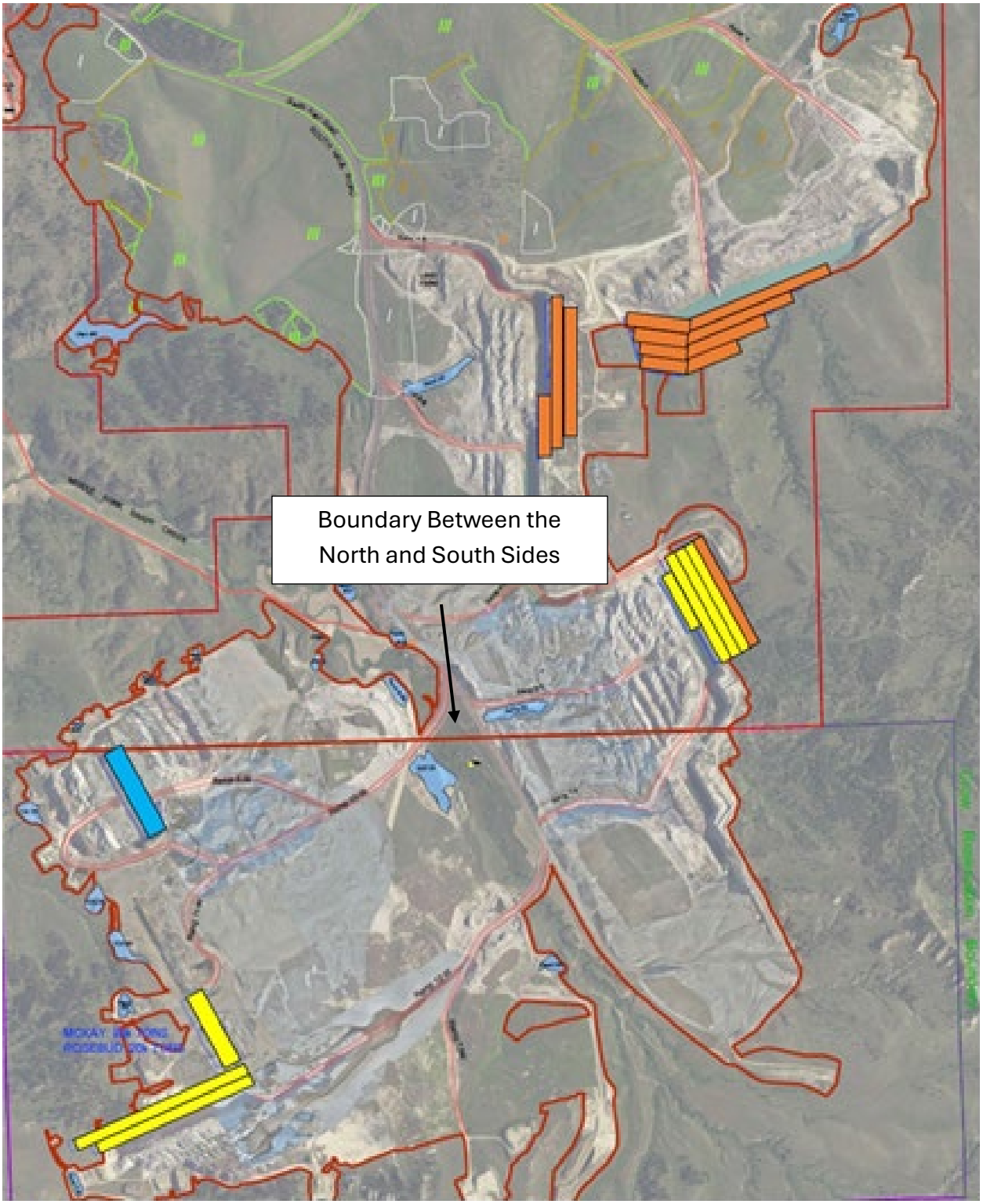


EXHIBIT
1

	2019	2020	2021	2022	2023	2024	2025	2026 (through August)	Totals
North									
bond total $	$ 23,285,796	$ 23,285,796	$ 23,285,796	$ 23,285,796	$ 23,740,000	$ 24,180,000	$ 27,510,000	TBD	
acres distubed	25.2	58.8	0.0	5.0	0.0	0.0	0.0	0.0	89.0
acres reclaimed	0.0	51.7	0.0	0.0	0.0	16.0	31.8	28.0	127.5
scraper CY moved	0	0	0	0	0	0	0	0	
dozer CY moved	0	713,069	110,075	0	0	24,550	687,393	596,508	
truck CY moved	0	0	0	0	0	4,316	102,552	13,385	
dragline CY moved	0	0	0	0	0	0	0	0	
South									
bond total $	$ 12,348,847	$ 12,348,847	$ 12,348,847	$ 12,348,847	$ 15,786,000	$ 15,360,000	$ 15,360,000	$ 15,360,000	
acres distubed	84.7	142.3	47.6	85.0	16.9	0.0	1.2	0.0	377.8
acres reclaimed	74.0	68.5	0.0	122.0	115.9	135.3	80.0	19.0	614.7
scraper CY moved	0	0	0	0	0	0	0	0	
dozer CY moved	144,400	1,115,746	749,475	2,707,963	2,111,698	2,161,555	1,641,566	246,061	
truck CY moved	0	0	0	122,046	197,244	1,271,665	96,003	52,822	
dragline CY moved	0	1,241,440	0	1,925,976	145,100	3,088,673	0	0	

Annual Report Acres

EXHIBIT

0355 2

















Absaloka Reclamation 2016 to 2026

EXHIBIT

0356 3

DEQ
Montana Department
of Environmental Quality

May 18, 2018

Sent via electronic mail

Mr. Dave Kuzara
Westmoreland Resources, Inc.
P.O. Box 449
Hardin, MT 59034

Permit ID: C1985005
Revision Type: Bond Release
Permitting Action: Approval
Subject: Westmoreland Resources, Inc., Bond Release Application #SL19, Phase II and III Bond Release

Dear Dave:

Bond Release Application #SL19 for Phase II and III release of liability only on 39 Phase II and 1,939 Phase III acres of reclaimed lands at the Absaloka Coal Mine has been approved. Enclosed is a copy of the signed release document. A copy of this release has been sent to your surety company.

Please feel free to contact me with questions regarding this letter.

Sincerely,

Chris Yde, Supervisor
Coal Section
Coal and Opencut Mining Bureau
Phone: 406-444-4967
