

DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF)
VIOLATION ISSUED TO)
MAGNA ENERGY SERVICES LLC) DOCKET NO. 4395-08
ATTN: MR. MONTIE MEANS)
P.O. BOX 2155)
GILLETTE, WY 82717)
673(s) – SMALL MINING OPERATION)

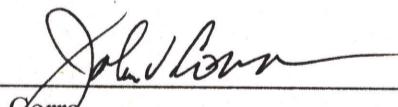
NOTICE

NOTICE IS HEREBY GIVEN THAT:

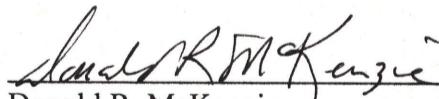
1. Notice of Violation (NOV) is being sent to you pursuant to W.S. §35-11-701(c) (i) which requires that a written notice shall be issued in the case of failure to correct or remedy an alleged violation.
2. On November 7, 2008, Kurt King of the Land Quality Division's District III office received a telephone call from Mr. Dennis McGirr, consultant for Magna Energy Services LLC. Mr. McGirr informed that Magna Energy Services LLC caused mining disturbance outside the approved permit boundary at Small Mining Permit No. 673(s).
3. On November 12, 2008, Kurt King conducted an inspection at Small Mining Permit No. 673(s) and documented the disturbance of approximately 0.5 acre outside of the approved permit boundary. This is a violation of W.S. §35-11-415 (b) (ii).
4. The Wyoming Environmental Quality Act, §35-11-415 (b) (ii) states: The operator, pursuant to an approved surface mining permit and mining plan and reclamation plan, or any approved revisions thereto, shall: Conduct all surface mining and reclamation activities with the permit area in conformity with his approved plan.
5. Wyoming Statute § 35-11-901(a) provides that any person who violates any provision of the Environmental Quality Act or any rule, standard, permit, license or variance adopted thereunder is liable to a penalty of ten thousand dollars (\$10,000.00) for each day of violation, which penalty may be recovered in a civil action brought by the Attorney General in the name of the People of the State of Wyoming.

NOTHING IN THE NOTICE shall be interpreted to in any way limit or contravene any other remedy available under the Environmental Quality Act, nor shall this NOV be interpreted as being a condition precedent to any other enforcement action.

SIGNED this 26 day of NOV., 2008



John V. Corra
Director
Department of Environmental Quality



Donald R. McKenzie
Administrator
Land Quality Division

Please direct all inquiries regarding this Notice of Violation to Mr. Mark Rogaczewski, District III Supervisor, Land Quality Division, 1866 South Sheridan Avenue, Sheridan, WY 82801

xc: Mark Rogaczewski, Sheridan LQD
File, Permit No. 673(s)