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BEFORE THE ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

In re Brook Mining Co., LLC coal mine )  
permit – PT0841 ) EQC Docket No. 20-4802  
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**CROSS-MOTION FOR SUMMARY JUDGMENT**

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By and through its undersigned counsel, the Powder River Basin Resource Council (“Resource Council”) hereby moves the EQC to grant summary judgment in favor of the Resource Council on the following issues: (1) Brook’s mine permit application is patently deficient because it does not contain a subsidence control plan that covers the entire area of the permit that will have highwall mining; (2) the DEQ cannot remedy the deficiencies in the subsidence control plan through *future* revision, pre-determined to be “non-significant”; (3) the permit application is deficient because the mine plan does not include all facilities and haul roads incident to mining and does not include a traffic plan for these haul roads; (4) the permit application is deficient because it does not accurately estimate the amount of coal that will be mined; and (5) the permit application is deficient because it does not identify the coal mine operator. There are no undisputed facts material to any of these issues and they are appropriate to be resolved as a matter of law by the EQC.

This motion is supported by the combined response in opposition to Brook Mining Co., LLC’s motion for summary judgment and memorandum of points and authorities for cross

motion for summary judgment and the affidavit and exhibits attached thereto as well as the Rule 56.1 Statement of Material Undisputed Facts, all filed contemporaneously with this motion.

Respectfully submitted this 27th day of October, 2020.

/s/ Shannon Anderson

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## CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 27th day of October, 2020, the foregoing **MOTION FOR SUMMARY JUDGMENT** was served on the following parties via the Environmental Quality Council's electronic docket system.

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