Fax: 406-444-4988
Email: CYde@mt.gov

C: Jeff Fleischmann, OSMRE Casper Office
Lauren Mitchell, OSMRE Denver Office
Gene Robinson, OSM Casper Office
Fidelity and Deposit Company of Maryland
First Interstate Bank
Lexon Insurance Company
Travelers Causality and Surety Company of America

Enclosure: Bond Release Document

FC: 620.311 (SL19)

DEQ
Montana Department
of Environmental Quality

January 5, 2024

Sent via electronic mail

Noelle Boyer
Westmoreland Absaloka Mining, LLC
Absaloka Coal Mine
P.O. Box 449
100 Sarpy Creek Rd.
Hardin, MT 59034-0000

Permit ID: C1985005
Revision Type: Bond Release
Permitting Action: Approval
Subject: Approval of Bond Release Application SL20

Dear Noelle Boyer:

Bond Release Application SL20 for Phase I & II release of liability only on 257 Phase I and 354 Phase II acres of reclaimed lands at Absaloka Coal Mine has been approved. Enclosed is a copy of the signed release document. A copy of this release has been sent to your surety company.

Please feel free to contact Michael Glenn at (406) 444-3401 with questions regarding this letter.

Sincerely,

Dan Walsh

Dan Walsh
Mining Bureau Chief
Phone: 406-444-6791
Email: dwalsh@mt.gov

C: Surety Company (see Bond Release Document)
Jeff Fleischman, Office of Surface Mining
Erica Trent, Office of Surface Mining

Enclosure: Bond Release Document

DEQ
Montana Department
of Environmental Quality

October 22, 2025

Sent via electronic mail

Westmoreland Absaloka Mining, LLC
Absaloka Coal Mine
P.O. Box 449
100 Sarpy Creek Rd.
Hardin, MT 59034-0000

Permit ID: C1985005
Revision Type: Bond Release
Permitting Action: Approval
Subject: Approval of Bond Release Application SL21

Dear Westmoreland Absaloka Mining, LLC:

Bond Release Application SL21 for Phase III release of liability only on 536 acres of reclaimed lands at Absaloka Coal Mine has been approved. Enclosed is a copy of the signed release document. A copy of this release has been sent to your surety company.

