



Department of Environmental Quality

To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.



Matthew H. Mead, Governor

Todd Parfitt, Director

October 15, 2015

Shannon Anderson
Powder River Basin Resource Council
934 N. Main St.
Sheridan, WY 82801

RE: Objection of the Powder River Basin Resource Council to the Renewal Application for Permit 428, TFN 6 1/152, for the Eagle Butte Mine Operated by Alpha Coal West, Inc.

Dear Ms. Anderson,

The Department of Environmental Quality, Land Quality Division ("Division") has received and reviewed the Powder River Basin Resource Council's ("PRBRC") letter, dated October 1, 2015, objecting to the renewal application for the permit identified above. In that letter, the PRBRC objects to the application because it believes the operator is not in compliance with the Wyoming Environmental Quality Act's ("WEQA") financial assurance requirements. *See* PRBRC Letter, p. 2. PRBRC asserts that the operator currently operates under self-bonds but no longer qualifies to continue to do so. *Id.* PRBRC also requests an informal conference regarding its objection, pursuant to Wyoming Statute § 35-11-406(k). *See* PRBRC Letter, p. 1.

At this time, the Division is subject to an order signed on October 8, 2015, by the U.S. bankruptcy judge presiding over the ongoing bankruptcy case of the operator and its parent company, Alpha Natural Resources, Inc. *See* Stipulation and Order Concerning Debtors' Reclamation Bonding of Their Surface Coal Mining Operations in Wyoming, court document docket no. 628, entered in the case, *In re Alpha Natural Resources, Inc., et al.*, Ch. 11 Case No. 15-33896 (KRH) (Bankr. E.D. Va.), and available at <http://www.kccllc.net/alpharestructuring>. To withhold approval of the renewal application at issue here based on an objection that the operator or its self-bonds do not comply with the WEQA's financial assurance or reclamation bonding requirements, or to conduct an informal conference proceeding on that objection, would violate the stay ordered by the U.S. bankruptcy court. *See* Stip. & Order at 5, ¶¶ 1-2. Therefore, the Division hereby denies the PRBRC's request for an informal conference regarding its objection.

Sincerely,

Todd Parfitt
Director

cc: Andrew McCallister
Mark Thrall
Patrick Crank
Kyle Wendtland
Jeff Fleischman

Herschler Building • 122 West 25th Street • Cheyenne, WY 82002 • <http://deq.state.wy.us>

ADMIN/OUTREACH (307) 777-7758 FAX 777-7687	ABANDONED MINES (307) 777-6145 FAX 777-6667	AIR QUALITY (307) 777-7391 FAX 777-5616	INDUSTRIAL SITING (307) 777-7369 FAX 777-5072	LAND QUALITY (307) 777-7756 FAX 777-5864	SOLID & HAZ. WASTE (307) 777-7752 FAX 777-5072	WATER QUALITY (307) 777-7781 FAX 777-5072
--	---	---	---	--	--	---

