



# United States Department of the Interior

OFFICE OF SURFACE MINING  
Reclamation and Enforcement  
Casper Area Office  
PO Box 11018  
150 East B Street, RM 1018  
Casper, WY 82602



CERTIFIED MAIL - RETURN RECEIPT REQUESTED

January 21, 2016

Kyle Wendtland, Administrator  
Wyoming Department of Environmental  
Quality  
Land Quality Division  
200 West 17<sup>th</sup> Street, Garden Level  
Cheyenne, WY 82002

RE: Ten Day Notice's and Citizens Complaint – Arch Coal, Inc.'s and Subsidiaries Mining  
Operations in Wyoming

Dear Mr. Wendtland:

On December 16, 2015, the Office of Surface Mining Reclamation and Enforcement (OSMRE) and your office received a Citizen Complaint from the Powder River Basin Resource Council (PRBRC) and the Western Organization of Resource Councils (WORC). The complainants requested an inspection and enforcement action regarding ongoing surface coal mining operations of Arch Coal, Inc. and its subsidiaries Thunder Basin Coal Company, LLC, and Arch Western Resources, LLC. The complainants allege a violation of the Surface Mining Control and Reclamation Act (SMCRA) and Wyoming's Environmental Quality Act (Wyoming Act), and state that they have reason to believe that Arch Coal and its subsidiaries are conducting surface coal mining operations in Wyoming without sufficient reclamation bonding as required by SMCRA and the Wyoming Act. Specifically, the complainants allege Arch Coal is violating SMCRA's bonding requirements because the company and its subsidiaries no longer qualify for self-bond status.

The complaint itself asked your office to investigate and issue a Notice of Violation (NOV) to Arch Coal. The complaint also asked OSMRE to act if your office did not issue an NOV. On December 21, 2015, your office responded to the complainants but did not issue an NOV to Arch Coal. Your response to the complainant found that Arch Coal's self-bonds (SBC149, SBC144, SBC146, SBC156/SBC143, SBC150, SBC145, and SBC148) were in good standing based on a September 2015 analysis and approval in accordance with Chapter 11 of the Wyoming Coal Rules and Regulations. The September 2015 analysis and approval of the above self-bonds was completed using the 2014 year-end audited financial reports of Arch Western Resources. Your response to the complainant also stated that the next annual review of Arch Coal's self-bonds would be conducted in 2016 based upon the 2015 year-end audited financial reports, and that you have requested quarterly financial reports from Arch Coal to better monitor company financial condition in between annual self-bond reviews.

OSMRE believes it is most appropriate to forward the Citizen's Complaint to your office via the Ten Day Notices (TDN) process in order to provide the opportunity for you to more fully respond to the allegation that the 2015 analysis done by your office no longer reflects the current self-bond eligibility of the company and that the self-bonding requirements of the approved State Program are violated because the guarantor's assets are being used by the parent company as collateral for secured corporate debt.

Therefore, in accordance with OSMRE's Directive System, INE-24 and INE-35, the CAO is herewith referring the complaint to your office (the Regulatory Authority) via the enclosed TDNs:

TDN #X16-010-549-001 – Permit #233-T8 (Black Thunder Mine)  
TDN #X16-010-549-002 – Permit #331-T6 (Medicine Bow Mine)  
TDN #X16-010-549-003 – Permit #334-T2 (EDC/Vanguard Mine)  
TDN #X16-010-549-004 – Permit #377-T5 (Seminole II Mine)  
TDN #X16-010-549-005 – Permit #483-T6 (Coal Creek Mine)  
TDN #X16-010-549-006 – Permit #676-T3 (Izita Mine)  
TDN #X16-010-549-007 – Permit #730-T2 (Carbon Basin Mine)

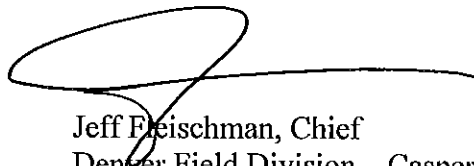
In addition to the TDNs, also enclosed are the CAO's Mine Site Evaluation Forms and TDN narratives, the December 16, 2015 Citizen Complaint letter, and your December 21, 2015 response letter.

