

BEFORE THE WYOMING ENVIRONMENTAL QUALITY COUNCIL

In Re Eagle Butte Mine Permit Renewal)	
TFN 6-1/152)	
)	EQC Docket No. 15-4801
)	

POWDER RIVER BASIN RESOURCE COUNCIL NOTICE OF CASE STATUS

The Powder River Basin Resource Council (“Resource Council” or “PRBRC”) hereby provides a status notice to the Council regarding the above-captioned proceeding.

As the Council is aware, the case has been stayed because of Alpha Natural Resources’ (“Alpha”) bankruptcy proceedings and a corresponding stipulation entered into with Wyoming staying proceedings relating to Alpha’s “self-bonding status.”¹ Wyoming’s stay is effective until “a plan of reorganization for the Debtors that provides for bonding of the Debtors’ reclamation obligations in accordance with applicable law becomes effective by its terms.”

Alpha’s bankruptcy reorganization plan and associated sale of assets plan was confirmed by the bankruptcy court on July 7, 2016.² The plan includes a stipulation entered into with the Department of Interior that will require bond substitution for Alpha’s Wyoming mines, including the Eagle Butte Mine. The executed stipulation is attached to this filing. The plan also includes a sale from Alpha to a new company, Contura Energy, of Alpha’s Wyoming mines, including the Eagle Butte Mine. While the plan was confirmed by the court, it is not yet effective. Although

¹ The Wyoming agreement was attached to DEQ’s Notice of Bankruptcy Stay filed Nov. 13, 2015 in this proceeding.

² The voluminous bankruptcy court docket is available at <http://www.kccllc.net/alpharestructuring/document/list/4084>.

many details still remain, the Resource Council anticipates that the plan will become effective by the end of the month³ and Alpha will emerge from bankruptcy at that time.

The Resource Council also wishes to alert the Council that the Office of Surface Mining Reclamation and Enforcement (“OSMRE”) issued a response to Ten Day Notices related to Alpha’s Wyoming mines, including the Eagle Butte Mine on July 11, 2016. The response is attached to this filing. As the response relates to the bonding status of the Eagle Butte Mine, and it directly addresses the Wyoming agreement in Alpha’s bankruptcy, it is highly relevant to this proceeding.

At this time, the Resource Council is not asking for the Council to remove the stay in this proceeding, but felt it prudent to alert the Council to these developments.

Respectfully submitted this 13th day of July, 2016.

A handwritten signature in black ink, appearing to read "Shannon Anderson", with a long horizontal line extending to the right.

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³ Under the stipulation with the Department of Interior, “The Effective Date shall occur on or before July 31, 2016.”

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 13th day of July, 2016, the foregoing NOTICE OF CASE STATUS was served on the following parties via the Environmental Quality Council's electronic filing system and via electronic mail:

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