

NOTE: Submit two (2) copies one of which must be an original.  
 Do not make corrections to this form after printing. Forms bearing strikeouts, ink changes, etc will not be accepted.

**STATE OF WYOMING  
 DEPARTMENT OF ENVIRONMENTAL QUALITY  
 LAND QUALITY DIVISION  
 APPLICATION FOR PERMIT REVISION**

An application for a permit revision shall be required whenever the operator proposes to conduct a revised mining or reclamation operation, as defined in Chapter 1, Section 2, of the Coal and Noncoal Land Quality Rules and Regulations. An application for a permit revision shall be filed with the Administrator before the date on which the operator expects to conduct the revised mining or reclamation operation.

1. Name, telephone number, and mailing address of applicant:  
 Name: Mountain Cement Company Telephone: (307)745-4879 Fax: (307)742-4534  
5 Sand Creek Road ; Laramie, WY 82070

2. Name, telephone number, and address of the agent of the applicant to whom any notices under the provisions of the Wyoming Environmental Quality Act or Land Quality Division Rules and Regulations adopted thereunder may be sent:  
Monte Buchanan, Quarry Technician (307)745-4879 ext. 121  
5 Sand Creek Road Laramie, WY 82070

3. The permit number and date approved: # 298C, 03/26/1975

4. Brief description of permit revision:  
Pit #5 Mine Sequence Change- MCC will mine the Etchepare pit # 5 (E5) area in conjunction with E7 disturbance pit (section 31). This will allow MCC to build feed inventory, blend various chemistries for the plant, and provide mineral deposit alternatives to ensure the availability of the product. This will also allow MCC to balance high cost mining with low cost mining and stabilize the budget.

	Permit Acres	Acreage to Affect
Approved	<u>3373.3</u>	<u>647.08</u>
Estimated Revision Increase or (Decrease)	<u>0.0</u>	<u>0.0</u>
Total	<u>3373.3</u>	<u>647.08</u>

6. Attach revised permit elements and an index indicating what parts of the approved permit are effected by this revision. The revised elements and index shall be sufficient to fulfill the requirement of Chapter 13, Section 1.(d) for coal permittees or Chapter VII, Section 1.(d) for noncoal permittees.

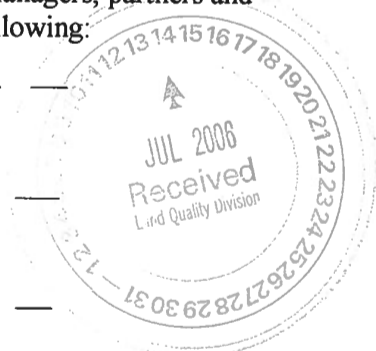
7. If the applicant is a    partnership,    association,  corporation or    limited liability company and the revision is for changes to the name and addresses of all managers, partners and executives directly responsible for operations in this State, complete the following:

Name: \_\_\_\_\_ Address: \_\_\_\_\_; \_\_\_\_\_, WY \_\_\_\_\_  
 Title: \_\_\_\_\_ Phone No. \_\_\_\_\_  
 Date of Appointment: \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_; \_\_\_\_\_, WY \_\_\_\_\_  
 Title: \_\_\_\_\_ Phone No. \_\_\_\_\_  
 Date of Appointment: \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_; \_\_\_\_\_, WY \_\_\_\_\_  
 Title: \_\_\_\_\_ Phone No. \_\_\_\_\_  
 Date of Appointment: \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_; \_\_\_\_\_, WY \_\_\_\_\_  
 Title: \_\_\_\_\_ Phone No. \_\_\_\_\_  
 Date of Appointment: \_\_\_\_\_



Initial SM  
 Date 7/13/06

Permit No. 298C - R6  
 Temporary Filing No. 44/296

8. The provisions of this permit revision are severable, and if any provision of the permit revision or the application of any provision of this permit revision to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit revision shall not be affected thereby.
9. **For surface coal mining operations**, right of entry to or inspection of any operation, premises, records, or equipment shall not require advance notice.

FINAL SWORN STATEMENT

State of WY )  
 )ss  
 County of Albany )

I Stuart Tomlinson being duly sworn on my oath that I am the applicant (President or Vice President if the applicant is a corporation) for the foregoing permit revision; that I have read the said application and fully know the contents thereof; that all statements contained in the permit revision application are true, correct, and complete to my best knowledge and belief, by execution of this statement I certify that Mountain Cement Company, applicant, or entities controlled by or under common control with the applicant has the right and power by legal estate owned to mine from the land for which this permit revision is desired; that applicant or entities controlled by or under common control with the applicant has not forfeited, or is not involved in forfeiture proceedings for, a bond posted for reclamation purposes; and if a **surface coal mining application**, that applicant or entities controlled by or under common control with the applicant has paid the reclamation fees for this and all coal mining operations under the jurisdiction of PL. 95-87 as required by Title IV of that law; and that applicant or entities controlled by or under common control with the applicant has not had any Federal or State coal mining permits suspended or revoked in the five years preceding the date of this application; and by completion and submission of this application, hereby give consent to allow the Director, the Administrator and/or his authorized representatives, at reasonable times and upon presentation of appropriate credentials, to enter upon and have access to any and all lands covered by this permit and amendments thereto and to inspect and copy any records or documents, obtain or monitor any samples or sampling, for any activities associated with the operation and permit.

Dated this 13th day of July, 2006.

Signature *Stuart Tomlinson*  
 Name (Printed or typed) Stuart Tomlinson  
 Title President



(Corporate Seal)

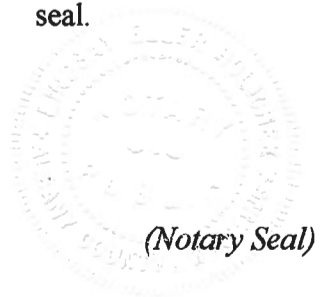
The foregoing instrument was acknowledged before me by Stuart Tomlinson this 13th day of July, 2006.

Witness my hand and official seal.

*Lindsay Eller Holichuk*  
 (Notary Public or Secretary if a Corporation)

LINDSAY ELLER HOLICHEK  
 (Name printed or typed)

My Commission Expires: 13 Nov. 2007



(Notary Seal)

Initial *ST*  
 Date 7/13/06

Permit No. 298 C-R6  
 Temporary Filing No. 4 4/296

This is to certify that I have examined the foregoing application and do hereby grant the same subject to the following limitations and conditions:

This permit revision grants only the right to affect the land described in Appendix "C" of the original permit and amendments. Any condition/special condition attached to approval of this revision shall supersede and/or replace any conflicts with the original permit, amendments, coal renewals or any other revision.

The text and map changes contained in the mining sequence revision (TFN 4 4/296) will not be inserted into the approved permit. The "Stipulated Resolution of Objections" that was signed by Philip Nicholas and Brian Waitkus on October 16, 2006, will be attached to this permit and the sequence described in the agreement will govern the mining operation sequence. The previous Stipulated Resolution of Objections dated January 11, 2004 has been superseded and replaced by this new resolution. As a result of this resolution, the mining sequence in the permit must be updated to agree with the sequenced agreed to within the resolution. MCC is required to submit a mine plan sequence revision within ten (10) days of the date of this approval.

*See LTR from S. Spackman dated 12/19/06 chg no. 276*



Approved: *[Signature]*  
Administrator  
Land Quality Division  
Department of Environmental Quality

Approved: *[Signature]*  
Director  
Department of Environmental Quality

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Initial *[Signature]*  
Date 7/13/06

Effective Date: 12-1-06  
Permit No. 298C-R6  
Temporary Filing No. 44/296