In addition, on January 11, 2016, Arch Coal and subsidiaries, including Arch Western Resources and Thunder Basin Coal Company, filed for Chapter 11 bankruptcy in United States Bankruptcy Court for the Eastern District of Missouri. The bankruptcy petition(s) likely contains more recent information than the 2014 information considered by WYDEQ. WYDEQ's response to the complaint and TDNs may address the bankruptcy petition(s) in relation to the issues raised in the complaint and TDNs, if warranted.

Please respond to the TDNs as directed in 30 CFR 842.11 within ten business days by taking appropriate action to cause the possible violation to be corrected or to show good cause for such failure. Appropriate action and good cause are explained in 30 CFR 842.11(b)(3) and (4). Good cause includes showing that the possible violation does not exist under the approved State program. This TDN does not constitute a written determination under 30 CFR 842.11(b)(1)(ii)(B)(I) of whether the standards for appropriate action or good cause have been met, and does not constitute a notice of violation or cessation order under 30 CFR Part 843. After WYDEQ's response, OSMRE will issue its written determination and, if necessary, will issue any necessary order to correct the violation, if found.

If you have any questions or require additional time to respond to the TNDs, please contact me at (307) 261-6550.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line extending to the right.

Jeff Fleischman, Chief  
Denver Field Division – Casper Area Office

Enclosures:

As a result of the information below, the Office of Surface Mining Reclamation and Enforcement (OSMRE) has reason to believe that the Wyoming Department of Environmental Quality-Land Quality Division (WYDEQ) may be allowing Arch Coal Inc., Thunder Basin Coal Company, LLC, and Arch Western Resources, LLC (collectively, Arch) to operate in violation of the Wyoming Approved State Program. Therefore, pursuant to 30 U.S.C. § 1271(a) and 30 C.F.R. § 842.11(b)(1)(ii)(B)(I), OSMRE is issuing the following Ten Day Notices (TDN's) for the following surface coal mining operations in Wyoming:

TDN #X16-010-549-001 – Permit #233-T8 (Black Thunder Mine)  
TDN #X16-010-549-002 – Permit #331-T6 (Medicine Bow Mine)  
TDN #X16-010-549-003 – Permit #334-T2 (EDC/Vanguard Mine)  
TDN #X16-010-549-004 – Permit #377-T5 (Seminole II Mine)  
TDN #X16-010-549-005 – Permit #483-T6 (Coal Creek Mine)  
TDN #X16-010-549-006 – Permit #676-T3 (Izita Mine)  
TDN #X16-010-549-007 – Permit #730-T2 (Carbon Basin Mine)

The Federal regulation at 30 C.F.R. § 842.11 provides that absent an imminent danger or harm scenario, OSMRE must issue a TDN to a Regulatory Authority (RA) when it has reason to believe a violation exists or when, on the basis of a Federal inspection, it determines that a violation exists (and OSMRE has not issued a previous TDN for the same violation). These TDN's are not based on Federal inspections, and OSMRE has not yet determined that violations exist. However, based on allegation in the Citizen's Complaint summarized below, OSMRE has reason to believe that WYDEQ may be allowing Arch to operate in violation of the Wyoming Environmental Quality Act (Wyoming Act) and WYDEQ Coal Rules and Regulations by allowing Arch's Wyoming surface mining operations to continue to extract coal while failing to meet the criteria to qualify for self-bonding.

In accordance with the Wyoming Act and WYDEQ Rules and Regulations for Coal, surface mine operators may "self-bond" to cover the costs of reclaiming mine sites if the requisite criteria are satisfied. Wyo. Stat. § 35-11-417(d); Wyo. Admin. Code § ENV LQC Ch. 11 § 2(a)(vii)(A)-(C). In Wyoming, Arch Western Resources and Thunder Basin Coal are currently self-bonded at the following operations:

Black Thunder Mine, Permit #233-T8 (SBC148)  
Medicine Bow Mine, Permit #331-T6 (SBC156/143)  
EDC/Vanguard Mine, Permit #334-T2 (SBC146)  
Seminole II Mine, Permit #377-T5 (SBC144)  
Coal Creek Mine, Permit #483-T6 (SBC149)  
Izita Mine, Permit #676-T3 (SBC150)  
Carbon Basin Mine, Permit #730-T2 (SBC145)

