



STATE OF WYOMING
 DEPARTMENT OF ENVIRONMENTAL QUALITY
 LAND QUALITY DIVISION
 122 W. 25th Street
 Cheyenne, Wyoming 82002
 Telephone: (307) 777-7756
 Coal Operation
MINOR VIOLATION NOTICE

M.V.NO. MV 400108

PERMIT NO. 211-T5

DOCKET NO. 385606

To the Following Permittee or Operator:

Name Jim Kummerfeld, President, Grass Creek Coal Company
 Mine Grass Creek Mine County Hot Springs Telephone (307)-548-6222
 Surface X Underground _____ Other _____
 Mailing Address P.O. Box 876
Lovell, WY 82431
 Date of Inspection Not Applicable, 19 ____
 Time of Inspection: from _____ a.m. to _____ a.m.
 _____ p.m. to _____ p.m.
 Name of Operator (if other than permittee) _____
 Mailing Address _____

Under the authority of the Wyoming Environmental Quality Act of 1973 (Act), as amended, the undersigned designated representative of the Director has conducted an inspection of the above mine on the above date and found minor violation(s) the Act, the DEQ/LQD Rules and Regulations, approved permit condition(s) or approved permit commitments listed in the attachment(s). This notice constitutes a separate Minor Violation Notice for each violation listed.

You must abate each of these violations within the designated abatement time. You are responsible for doing all work in a safe and workmanlike manner.

This Minor Violation shall remain in effect until it expires as provided on the reverse or is modified, terminated, or vacated by written notice of a designated representative or the Environmental Quality Council. Time for abatement may be extended by a designated representative beyond 35 days and up to 90 days from issuance of the original Minor Violation Notice, if the failure to meet the time previously set was not caused by lack of diligence on the part of the permittee or operator. If the original Minor Violation(s) is/are not fully abated within the original abatement period and if the abatement period is not formally extended, as noted above, this Minor Violation will be formally upgraded to a full Notice of Violation.

Date of Service 3/9/06
 Signature of Designated Representative [Signature]
 Time of Service _____ a.m. _____ p.m. Mark Moxley, LQD District Supervisor
 Printed Name
 Manner of Service Certified Mail, Return Receipt Requested
 Proof of Service Certified Receipt 7002 3150 0006 0229 9347
 Person Served with Notice Jim Kummerfeld

IMPORTANT - PLEASE READ REVERSE OF THIS PAGE

MINOR VIOLATION NOTICE

IMPORTANT - PLEASE READ CAREFULLY

1. **FORMAL REVIEW AND TEMPORARY RELIEF.** If you desire an informal conference with the Director, you must apply for the conference of this Notice by submitting an application for review, within 30 days of this Notice by you or your agent, to:

Director
Department of Environmental Quality
122 West 25th Street
Cheyenne, WY 82002

If you apply for a formal public hearing, you may request temporary relief from this Notice. Your request must be filed at the above address prior to a decision in the hearing. The procedure for obtaining a formal public hearing or temporary relief are contained in W.S. 35-11-437(c)(iii) and (e), Chapter XVII, Section 2, Land Quality Division Regulations, and Chapter I and II, DEQ Rules of Practice and Procedure.

2. **INFORMAL REVIEW.** You may submit information in writing pertaining to the violation(s) covered by this Notice within 15 days of the date it is served on you or your agent and request an informal conference with the director. This information will be considered in determining the facts surrounding the violation.

3. **FAILURE TO ABATE.** If you fail to abate any of the violations within the time for abatement or for meeting any interim step, this Minor Violation will be formally upgraded to a formal Notice of Violation. A formal Notice of Violation includes the possibility of a financial penalty.

4. **EFFECT ON THE PERMIT.** A Minor Violation will not be counted toward a pattern of violations unless more than two Minor Violations were issued for similar infractions during the previous twelve month period.

FOR FURTHER INFORMATION, PLEASE CONSULT: W.S. 35-11-409(c); 35-11-437; Chapter XVII, Section 2, Land Quality Division Regulations; and Chapter I and II, DEQ Rules of Practice and Procedure.

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ATTACHMENT
MINOR VIOLATION

Notice of Minor Violation No. 400108

Violation No. 1 of 1



Nature of Violation

The operator failed to submit a new topographic base map of the mine site by the February 15, 2006 deadline specified by Permit Condition Number 1. The operator did not provide any communication prior to the deadline regarding submittal of map. At the time of the inspection, February 20, 2006, the operator could not give a firm commitment date for providing the map.

Provisions of the Regulations, Act, or Permit Violated

W.S. 35-11-415 (a) requires the operator to comply with all terms and conditions of the permit. Permit Condition Number 1 requires that the mine be surveyed and a new topographic base map be submitted by February 15, 2006.

Portion of the Operation to which Notice Applies

This notice applies to the mine permit document which requires revisions, specified by the Permit Conditions, in order to be in compliance. Refer to the State Decision Document (SDD) for Permit 211-T5.

Remedial Action Required (including interim steps, if any)

A single sheet with topographic contours, without any labels or any text at all, no identification of location, and no cover letter, was received by the LQD on March 6, 2006 (attached to the LQD Cheyenne and District II copies for the record). It appears that this may be the start of a topographic base map for the mine site, but it does not meet the requirements of Permit Condition Number 1. A complete permit base map shall be provided by March 31, 2006. The topography provided on the base map should extend beyond the permit boundary. The map should be properly titled and labeled and the permit boundary should be identified. The map should also identify the Section, Township and Range information. Refer to Coal Rules and Regulations, Chapter 2, Section 1 (c) and Guideline 6A, Part III, for details regarding map preparation and requirements. All documents submitted to the LQD must be submitted in duplicate and be accompanied by an Index Sheet. This has been a long standing policy.

Time for Abatement (including time for interim steps, if any) Not to Exceed 35 Days

A complete permit base map shall be provided by March 31, 2006. Permit Condition Number 2 shall also be completed by the date specified in the SDD, March 31, 2006. If the required documents, as identified in the SDD, are not received by the specified deadline a Notice of Violation will be issued.