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

RECEIVED
JUL 28 2008
LQD

N.O.V. No. **100197**
Permit No. **500-T7**
Docket No. **4319-08**

To the Following Permittee or Operator or Licensee:

Name: Buckskin Mining Company

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

Surface: **X** Underground:_____Other:

Mailing Address: P.O. Box 3027

Gillette, WY 82717

Date of Inspection: July 23, 2008

Time of Inspection: from 9:30 a.m. to 1:30 p.m.

Name of Operator (if other than permittee): same

Mailing Address: same_____

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_X_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: JULY 24, 2008

Don Crecelius
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

MJR
1-41

N.O.V. NO. **100197**
PERMIT NO. **500-T7**
DOCKET NO. **4319-08**
DATE OF SERVICE: **JULY 24, 2008**

RECEIVED
JUL 28 2008
LQD

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.

RECEIVED
JUL 28 2008
LQD

Violation 1 of 1

Nature of the Violation

The Buckskin Mine has a sediment trap, Sedimentation Trap OB-5S, at the south end of Overburden Stockpile No. 5. The trap was constructed in 1991 to provide ultimate sediment control for a portion of the overburden stockpile and prevent affected area runoff from reaching Rawhide Creek. The April 2008 inspection report from the Land Quality Division noted that this trap should be cleaned out and maintained. The July 24, 2008 inspection found that the trap had recently overflowed the southeast corner and flowed down slope toward Rawhide Creek.

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

Land Quality Division (LQD) Rules and Regulations Chapter 4, Section 2(c)(i)(A), Chapter 4, Section 2(f)(i), and Chapter 4, Section 2(f)(iv)(B).

Portion of the Operation to which Notice Applies

The south end of Overburden Stockpile No. 5 and Sedimentation Trap OB-5S in NENE of Section 6, T.51N, R72W.

Remedial Action Required (including interim steps, if any

The Sedimentation Trap, OB-5S, must be dewatered and cleaned out to restore designed capacity.

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

The sedimentation trap must be dewatered by July 30, 2008. The sedimentation trap must have sediment removed to restore the design capacity of the trap as quickly as conditions allow.