STATE OF WYOMING
Dept of Environmental Quality
LAND QUALITY DIVISION
122 W 25th Street
Cheyenne, WY 82002
Telephone: (307)777-7756

NOTICE OF VIOLATION

N.O.V. No. 100370

PERMIT NO. 338-T6

DOCKET NO. 442309

To the Following Permittee or Operator:

Name JIM BRIDGER COAL CO.

Mine JIM BRIDGER MINE County SWEETWATER Telephone: (307) 382-9741 ext: 282

Surface XXX Underground XXX Other

Mailing Address P.O. BOX 68

POINT OF ROCKS, WY 82942-0068

RECEIVED FEB 11 2009

Date of Inspection JANUARY 29, ~~XX~~ 2009

Time of Inspection: from 11:52 X a.m. ___ p.m. to 2:40 ___ a.m. X p.m.

Name of Operator (if other than permittee) N/A

Mailing Address N/A

Under the authority of the Wyoming Environmental Quality Act of 1973, as amended, the undersigned designated representative of the Director 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 transportating it within or from the permit area.

This Notice 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 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.

Date of Service JANUARY 29, 2009

Signature of Designated Representative: Steve Platt

Time of Service 2:26 ___ a.m. X p.m.

STEVE PLATT
Printed name

Manner of Service HAND DELIVERED

Proof of Service Norman E. Hargis

Person Served with Notice NORM HARGIS, ENV. SUPERVISOR

IMPORTANT – PLEASE READ REVERSE OF THIS PAGE

RECEIVED
FEB 11 2009

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. Robert Sundin
Department of Environmental Quality
401 West 19th Street
Cheyenne, WY 82001

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), Chapter XVII, Section 2f, Land Quality Division Regulations, and Chapter I and II, DEQ Rules of Practice and Procedure.

2. **EXPEDITED REVIEW.** If this Notice requires cessation of mining, expressly or in practical effect, as found on the reverse of this page, 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); 35–11–437; Chapter XVII, Sections 2 and 3, Land Quality Division Regulations; and Chapters I and II, DEQ Rules of Practice and Procedure.

ATTACHMENT

Notice of Violation No. 100370 Permit No. 338-T6

Violation No. 1 of 1

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Nature of the Violation

The operator failed to respond to LQD 2007 Annual Report comments dated February 27, 2008 as of this date (i.e., some 11 months).

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

W.S. § 35-11-411(d) "Upon receipt of the annual report the administrator shall make such further inquiry as shall be deemed necessary. If the administrator objects to any part of the report or requires further information he shall notify the permittee as soon as possible and shall allow a reasonable opportunity to provide the required information, or take such action as shall be necessary to remove the objection.".

Portion of the Operation to which Notice Applies

The entire permit area.

Remedial Action Required (including interim steps, if any)

The operator shall submit responses & replacement pages to the LQD for 2006-2007 LQD annual report comments dated 2/27/08. If the responses are insufficient, Bridger Coal shall respond to on-going LQD comments within thirty (30) days of receipt of those comments until all comments are resolved.

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

Submittal of Bridger Coal responses to the LQD comments dated 2/27/08 to the 2006-2007 annual report shall be received by the LQD within thirty (30) days after receipt of this Notice of Violation.