

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

N.O.V. No. 100200  
Permit No. 500-T7  
Docket No. 4422-09

To the Following Permittee or Operator or Licensee:

Name: Buckskin Mining Company

Mine: Buckskin Mine County: Campbell Telephone: (307) 686-5439

Surface:  Underground: \_\_\_\_\_ Other: \_\_\_\_\_

Mailing Address: P.O. Box 3027

Gillette, WY 82717

Date of Inspection: January 21, 2009

Time of Inspection: from 12:30 p.m. to 3:00 p.m.

Name of Operator (if other than permittee): same

Mailing Address: same

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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.

The undersigned designated representative finds that cessation of mining is \_\_\_\_\_ is not \_\_\_\_\_ expressly or in practical effect required by this Notice. For this purpose "mining" means extracting coal from the earth or a waste pile and transporting it within or from the permit area.

This Notice shall remain in effect until it expires as provided on the attached Page 2 or is modified, terminated, or vacated by written notice of a designated representative or the Wyoming Environmental Quality Council. The time for abatement may be extended by a designated representative for up to 90 days from issuance of the 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 or Licensee.

DATE OF SERVICE: JANUARY 28, 2008

  
SIGNATURE OF DESIGNATED REPRESENTATIVE

MANNER OF SERVICE: CERTIFIED MAIL

DON CRECELIUS  
PRINTED NAME

PROOF OF SERVICE: RETURN RECEIPT

PERSON SERVED WITH NOTICE: LAURA ACKERMANN

CC: CHEYENNE LQD  
DISTRICT OFFICE  
OSM - CASPER FIELD OFFICE

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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.25<sup>th</sup> 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.

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**Violation 1 of 1**

Nature of the Violation

The Buckskin Mine experienced a highwall failure on January 15, 2009. The slump occurred near the northwest corner of the north pit and caused the loss of approximately 1,500 cu yds of topsoil from the south side of Topsoil Stockpile No. 17/18 that had been stored above the highwall.

Provision(s) of the LQD coal R&R, Act, or Permit Violated

W.S. § 35-11-415 (b)(iii) and  
Land Quality Division (LQD) Rules and Regulations Chapter 4, Section 2(c)(i)(B).

Portion of the Operation to which Notice Applies

The south/southeast end of Topsoil Stockpile No. 17/18 in the NW1/4 of Section 17, T.52N, R72W.

Remedial Action Required (including interim steps, if any)

The remaining topsoil at risk of loss should be pulled back and stockpiled in a secure location.

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

The southeast portion of topsoil must be pulled back as quickly as conditions allow. Safety concerns have priority.

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