

STATE OF WYOMING
DEPARTMENT OF ENVIRONMENTAL QUALITY
LAND QUALITY DIVISION
HERSCHLER BUILDING, 122 W. 25TH ST
CHEYENNE, WY 82002
TELEPHONE: (307) 777-7756
COAL OPERATION
MINOR VIOLATION (NOTICE)

N.O.V. No. 400033
Permit No. 730-T1
Docket No. 4102-07

To the Following Permittee or Operator or Licensee:

Name: Arch of Wyoming LLC

Mine: Carbon Basin County: Carbon Telephone: 307-325-6581

Surface: X Underground: _____ Other: _____

Mailing Address: P O Box 460 Hanna, WY 82327

Date of Inspection: June 19, 2007

Time of Inspection: from 9:00 a.m. to 5:00 p.m.

Name of Operator (if other than permittee): same as above

Mailing Address: _____

Under the authority of the Wyoming Environmental Quality Act of 1973 (Act), as amended, the undersigned designated representative of the Director of the Wyoming Department of Environmental Quality (DEQ) has conducted an inspection of the above mine on the above date and has found violation(s) of the Act., the regulations or required permit condition(s) *listed in the attachment(s)*. This Notice constitutes a separate Notice of Violation 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 Wyoming 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 SEPTEMBER 12, 2007

MANNER OF SERVICE: CERTIFIED MAIL
7006 2760 0004 5832 4446


SIGNATURE OF DESIGNATED REPRESENTATIVE
Pamela Rothwell
PRINTED NAME

PROOF OF SERVICE: RETURN RECEIPT REQUEST

PERSON SERVED WITH NOTICE: STEPHEN SKORDAS

CHEYENNE LQD
DISTRICT OFFICE
OSM - CASPER FIELD OFFICE

IMPORTANT – PLEASE READ CAREFULLY

1. **FORMAL REVIEW AND TEMPORARY RELIEF** You desire an informal conference with the Director, you must appear at a conference 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, and DEQ Rules of Practice and Procedures Chapters 1 and 2

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 set 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), W.S. § 35-11-437, LQD Coal R&R Chapter 16 and DEQ Rules of Practice and Procedures Chapters 1 and 2.

ATTACHMENT
MINOR VIOLATION

Permit No. 730-T1

Notice of Violation **400033**

Violation No. 1 of 1

Nature of the Violation

The operator failed to construct ASCMs according to typical designs exhibited in the approved permit by not using best technology to prevent sediment contributions to undisturbed lands.

Provision(s) of the Regulation, Act, or Permit Violated

Wyoming Coal Rules and Regulations, Chapter 16, Sec 2 (f) (vi)

Wyoming Coal Rules and Regulations, Chapter 4, Sec 2 (f) (vii)

Wyoming Environmental Quality Act § 35-11-415 (b) (ii)

Portion of the Operation to which Notice Applies

The ASCMs located on the west side of North Pit, the west side of Middle Pit and in the Facilities Area were not constructed according to typical designs exhibited in the permit, i.e., steep side slopes, poor ditch controls to direct surface runoff to the ASCM and insufficient size.

Action Required (including interim steps, if any)

Construct sediment control structures according to approved designs in accordance with the approved Mine Plan.

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

October 30, 2007