

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. 100573
Permit No. PT 338-T6
Docket No. 5022-12

LQD

To the Following Permittee or Operator or Licensee:

Name: Bridger Coal Company

JUL 23 2012

Mine: Bridger Coal Mine County: Sweetwater Telephone: 307-922-7666

RECEIVED

Surface: X Underground: X Other:

Mailing Address: P.O. Box 68

Point of Rocks, WY 82942

Date of Inspection: July 5, 2012

Time of Inspection: from 10:00 AM to 3:00 PM

Name of Operator (if other than permittee):

Mailing Address: Same

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 ___ 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 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: JULY 20, 2012

SIGNATURE OF DESIGNATED REPRESENTATIVE

MANNER OF SERVICE: CERTIFIED MAIL

AMY BOYLE

PROOF OF SERVICE: RETURN RECEIPT

PRINTED NAME

PERSON SERVED WITH NOTICE: MR. NORM HARGIS

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

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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. 100573
Permit No. PT 338-T6
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Date of Service July 20, 2012

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Violation No 1 of 1

Nature of the Violation

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Four sediment ponds (FP-3, FP-4, FP-5, and FP-6) were approved for construction in December 2010 and constructed in 2011. During the July 5, 2012 monthly inspection it was learned that the ponds, although in service, were not certified post construction by a Professional Engineer (P.E.), and have not been included in the quarterly or annual inspections.

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

LQD Coal Rules, Chapter 4, Section 2(g)(iv)(F, G, and H) Certification by a Professional Engineer that the pond was constructed in conformance with the approved design. After completion of construction, all impoundments shall be inspected annually by a Professional Engineer and quarterly by a qualified individual.

Portion of the Operation to which Notice Applies

Underground Mine Facilities Area

Remedial Action Required (including interim steps, if any)

The operator must have a post construction certification conducted by a registered Professional Engineer and the certification should be submitted to the Division as an addition to the Mine Plan. Once certified, the ponds will need to be included in the first available quarterly and annual inspection cycle.

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

P.E. post construction certification must be provided to LQD District II by August 1, 2012. Annual and Quarterly inspection reports must be provided by September 1, 2012.