

STATE OF WYOMING  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
LAND QUALITY DIVISION  
HERSCHLER BUILDING, 122 W. 25<sup>TH</sup> ST  
CHEYENNE, WY 82002  
TELEPHONE: (307) 777-7756  
COAL OPERATION  
NOTICE OF VIOLATION (NOTICE)

Permit No. 764-T2  
Docket No. 5557-15

To the Following Permittee or Operator or Licensee:

Name: Peabody School Creek Mining, LLC

Mine: School Creek Mine      County: Campbell      Telephone: (307) 464-4500

Surface: X      Underground: \_\_\_\_\_ Other: \_\_\_\_\_

Mailing Address: Cyrus Kezar  
P.O. Box 3035  
Gillette, WY 82717-3035

Date of Inspection: March 19, 2015

Time of Inspection: from 9:00 a.m. to 11:00am and 3:00 pm to 3:30pm

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 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: MARCH 25, 2015

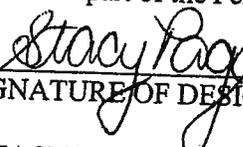
MANNER OF SERVICE: CERTIFIED MAIL

PROOF OF SERVICE: RETURN RECEIPT

PERSON SERVED WITH NOTICE: CYRUS KEZAR

CC: CHEYENNE LQD  
DISTRICT OFFICE

OSM - CASPER FIELD OFFICE

  
SIGNATURE OF DESIGNATED REPRESENTATIVE  
STACY PAGE  
PRINTED NAME

MAR 30 2015

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. Alan Edwards, Interim Director  
Department of Environmental Quality  
Herschler Building  
122 W.25<sup>th</sup> 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.

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RECEIVED

**Violation 1 of 1**

Nature of the Violation

During the March 19, 2015 monthly inspection the inadequate salvage of topsoil was observed at the construction site of a flood protection reservoir. The excavator that was digging out overburden materials from the reservoir while sitting on topsoil.

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

Land Quality Division (LQD) Coal Rules and Regulations Chapter 4, Section 2(c)(i)(A).

Portion of the Operation to which Notice Applies

Sections 14, T.42N, R70W

Remedial Action Required (including interim steps, if any)

All topsoil from areas that have been affected for construction of HC-9 Reservoir will be salvaged and placed in the topsoil stockpile immediately south of this operation. The excavator may sit on topsoil while it is stripping topsoil but not while it is excavating HC-9 Reservoir.

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

The above remedial actions will be completed by April 1, 2015.

MAR 30 2015

FILED