

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. 4834-11
ATTN: MR. GAVIN FLINT)
P.O. BOX 2155)
GILLETTE, WYOMING 82717)
1510ET – LIMITED MINING OPERATION)

NOTICE

NOTICE IS HEREBY GIVEN THAT:

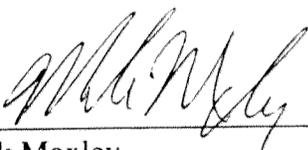
1. Notice of Violation (NOV) is being sent to you pursuant to Wyoming Statute §35-11-701(c)(i) which requires that a written notice shall be issued in the case of failure to correct or remedy an alleged violation.
2. The Department of Environmental Quality, Land Quality Division Noncoal Rules and Regulations Chapter 10, section 4(c) states that "In no case shall any materials be pushed or dumped over natural escarpments."
3. During the inspection performed on April 28, 2011, Mr. David Schellinger documented that materials from the mining operation had been pushed over the natural escarpments immediately adjacent to the Willow Creek channel from the southwest edge of LMO 1510ET.
4. 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 9th day of May, 2011



John V. Corra
Director
Department of Environmental Quality



Mark Moxley
Administrator
Land Quality Division

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

1180ET – LIMITED MINING OPERATION

cc: Mark Rogaczewski, LQD
file, 1510ET