

WRITTEN FINDINGS FOR PERMIT RENEWAL

Company: Decker Coal Company

Current Permit Number: C1983007

Date Application Received: October 18, 2012

Renewal Due Date: June 23, 2013

**A.R.M. 17.24.416**

- (1) Was proper form submitted?  Yes  No
- (a) Is form complete and correct?  Yes  No
- (b) Is a copy of the newspaper notice provided?  Yes  No  
and proof of publication provided?  Yes  No
- (c) Is evidence provided that insurance is adequate?  Yes  No
- (2) (a) Was an informal conference requested?  Yes  No

If yes, provide narrative demonstrating compliance with ARM 17.24.403.

**ARM 17.24.416 (2) continued**

- (b) Are there areas excepted from the standards of 82-4-227(3)(b)  Yes  No

If yes, provide narrative explanation.

See Environmental Assessment for Application#RN7 (2013 Renewal) and letter titled response to Environmental Law Center for further discussion.

- (c) Is adequate bond provided?  Yes  No
- (3) What is the permit term of the new permit? 5- Years  
This permit term shall not exceed 5 years.
- (4) Is permit renewal being denied?  Yes  No



- (a) If yes, provide department findings for one or more of the following:
- (i) The terms and conditions of the existing permit are not being satisfactorily met;
  - (ii) The present strip or underground mining operations are not in compliance with the environmental protection standards of the Act or subchapters 5 through 9;
  - (iii) The requested renewal substantially jeopardizes the operator's continuing responsibility to comply with the Act, the rules adopted pursuant thereto, and the reclamation plan on existing permit areas;
  - (iv) the operator has not provided evidence that a) any performance bond required to be in effect for the operations will continue in full force and effect for the proposed period of renewal, as well as any additional bond the department might require; and b) adequate liability insurance will be provided;
  - (v) any additional revised or updated information required by the department has not been provided by the applicant;
  - (vi) the applicant has not agreed to comply with all applicable laws and rules in effect at the time of renewal;
  - (vii) the renewal is prohibited by the denial provisions of 82-4-227, 82-4-234, and 82-4-251; or
  - (i) the operation has been in a state of temporary cessation for six or more years.

(b)(c)(d) If permit renewal is denied, all documentation must be provided showing reason(s) for denial.

Decision documents have been sent to:

- 1)  the applicant
- 2)  objectors
- 3)  commentors

Are there new stipulations to be attached to the renewal?  Yes  No

A check of OSM's Applicant Violator System (AVS) was completed on June 3, 2013; no problems were identified that would preclude issuance of the permit.

  
\_\_\_\_\_  
Reviewer's Signature

6/21/2013

FC: 620.2103 (2013 RN7)