

IMPORTANT – PLEASE READ CAREFULLY

1. **FORMAL REVIEW AND TEMPORARY RELIEF** you must apply for review of this Notice by submitting an Application for review, within 30 days of this Notice by you or your agent, to:

Mr. John V. Corra, Director
Department of Environmental Quality
Herschler Building
122 W.25th St.
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 procedures for obtaining a formal public hearing or temporary relief are contained in W.S. § 35-11-437 (c) (ii) and (e), Land Quality Division (LQD) Coal Rules & Regulations (R&R) Chapter 16, Section 2(m) and DEQ Rules of Practice and Procedures Chapters 1 and 2.

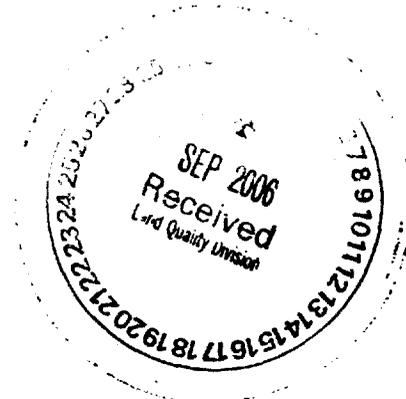
2. **EXPEDITED REVIEW** If this Notice requires cessation of mining, expressly or in practical effect, as found on page 1, then the procedures of W.S. § 35-11-437 (d) apply. This provision affords an opportunity for an expedited hearing, upon request, if this Notice is affirmed by the director. Please review this finding and inform the designated representative if you agree with it.
3. **PENALTIES** 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. This information will be considered in determining the facts surrounding the violation and the amount of penalty.

For each violation covered by this Notice, a penalty of up to \$5,000.00 may be assessed for each day during which that violation continues.

If you fail to abate any of the violations within the time set for abatement or for meeting any interim step, you must be assessed a minimum penalty of \$750.00 or more for each day during which the violation continues beyond the time set for abatement, and you must be issued a cessation order requiring you to cease surface coal mining operations on the portion relevant to the violation(s).

4. **EFFECT ON THE PERMIT** In addition, if it is determined that a pattern of violations of any requirement(s) of the Act, the regulations, or permit conditions exists, and that the violations were caused by unwarranted failure to comply or were willful, the permit may be suspended or revoked.

FOR FURTHER INFORMATION, PLEASE CONSULT: W.S. § 35-11-409(c), W.S. § 35-11-437, LQD Coal R&R Chapter 16, Sections 2 and 3 and DEQ Rules of Practice and Procedures Chapters 1 and 2.



Nature of the Violation

The embankment of Sediment Pond SP-3B failed around the decant pipe at Powder River Coal Company's Rawhide Mine which is a failure to construct a stable embankment.

No reports were completed of required regular inspections conducted to observe conformance with the approved designs which is a failure to maintain records of required inspections.

Provision(s) of the LOD Coal R&R, Act, or Permit Violated

Wyoming Department of Environmental Quality, Land Quality Coal Rules and Regulations, Ch. 4, Sec.2(g)(iv)(D) which states "the embankment, foundation, and abutments for all impoundments shall be designed and constructed to be stable" and;

Ch. 4, Sec.2(g)(iv)(F) "All impoundments shall be inspected regularly during construction and immediately after construction by a qualified registered professional engineer or qualified professional specialist under the direction of a qualified professional engineer. These individuals shall be experienced in impoundment construction. Immediately following each inspection a report shall be prepared and certified by the engineer describing the construction work observed and its conformance with the approved designs. All inspection reports shall be retained at the mine site and submitted in the annual report to the Administrator."

Portion of the Operation to which Notice Applies

Section 4, T.51N.,R.72W.

Remedial Action required (including interim steps, if any)

Powder River Coal Company must submit a plan with an implementation schedule to Land Quality Division for approval that will eliminate SP-3B embankment materials from reaching Little Rawhide Creek.

Time for Abatement (including time for interim steps, if any)

The plan for the above remedial action must be submitted within 10 days of receiving this Notice of Violation.