Please feel free to contact Michael Glenn at (406) 444-3401 with questions regarding this letter.

Sincerely,

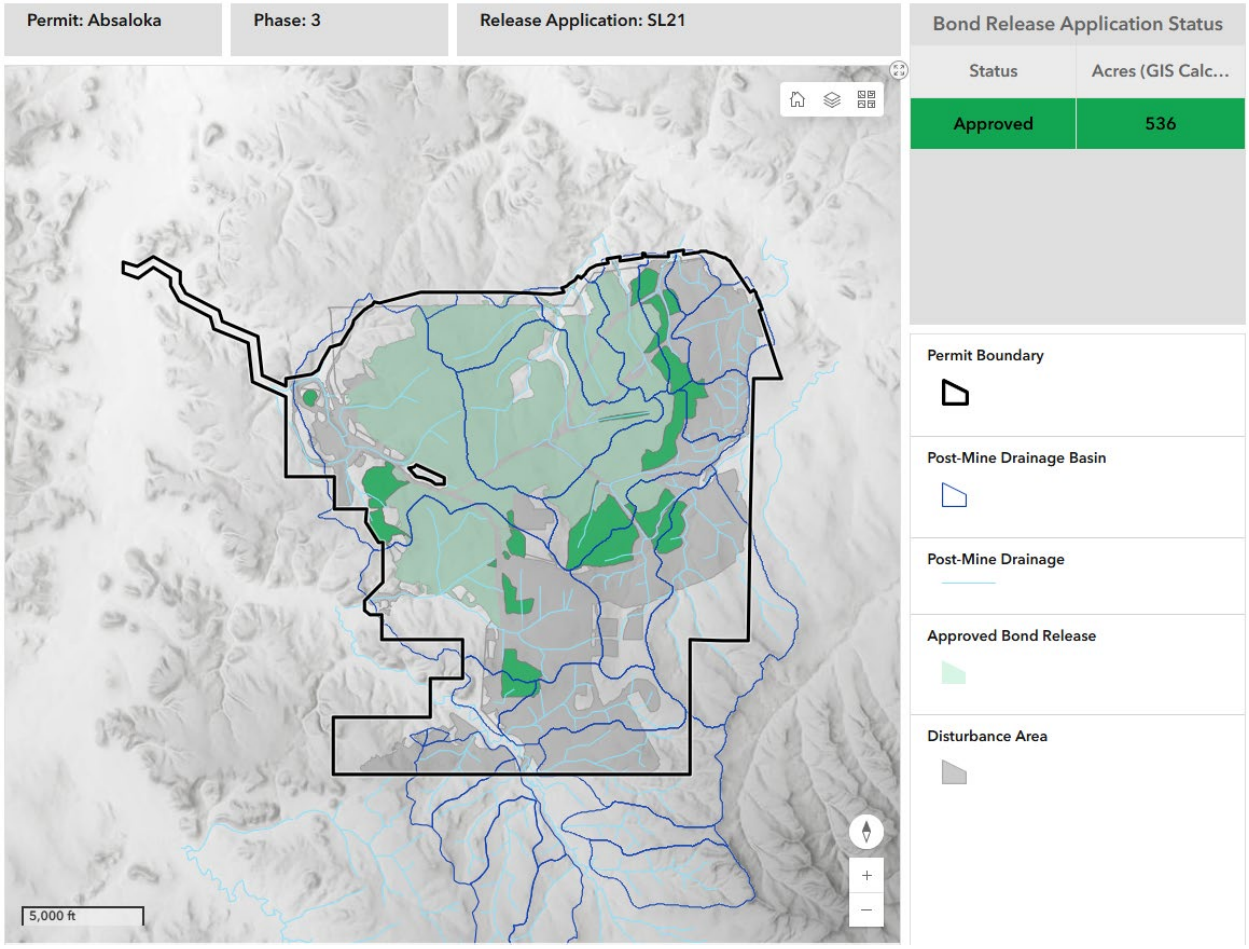
Emily Lodman

Emily Lodman, Supervisor
Coal Section
Mining Bureau
Phone: (406) 444-2873
Email: elodman@mt.gov

C: Surety Company (see Bond Release Document)
Jeff Fleischman, Office of Surface Mining
John Ahlbrandt, Office of Surface Mining

