

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. 4746-10  
ATTN: GAVIN FLINT )  
P.O. BOX 2155 )  
GILLETTE, WYOMING 82717 )  
PERMIT NO. 754 – REGULAR MINE PERMIT )

NOTICE

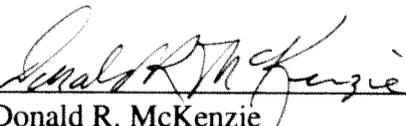
NOTICE IS HEREBY GIVEN THAT:

1. Notice of Violation (NOV) is being sent to you pursuant to Wyoming Statute §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. Wyoming Statute § 35-11-415(b)(ii) states the operator, pursuant to an approved surface mining permit and mining plan and reclamation plan, or any approved revision thereto, shall conduct all surface mining and reclamation activities within the permit area in conformity with his approved plan.
3. During the 2009 Annual Inspection of Permit No. 754 on April 28, 2009, David Schellinger observed that Magna Energy Services had affected lands outside the approved Affected Area Boundary at the Martin Pit. Based on this inspection, Mr. Schellinger requested a permit revision to revise the Area to Affect and Affected Area Boundary for the Martin Pit to bring these disturbances into compliance with the approved permit. This request was also recorded in Mr. Schellinger's May 8, 2009, inspection report. Magna Energy Services, LLC has not responded to the request to revise their permit and the areas noted outside the approved Affected Area Boundary remain out of compliance.
4. During the 2010 Annual Inspection of Permit No. 754 on October 5, 2010, Mr. Schellinger observed that mining activities for the Wardner Pit did not follow the approved mine plan. Mining activities have continued through 2010 when the approved mine plan states mining was to be completed in 2008.
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 hereunder 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 20 day of OCTOBER, 2010

  
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John V. Corra  
Director  
Department of Environmental Quality

  
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Donald R. McKenzie  
Administrator  
Land Quality Division

Please direct all inquiries regarding this Notice of Violation to Mr. Mark Rogaczewski, District III Supervisor, Wyoming Department of Environmental Quality/Land Quality Division, 2100 West 5<sup>th</sup> Street Sheridan, WY, 82801

**754, Regular Mining Permit**

cc: Mark Rogaczewski, LQD  
File: Regular Mine Permit 754