On December 16, 2015, OSMRE and the WYDEQ received a Citizen's Complaint from the Powder River Basin Resource Council (PRBRC) and the Western Organization of Resource Councils (WORC). The complainants requested an inspection and enforcement action regarding ongoing surface coal mining operations of Arch Coal and its subsidiaries. The complainants allege a violation of the Surface Mining Control and Reclamation Act (SMCRA) and the

Wyoming Act, and state that they have reason to believe that Arch Coal and its subsidiaries are conducting surface coal mining operations in Wyoming without sufficient reclamation bonding as required by SMCRA and the Wyoming Act. Specifically, the complainants allege Arch Coal is violating SMCRA's bonding requirements because the company and its subsidiaries no longer qualify for self-bond status. The complainants verified that the parent company, Arch Coal, does not qualify for self-bonding. The complainants also state that because Arch Western Resources LLC's assets are pledged to Arch Coal, the two entities must be viewed in tandem and the financial condition of Arch Coal must be considered when determining whether Arch Western Resources, LLC qualifies for self-bonding to meet the full intent of SMCRA.

The Wyoming Act allows for self-bonding, as follows:

The council may promulgate rules and regulations for a self-bonding program for mining operations under which the administrator may accept the bond of the operator itself without separate surety when the operator demonstrates to the satisfaction of the director the existence of a suitable agent to receive service of process and a history of financial solvency and continuous operation sufficient for authorization to self-insure or bond this amount. This subsection shall not become operative until the council has promulgated rules and regulations for the self-bonding program which require that the protection provided by self-bonding shall be consistent with the objectives and purposes of this act.

Wyo. Stat. § 35-11-417.

To remain eligible for self-bonding, the Wyoming Land Quality Division Coal Rules and Regulations, Chapter 11, Section 4, require for renewal bonds, the submission of the following information:

(a) Information for the renewal bond under the self-bonding program which shall accompany the annual report shall include:

(i) Amount of bond required, which shall be determined in accordance with W. S. § 35-11-417(c)(ii). If the self-bond amount is proposed to be less than the full bond amount, the amount which is proposed is to be under a self-bond.

(ii) Financial information in sufficient detail to show that the guarantor still meets one of the criteria in Section 2(a)(vii), and the limitation in Section 2(a)(xii). The Administrator may request financial statements for the most recently completed fiscal year together with an independent certified public accountant's audit opinion or review opinion of the financial statements with no adverse opinion. Additional unaudited information may be requested by the Administrator.

(iii) If the Administrator has accepted a mortgage, any changes in evidence of value, title and possession of the property shall be submitted.

(iv) If the Administrator deems it necessary to value any asset, he may appoint the

appraiser or appraisers mutually acceptable to the Administrator and the operator. Any such appraisal shall be expeditiously made, and a copy thereof furnished to the Administrator and the operator. The expense of the appraisal shall be borne by the operator. The findings of the appraisal shall be final and binding unless both parties agree to a reappraisal.

(v) For coal operators using personal property as collateral to support a self-bond, the operator's current financial information showing continuing compliance with Section 3(c)(ii) of this Chapter.

(b) If the Administrator has authorized a parent corporate guarantee, the parent corporation shall supply all information required under subsection (a)(ii) of this Section.

(c) Any valid initial self-bond shall carry the right of successive renewal as long as the above listed information is submitted which demonstrates that the guarantor remains qualified under W.S. § 35-11-417(d).

Wyo. Admin. Code § ENV LQC Ch. 11 § 4.

The referenced financial information of Section 2 of the Coal Rules and Regulations includes:

For coal mining operations, financial information in sufficient detail to show that the operator meets one of the following criteria (the specific criterion relied upon shall be identified):

(A) The operator has a rating for all bond issuance actions over the past five years of "A" or higher as issued by Moody's Investor Service, Standard and Poor's Corporation or any other nationally recognized rating organization that is acceptable to the regulatory authority. Any additional rating organization must be a "nationally recognized statistical rating organization" as approved by the Securities and Exchange Commission. If the additional rating organization uses a different rating system, only ratings that are equivalent to a rating of "A" or higher by either Moody's Investor Service or Standard and Poor's Corporation will qualify (the rating organization should be identified together with any further breakdown of specific ratings).