Enclosure: Bond Release Document
Figure 1

Figure 1


Permit: Absaloka
Phase: 3
Release Application: SL21
Bond Release Application Status
Status
Acres (GIS Calc...
Approved
536
Permit Boundary
Post-Mine Drainage Basin
Post-Mine Drainage
Approved Bond Release
Disturbance Area
5,000 ft

DEQ
Montana Department
of Environmental Quality

July 28, 2026

Sent via electronic mail

Westmoreland Absaloka Mining, LLC
Absaloka Coal Mine
P.O. Box 449
100 Sarpy Creek Rd.
Hardin, MT 59034-0000

Permit ID: C1985005
Revision Type: Bond Release
Permitting Action: Approval
Subject: Approval of Bond Release Application SL22

Dear Westmoreland Absaloka Mining, LLC:

Bond Release Application SL22 for Phase I & II release of liability only on 112 Phase I acres and 190 Phase II acres of reclaimed lands at Absaloka Coal Mine has been approved. Enclosed is a copy of the signed release document. A copy of this release has been sent to your surety company.

Please feel free to contact Michael Glenn at (406) 444-3401 with questions regarding this letter.

Sincerely,

Emily Lodman

Emily Lodman, Supervisor
Coal Section
Mining Bureau
Phone: (406) 444-2873
Email: elodman@mt.gov

C: Surety Company (see Bond Release Document)
Jeff Fleischman, Office of Surface Mining
Frank Bartlett, Office of Surface Mining

