

**EXHIBIT TO**

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IN THE MATTER OF THE APPEAL )  
OF THE PITTSBURG & MIDWAY )  
COAL MINING CO.'S WELCH )  
PERMIT NO. 497-T4. )

) Docket No.: 07-4600  
)  
)  
)  
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**MEMORANDUM IN SUPPORT OF  
MOTION OF THE PITTSBURG & MIDWAY COAL MINING CO.  
TO DISMISS PURPORTED APPEAL, WITH PREJUDICE**

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**EXHIBIT "G"**



# Department of Environmental Quality



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

Dave Freudenthal, Governor

John Corra, Director

September 15, 2006

John C. Willson  
P.O. Box 2244  
Gillette, Wyoming 82717

**RE: The Pittsburg & Midway Coal Mining Company (P&M Coal), Welch Mine, Permit No. 497-T4**

Dear Mr. Willson:

This letter is in response to your letters of August 23, 2006 and August 30, 2006. The first letter amends your original complaint to include the condition of cut bank and the large fill for the post mine access road. The second letter responds to my findings concerning the original complaint. I will address your letter of August 23<sup>rd</sup> first and the other letter later.

I have reviewed the photographs taken by Robert Giurgevich of the Sheridan District staff and have spoken to Stacy Page also of the district staff. As I explained during our conversation on September 14, 2006, when we approved the access road being left as post mining feature we realized the vegetation on the cut bank and fill areas would be marginal. This is confirmed by the photographs and the district staff. The photographs also show a native steep slope in the immediate vicinity with a similar amount of vegetation cover. The district staff is of the opinion that the slopes are as stable as the native slopes. I therefore find no violations in regard to these areas.

We extensively discussed your letter of August 30, 2006 on September 14<sup>th</sup>. While I stand by my decisions stated in my letter of August 23, 2006, I do agree that the access issue must be resolved in order for the operator to meet its permit and regulatory obligations in the future. By copy of this letter, I am informing the operator the requirement to obtain the necessary access agreements to cover the full bond liability period by April 22, 2009 which is 90 days prior to the termination of the current lease agreement.

As allowed by the Land Quality Division Coal Rules & Regulations, Chapter 16, Section 1(e), you have the right to request an informal review of this decision by the Director of

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FAX 777-5973



John C. Willson

RE: The Pittsburg & Midway Coal Mining Company (P&M Coal), Welch Mine, Permit  
No. 497-T4

the Department of Environmental Quality. As we also discussed on the 14<sup>th</sup>, you have asked that your previously requested informal review by the Director be postponed until you have had an opportunity to review my decision concerning your amended complaint.

If you have any questions, please contact me.

Sincerely,



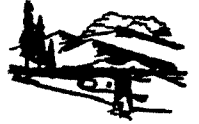
Richard A. Chancellor  
Administrator  
Land Quality Division

RAC/bb

xc: District III  
P&M Coal Company



# Department of Environmental Quality



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Dave Freudenthal, Governor

John Corra, Director

September 15, 2006

Mr. Jeffery Fleischman  
Casper Field Office  
Office of Surface Mining  
150 East "B" Street, Room 2128  
Casper, Wyoming 82601-1018

**RE: Ten-Day Notice No. X06-010-108-001 TV1, P&M Coal Company Permit 497-T4**

Dear Mr. Fleischman:

We have investigated the amended complaint filed by Mr. John Willson on August 23, 2006 and also his letter of August 30, 2006 responding to our initial decision concerning his complaint. Our response to him is attached. In Summary, we still do not find a violation of the Wyoming statutes or the Land Quality Division's Coal Rules and Regulations. However, I have determined the mine must resolve the access issue prior to the expiration of the access agreement. I have therefore informed the operator of this requirement.

If you have any questions or need additional information, please contact me.

Sincerely,

Richard A. Chancellor  
Administrator  
Land Quality Division

RAC/bb

encl.

xc: District III  
P&M Coal

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