(B) The operator has a tangible net worth of at least 10 million dollars, and a ratio of total liabilities to net worth of 2.5 times or less, and a ratio of current assets to current liabilities of 1.2 times or greater. The two ratio requirements must be met for the past year, and documented for the four years preceding the past year. Explanations should be included for any year where the ratios fall below the stated limits.

(C) The operator's fixed assets in the United States total at least 20 million dollars, and the operator has a ratio of total liabilities to net worth of 2.5 times or less, and

a ratio of current assets to current liabilities of 1.2 times or greater. The two ratio requirements must be met for the past year and documented for the four years preceding the past year. Explanations should be included for any year where the ratios fall below the stated limits.

(D) If the operator chooses (B) or (C), the two ratios shall be calculated with the proposed self-bond amount added to the current or total liabilities for the current year. The operator may deduct the costs currently accrued for reclamation which appear on the balance sheet.

Wyo. Admin. Code § ENV LQC Ch. 11 § 2(a)(vii)(A)-(D).

The complaint itself is non-standard in that it contains a dual request. First, it requests that WYDEQ investigate and issue a Notice of Violation (NOV) to Arch Coal. Second, if WYDEQ were to not issue an NOV, the complaint requests OSMRE to take action. On December 21, 2015, WYDEQ responded to the complainants but did not issue an NOV to Arch Coal. WYDEQ found that Arch Coal's self-bonds (SBC149, SBC144, SBC146, SBC156/SBC143, SBC150, SBC145, and SBC148) were in good standing based on a September 2015 analysis and approval in accordance with Chapter 11 of the Wyoming Coal Rules and Regulations. The September 2015 analysis and approval of the above self-bonds was completed using the 2014 year-end audited financial reports of Arch Western Resources, LLC. WYDEQ also noted in their response to the complainant that the next annual review of Arch Coal's self-bonds would be conducted in 2016 based upon the 2015 year-end audited financial reports. In addition, the WYDEQ stated that they have requested quarterly financial reports from Arch Coal to better monitor company financial condition in between annual self-bond reviews.

OSMRE believes it is most appropriate to forward the Citizen's Complaint to the WYDEQ via the TDN process in order to provide the opportunity for WYDEQ to more fully respond to the allegation that the 2015 analysis done by your office no longer reflects the current self-bond eligibility of the company and that the self-bonding requirements of the approved State Program are violated because the guarantor's assets are being used by the parent company as collateral for secured corporate debt. Therefore, OSMRE is issuing the following TDN's:

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TDN #X16-010-549-007 – Permit #730-T2 (Carbon Basin Mine)

OSMRE understands that Arch Coal and subsidiaries, including Arch Western Resources and Thunder Basin Coal Company, filed for Chapter 11 bankruptcy in United States Bankruptcy Court for the Eastern District of Missouri on January 11, 2016. WYDEQ's response to the complaint and TDNs may address the bankruptcy petition in relation to the issues raised in the complaint and TDNs, if warranted.

WYDEQ may respond to these notices as directed in 30 C.F.R. § 842.11 within ten business days by taking appropriate action to cause the possible violations to be corrected, or to show good cause for such failure. Appropriate action and good cause are defined 30 C.F.R. § 842.11(b)(3) and (4). Good cause includes showing that the possible violations do not exist under the approved State program. These TDN's do not constitute written determinations under 30 C.F.R. § 842.11(b)(1)(ii)(B)(I) of whether the standards for appropriate action or good cause have been met, and do not constitute notices of violation or cessation orders under 30 C.F.R. Part 843. After WYDEQ's response, OSMRE will issue its written determination and, if necessary, will issue any necessary order to correct the violations, if found.