Enclosure: Bond Release Document
Figure 1
Figure 2

Figure 1

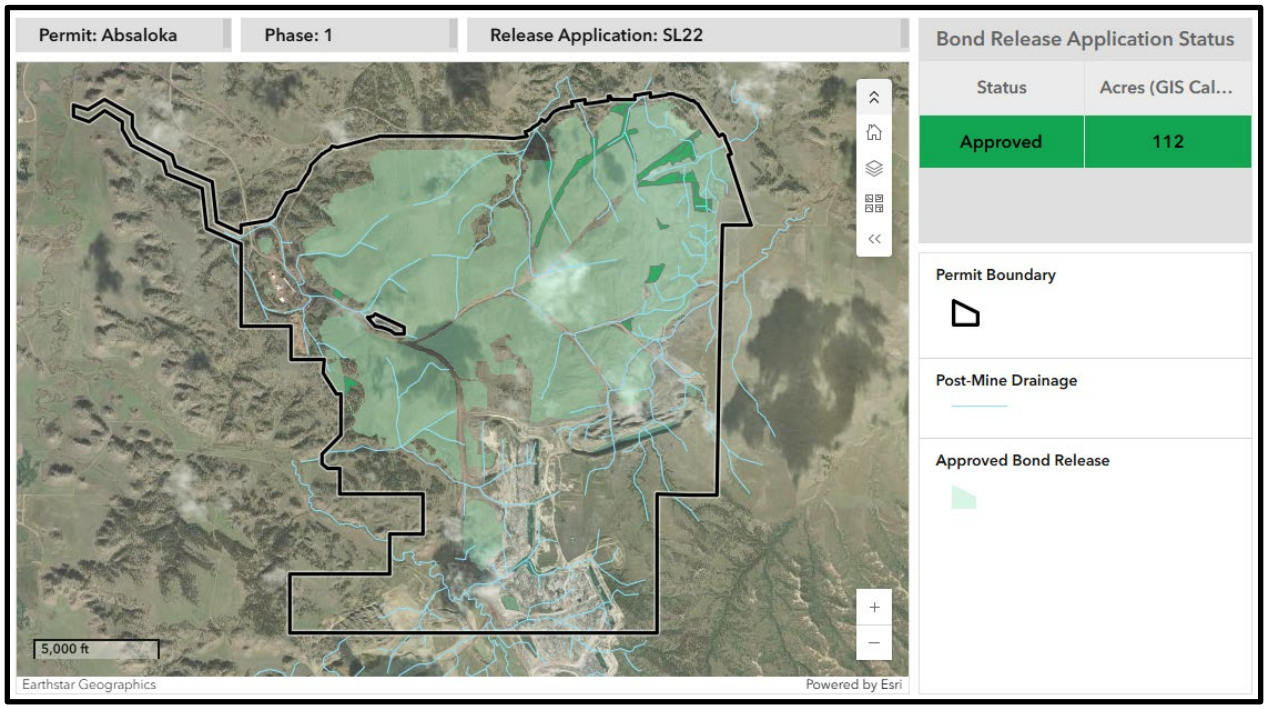
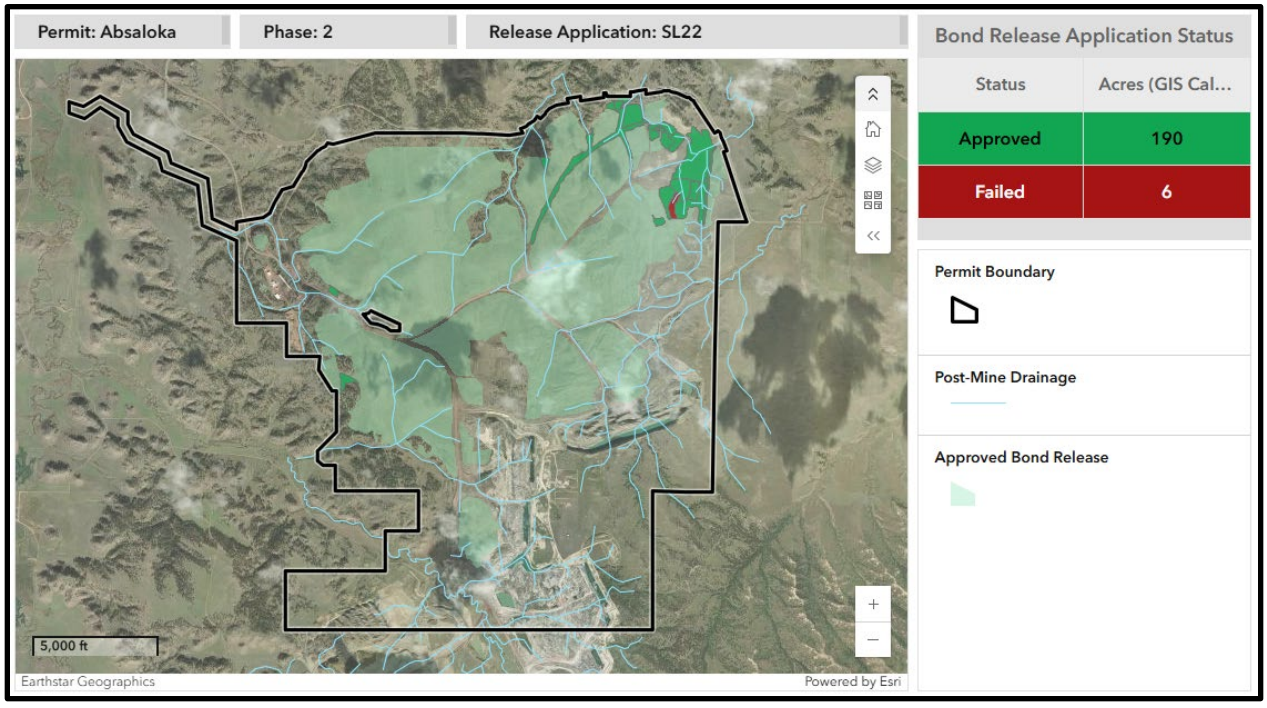


Figure 2



- ANNUAL MINING REPORT -

MSUMRA

STATE OF MONTANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
AIR, ENERGY, AND MINING DIVISION

PO BOX 200901
HELENA MT 59620-0901
PHONE (406) 444-4970

Permittee Name: Westmoreland Absaloka Mining, LLC

Mine Name: Absaloka Coal Mine

Address: P.O. Box 449
100 Sarpy Creek Rd.
Hardin, MT 59034-0000

Current Permit # : C1985005

Report Period (date - date)**:** **January 1, 2025 - December 31, 2025**

Anniversary Date: February 1, 2028

Report Period Production (tons)**:** 0

Bond Amount for Reporting Year: $24,179,997

	Coal	Surface
Federal:	**0**	**0**
Indian:	**6470**	**0**
State:	**640**	**640**
Private:	**0**	**6575**
County:	**0**	**0**
Total:	**7110**	**7215**

CATEGORY		Current (1) (acres)	Previous (1) (acres)	Change (2) (acres)
Disturbed	(3)	5154	5154	0
Facilities	(4)	541	545	-4
Active Mining	(5)	850	879	-29
Complete Backfilled & Graded	(6)	3763	3730	33

