

applications for Special Permit and Master Mining Plan, and with Section 14.7.2., LDR and State and Federal permits. The report shall also make recommendations as to compliance measures to be taken in any instance where a current item of non-compliance is found.

iv. The consultant's report shall be reviewed by the Board at a public hearing, at which PCS may present evidence regarding any findings, conclusions, and recommendations of the consultant or other matters related to its status of compliance with the LDR. The Board shall make findings regarding PCS's status of compliance under this Special Permit based upon PCS's initial application and notice, the consultant's recommendation(s), and any other competent and substantial evidence presented to the Board. These findings shall be the basis for the Board to act in one of the following ways:

(1) The Board may find that there are no areas of substantial non-compliance. In that instance, the Board shall renew the Special Permit which shall continue in full force and effect, subject to this renewal, notice and review process timed for the next fifth-year anniversary date of the Special Permit.

(2) The Board may find that there are areas of substantial non-compliance that may be remedied by PCS through remedial compliance measures which PCS agrees to take according to a compliance schedule set for in the Board's Order. In that instance, the Special Permit shall continue in full force and effect conditioned upon PCS's timely completion of the remedial compliance measures, subject to this application, notice and review process timed for the next fifth-year anniversary date of the Special Permit. PCS shall be required to submit a report of completion of the remedial compliance measures to the Board.

(3) The Board may find that there are areas of substantial non-compliance for which no remedy can be agreed upon by PCS and