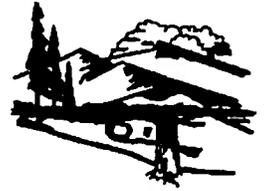




Department of Environmental Quality



To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.

Matthew H. Mead, Governor

Todd Parfitt, Director

**CERTIFIED MAIL NO. 7010 3090 0001 6474 0323
RETURN RECEIPT REQUESTED**

December 3, 2014

Mr. Mark Thrall
Alpha Coal West, Inc.
Eagle Butte Mine
P.O. Box 3040
Gillette, WY 82717-3040

**RE: Notice of Violation Docket No. 5507-14 for Alpha Coal West, Inc., Eagle Butte Mine,
Permit No. 428-T6**

Dear Mr. Thrall:

This letter covers your original copy of this Notice of Violation. Please carefully read page two of the Notice for your options for Formal Review, Temporary Relief, and Penalties.

The remedial action requires you to reclaim the area through respread of topsoil in March 2015 and seeding by June 1, 2015.

Please contact me if you have any questions at (307) 675-5621.

Sincerely,

Kurt King
Senior Analyst

Attachment

xc: Nancy Nuttbrock (with attachment)

LQD

DEC 8 2014

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12/3/14

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)

Permit No. 428-T7
Docket No. 5507-14

To the Following Permittee or Operator or Licensee:

Name: Alpha Coal West, Inc.

Mine: Eagle Butte Mine County: Campbell Telephone: (307) 687-3308

Surface: Underground: _____ Other: _____

Mailing Address: P.O. Box 3040
Gillette, WY 82717-3040

Date of Inspection: November 24, 2014

Time of Inspection: from 9:30 a.m. to 11:30 p.m.

Name of Operator (if other than permittee): same

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 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: DECEMBER 3, 2014

MANNER OF SERVICE: CERTIFIED MAIL

PROOF OF SERVICE: RETURN RECEIPT

PERSON SERVED WITH NOTICE: MARK THRALL

CC: CHEYENNE LQD
DISTRICT OFFICE
OSM - CASPER FIELD OFFICE


SIGNATURE OF DESIGNATED REPRESENTATIVE

KURT KING
PRINTED NAME

LQD

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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. Todd Parfitt, 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.

Violation 1 of 1

Nature of the Violation

Eagle Butte Mine stripped topsoil from an approximate 2 acre area in the NW1/4 Section 2, T.50N., R.72W. outside the permit boundary.

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

Wyoming Environmental Quality Act §35-11-405(a)

Portion of the Operation to which Notice Applies

An approximate 2 acre area in the NW1/4 Section 2, T.50N., R.72W. outside the permit boundary.

Remedial Action Required (including interim steps, if any)

Reclaim the area through respread of topsoil and seeding.

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

Topsoil will be respread in March 2015 and seeding will occur by June 1, 2015.

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