

**Memorandum of Agreement  
Between  
Montana Department of Environmental Quality  
and  
Otter Creek Coal, LLC**

**Modification 4 of Contract 113009**

Modification 4 to Contract #113009 reflects changes made to the schedule.

Changes made to the schedule reflect additional time needed to produce the preliminary draft EIS. Additional time is needed because DEQ lacks pertinent information to complete the cumulative effects analysis. DEQ also requires a finalized groundwater model, an air quality permit application or model, and clarification of the timing of the MPDES permit application and its related TMDL process. The groundwater model will be addressed as part of the MSUMRA deficiency review and DEQ understands that Otter Creek Coal is in the process of finalizing the air quality model. DEQ anticipates clarification on the MPDES and TMDL issues in the next few months.

These changes to the schedule assume finalized groundwater and air quality models no later than August 29, 2014. This schedule also assumes progress on addressing the MPDES/TMDL issue and clarification on how that issue can be addressed in the EIS. A revised tentative schedule is attached.

**Based on these changes the term of the agreement is extended to October 31, 2015.**

No other changes are proposed. Upon signature by both parties, Modification 4 of Contract No. 103009 shall be effective immediately.

IN WITNESS THEREOF, the parties have executed this modification of agreement on the dates set out below:

**Otter Creek Coal, LLC**

4/16/14  
Date

By: William M. Rowlands  
William M. Rowlands, President

**MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY**

4/13/14  
Date

By: Tom Lewis  
for Tracy Stone-Manning, Director

1520 E. Sixth Avenue  
Helena, MT 59620-0901

Approved for legal content:

4/10/14  
Date

By:   
Dana David, DEQ Legal Counsel

Approved as to Form:

04/11/14  
Date

By:   
Vicki J. Woodrow, Contracts Officer

**Attachment**  
**Revised Tentative Schedule**

Target Date	Task
Mid to late December 2012	Agency kickoff and internal scoping meeting
December 2012–January 2013	Identification of issues and data needs
Mid-January 2013	Public scoping meeting
Mid July 2013–November 2014	Submittal of Preliminary Draft EIS for internal review
Mid August 2013–December 2014	Submittal of 2 <sup>nd</sup> Draft EIS for internal review
Mid September 2013–January 2015	Issuance of Draft EIS for public comment
Early October 2013–February 2015	Public meetings
Mid-October 2013–March 2015	End of Draft EIS comment period
Early November 2013–April 2015	Review of public comments and submittal of scope of work and cost estimate to prepare Final EIS
May-June 2015	<u>Response to public comments and preparation of Final EIS</u>
Mid-December 2013–July 2015	Submittal of Preliminary Final EIS
Mid-February 2013–August 2015	Issuance of Final EIS
March 2013–September 2015	Issuance of written finding and ROD