

FILED

OCT 29 2014

**BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING**

Jim Ruby, Executive Secretary
Environmental Quality Council

IN THE MATTER OF PATHFINDER MINES) EQC Docket No.: 00-5402
CORPORATION) (as consolidated)

FIFTH STIPULATION AND MOTION TO AMEND SETTLEMENT AGREEMENT

On or about July 23, 1993, Pathfinder Mines Corporation (Pathfinder) filed a PETITION FOR APPEAL AND REQUEST FOR HEARING before the Wyoming Environmental Quality Council (EQC), Docket No. 2485-93, to contest a determination by the Wyoming Department of Environmental Quality (DEQ)/Solid & Hazardous Waste Division (SHWD) regarding Pathfinder’s plan to use its Shirley Basin uranium mill tailings impoundment in Carbon County, Wyoming, which is licensed by the U.S. Nuclear Regulatory Commission (NRC) (SUA-442), for disposal of §11e.(2) byproduct material from specified uranium in-situ leach (ISL) operations. Chapter 1, Section 11 of the DEQ Rules of Practice & Procedure allows for disposition of contested cases by stipulation or agreed settlement upon approval of the EQC.

In order to resolve this matter without a hearing, Pathfinder and DEQ/SHWD (the Parties) entered into a binding SETTLEMENT AGREEMENT dated April 7, 1994 (including the original 6 page “Attachment 1” dated March 14, 1994), and filed it along with a STIPULATION AND MOTION FOR DISMISSAL OF APPEAL WITH PREJUDICE on April 8, 1994. Based upon the Stipulation and Settlement Agreement, the EQC entered an ORDER DISMISSING APPEAL WITH PREJUDICE dated April 13, 1994.

On June 2, 1997, the Parties filed a STIPULATION AND MOTION TO MODIFY SETTLEMENT AGREEMENT dated May 12, 1997. The modification was specified in AMENDMENT #1 TO SETTLEMENT AGREEMENT dated May 12, 1997 (including amended “Attachment 1” pages 1 & 2 dated March 26, 1997), which was also filed on June 2, 1997. On June 23, 1997, the EQC entered an ORDER APPROVING STIPULATION AND GRANTING MOTION TO MODIFY SETTLEMENT AGREEMENT, which was filed June 26, 1997.

On September 19, 2000, the Parties filed a SECOND STIPULATION AND MOTION TO MODIFY SETTLEMENT AGREEMENT dated September 19, 2000. The second modification was specified in AMENDMENT #2 TO SETTLEMENT AGREEMENT dated August 17, 2000, which was filed September 19, 2000. On October 23, 2000, the EQC entered an ORDER APPROVING STIPULATION AND GRANTING MOTION FOR SECOND MODIFICATION OF SETTLEMENT AGREEMENT, which was filed October 24, 2000.

On June 18, 2010, the Parties filed a THIRD STIPULATION AND MOTION TO MODIFY SETTLEMENT AGREEMENT dated June 17, 2010. The third modification was

specified in AMENDMENT #3 TO SETTLEMENT AGREEMENT dated June 17, 2010, which was filed June 18, 2010 and approved by the EQC at their meeting in Sundance on July 8, 2010.


On March 27, 2013, the Parties filed a FOURTH STIPULATION AND MOTION TO AMEND SETTLEMENT AGREEMENT dated March 27, 2013. The fourth modification was specified in AMENDMENT #4 TO SETTLEMENT AGREEMENT dated March 27, 2013, which was approved by the EQC at their meeting in Cheyenne on May 31, 2013.

Following discussions with the Administrator of SHWD and his staff, Pathfinder is currently preparing an application for an Industrial Landfill Permit, which permit will replace the 1994 SETTLEMENT AGREEMENT with respect to the operation of the Shirley Basin §11e.(2) byproduct disposal Facility. Pathfinder is currently receiving deliveries of byproduct materials from three contracting parties, each of whose agreement has been approved by the EQC. To meet the requirements for disposal under those agreements, pending completion of the permitting process, the Parties now stipulate and move to amend the original April 7, 1994 SETTLEMENT AGREEMENT, as previously amended by the four stipulated Amendments referenced above, only as specified in AMENDMENT #5 TO SETTLEMENT AGREEMENT dated October 7, 2014, *which is attached hereto*; namely, to increase the capacity of the existing Facility by 6,000 cubic yards, while not increasing the affected surficial area of the Facility under this Amendment. The Parties agree that this Fifth Stipulation will not affect the permitting process, nor act as a waiver to any position to be taken by either in the development of the Industrial Landfill Permit. Except as specifically set forth in Amendment #5, all terms of the original April 7, 1994 SETTLEMENT AGREEMENT, as previously amended, shall remain unchanged and in full force and effect.

The Parties request that, pursuant to Chapter 1, Section 11 of the DEQ Rules of Practice & Procedure, the EQC enter an Order approving this Stipulation and granting this Motion to amend the SETTLEMENT AGREEMENT.

DATED this 7 day of October, 2014.

FOR PATHFINDER MINES
CORPORATION:



John W. Cash, President

FOR THE WYOMING DEPARTMENT
OF ENVIRONMENTAL QUALITY:



Todd Parfitt, Director,
Wyoming Department of Environmental Quality