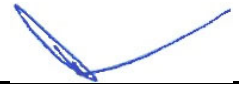
0363

EXHIBIT 5

Phase I Bond Released	(7)	3268	3268	0
Soiled and Seeded/Planted	(8)	3374	3374	0
Phase II Bond Released	(9)	2929	2929	0
Final Seeded/Planted for 10 Years	(10)	2884	2884	0
Phase III Bond Released	(11)	2768	2232	536
Phase IV Bond Released	(12)	0	0	0

***See attached footnotes 1 - 12**

CERTIFICATION



Signature

8/24/2026

Date

Manager Environmental and Regulatory Affairs

Title

Validity Check:
Does Active Mining + Complete Backfilled/Regrade + Facilities = Disturbed Area ? **YES**

FORM NOTES
Please fill all blank spaces on the above form. Spaces containing "0.0" contain formulas which may be used to auto-calculate the cell value. The Validity Check Above must

FOOTNOTES

(1) Total acreage in each category at time of reporting.

(2) Change in acreage from previous year (positive/negative); self calculating on the Electronic Annual Report Form.

(3) Includes all surface acreage which has been disturbed by mining, soil salvage, removal of vegetation (e.g. logging, etc.) to facilitate soil salvage, facilities construction, or occupied by facilities. Disturbed acreage is equivalent to the sum of current active mining + current facilities + current complete backfilled and graded.

(4) Includes facilities present at the time of reporting, such as: roads, ramps, railroads, loadout facilities, mine offices, equipment storage areas, coal storage barns, dams and impoundments, soil stockpiles, overburden stockpiles, conveyor routes, etc.

(5) That acreage existing at the end of the report period occupied by mine pits and spoil peaks and areas stripped of soil in advance of the pits. Also contains the acreage where spoil peaks have been partially graded or where spoil has been moved, but construction of postmine topography has not been completed.

(6) That acreage backfilled and graded to the approved postmine topography, elevation, slope, and aspect with drainages and drainage divides in place. Includes all such acreage whether "soiled and seeded/planted" or not.

(7) Acreage released as allowed in or equivalent to ARM 17.24.1116(7)(a).

(8) Acreage intended as final reclamation, soiled and seeded and planted with approved permanent seed mixtures and seedlings (ARM 17.24.702 and 725).

(9) Acreage released as allowed in ARM 17.24.1116(7)(b). This includes Phase I prior to the 1989 rule changes.

(10) Acres which were planted 10 years prior to the current reporting period (ARM 17.24.725).

(11) Acreage released as allowed in ARM 17.24.1116(7)(c).

(12) Acreage released as allowed in ARM 17.24.1116(7)(d).

ADDITIONAL INFORMATION REQUIREMENTS

* Please use additional pages or reference documents as necessary to report special

Table 2. Reclamation status of areas disturbed under the permanent regulatory program. All numbers in the table are in acres.

Permit name Westmoreland Absaloka Mine LLC Mine name Absaloka Mine South Extension Current permit number MT-0021D

Mine type Surface Mine Reporting year 2025 (January 1, 2025 - December 31, 2025)

Mine area	Disturbed area 1: 2025	Disturbed area 2: Total (all years)	3: Long-term mining or reclamation Facilities[1]	4: Active mining areas (pits and areas in advance of the pits stripped of topsoil) and areas not yet backfilled and graded	Areas backfilled and graded 5: 2025	Areas backfilled and graded 6: Total (all years)	Areas soiled and seeded/planted 2025	Areas soiled and seeded/planted 7: Total (all years)	Areas where the regulatory authority has terminated jurisdiction 2025	Areas where the regulatory authority has terminated jurisdiction 8: Total (all years)
South Extension Mine	0	1739	243	815	56	691	0	398	0	0
Total	0	1739	243	815	56	691	0	398	0	0

[1] Long-term mining or reclamation facilities include haul and access roads; temporary dams and impoundments; permanent dams and impoundments; diversion and collector ditches; water and air monitoring sites; topsoil stockpiles; overburden stockpiles; repair, storage, and construction areas; coal stockpile, loading, and processing areas; railroads; coal conveyors; refuse piles and coal mine waste impoundments; head-of-hollow fills; valley fills; ventilation shafts and entryways; and noncoal waste disposal areas (garbage dumps and coal combustion by-products disposal areas).

EXHIBIT
0366 6