

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
NOTICE OF VIOLATION (NOTICE)

N.O.V. No. 100558
Permit No. 569-T6
Docket No. 4486-09

To the Following Permittee or Operator or Licensee:

Name: Powder River Coal Company, LLC

Mine: North Antelope Rochelle Mine Campbell/Converse County: Telephone: (307) 687-3923

Surface: X Underground: _____ Other: _____

Mailing Address: Caller Box 3034 Gillette, WY 82717-3034

Date of Inspection: April 7 and April 8, 2009

Time of Inspection: from 4/7/09 - 7:00 am and 4/8/09 - 4.30 pm

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

Mailing Address: same as above

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 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: April 23, 2009

Lowell K. Spackman
SIGNATURE OF DESIGNATED REPRESENTATIVE

MANNER OF SERVICE: CERTIFIED MAIL

Lowell K. Spackman
PRINTED NAME

PROOF OF SERVICE: CERTIFIED MAIL RECEIPT

PERSON SERVED WITH NOTICE: ROSE HAROIAN

CC: CHEYENNE LQD
DISTRICT OFFICE
OSM - CASPER FIELD OFFICE

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.

Notice of Violation No. 100558
Permit No. 569-T6
Docket No. 4486-09
Date of Service: April 23, 2009

Violation No. 100558

Nature of the Violation

During the inspection on April 7, 2009, it was determined that the blaster in charge, Jerry L. Hugen, signed six blasts shot records (Shot Nos.: 17133, 17136, 17155, 17182, 117184, and 17211). At the time of these shots, Mr. Hugen was not certified to sign the records for each of these shots. His State of Wyoming Blaster Certificate expired on January 5, 2009. The renewal of Jerry Hugen's Wyoming Blaster Certificate took place on March 30, 2009. Mr. Jerry L. Hugen signature appeared on the six blast shots noted above on the following dates: January 7, 2009; January 8, 2009; January 18, 2009; January 24, 2009 (x2), and February 3, 2009.

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

1. Department of Environmental Quality, Coal Rules and Regulations, Ch.6, Sec.5 (a)(iii), "...The record shall contain the following data: Name, signature, and certification of blaster conducting the blast."
2. Department of Environmental Quality, Coal Rules and Regulations, Ch.6, Sec.6 (c)(i), "All blasting operations shall be conducted under the directions of a certified blaster having a minimum of two years of blasting experience."
3. Department of Environmental Quality, Coal Rules and Regulations, Ch.6, Sec.6 (f)(i), "Certificates will be issued to those candidates receiving a passing score on the certification examination. The certification will expire five years from the issuance date."

Portion of the Operation to which Notice Applies

Records recording the blasting operations

Remedial Action Required (including interim steps, if any)

None required (see below)

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

There is no need for any abatement. Mr. Jerry L. Hugen passed the blasting certification test and a new Wyoming Blaster Certificate number WS 0948-09 was issued with an effective date of March 30, 2009.