U.S. DEPT. OF THE INTERIOR  
OFFICE OF SURFACE MINING  
Mine Site Evaluation  
State Program



<b>1. Permittee/Person</b> ARCH OF WYOMING LLC		<b>9. Permit Number</b> 730-T2	<b>10. Permit Type</b> PP
<b>2. Address</b> 1 CITY PLACE DRIVE SUITE 300		<b>11. Field Visit Date</b> 1/21/2016 <small>mm - dd - yyyy</small>	<b>12. Purpose</b> CCR
<b>3. City</b> ST LOUIS		<b>13. SRA Present</b> N	<b>14. Permit Status</b> A
<b>4. State</b> MO		<b>15. Site Status</b> AN	<b>16. Facility Type</b> ADG
<b>5. Zip Code</b> 63141	<b>6. Phone Number</b> (314) 994-2956	<b>17. OSM Office #</b> 010	<b>18. CCID #</b> CC16-010-001
<b>7. Operator Name, if Different than Permittee</b>		<b>19. Land Code</b> SF	<b>20. M.S.H.A. ID #</b> 48-01694
<b>8. Mine Name</b> CARBON BASIN		<b>21. State Abbrev.</b> WY	<b>22. County/Burrough</b> CARBON
		<b>23. AVS Permittee Entity ID Number</b> 145743	<b>24. State Office</b>
<b>25. Hours</b>		<b>26. Signature Block</b>	
a. Permit Review b. Site Visit Time c. Travel Time d. Report Writing		Signature: Frank Bartlett, ID#549 Printed Name: Date: 1/21/2016	
		<b>27. Reviewing Official:</b> Signature: Review Date: 1-21-2016 <small>mm - dd - yyyy</small> Is Supplemental MSE Page Used Y/N <input checked="" type="checkbox"/>	

**Permit Type - Item 10** IP = Interim Program PP = Permanent Program NP = No Permit

**Purpose Type Codes - Item 12**  
Oxx...Oversight  
AXx...Assistance  
RFx...Reclamation Fees  
Fxx...Federal Actions  
CCR...Citizen Complaint Referral (non-site visit)  
CC...Citizen Complaint (Initial site visit)  
CCF...Assistance

**Joint Inspection - Item 13** A joint inspection is when a state inspector accompanies an OSM inspector at any time during the review of the mine site

**Permit Status - Item 14**  
A Active: Coal mining activities occurring or permitted but not yet disturbed.  
IN Inactive (Permanent Program Permit): Phase II completed or Temporary Cessation of Operations. (Interim Program Permit): Coal mining completed and reclamation activities initiated.  
BR Bond Release: Reclamation completed and State Regulatory Authority(RA) has released all of the bond (Phase III Release).  
AB Abandoned: All surface and underground coal mining activities have ceased and operator has left the site without completing reclamation as defined in 30 CFR 840.11(g).  
AB1 Bond Forfeiture: Bond forfeiture officially in process or completed and reclamation in progress or not yet commenced.  
AB2 Partially Reclaimed Forfeiture: Forfeited site where all bonds have been used to reclaim site, but site not reclaimed to Program standards.  
AB3 Reclaimed Forfeiture: Forfeited site that has been reclaimed to Program standards.  
NA Not Applicable: When site is unpermitted.

**Site Status - Item 15**  
ND No Disturbance: No coal mining and reclamation operations have been started.  
EX Coal Exploration: Coal exploration operations have started and where coal mining operations have not begun.  
AP Active Coal Producing: Coal surface mining activities are occurring.  
AN Active Non-Producing: Active non-producing facility such as tipple or preparation plant.  
NM No Mining: The Permit Status is active, site is not in Temporary Cessation, no surface coal mining activity, and site not degraded.  
MC Mining Complete: No mining activity on site, site regraded and awaiting bond release.  
TC Temporary Cessation: The RA has granted cessation of mining pursuant to 30 CFR 816/817.13(b).  
P1 Phase I Release: At least Phase I bond release granted for entire permitted area. For interim permits, partial bond release.  
P2 Phase II Release: At least Phase II bond release for the entire permitted area.  
P3 Phase III Release: Reclamation completed and the RA has released all bond.  
NS Non-Site Visit: Status of site not determined.  
FP Forfeiture Pending: The RA is pursuing actions to revoke the permit, collect the performance bond(s), and/or reclamation of forfeited site is in progress.  
FR Forfeited and Reclaimed: Forfeiture reclamation completed.  
FO Abandoned Site: Abandoned site that is permitted but there is no bond.  
WC Wildcat: Coal mining and reclamation operations have or are taking place and the activity is not covered by the required permits from the RA.

**Facility Type Codes - Item 16**  
A...Surface  
B...Underground  
C...Preparation Plant  
D...Ancillary (Haulroad, Conveyor, and/or Rails)  
E...Refuse and/or Impoundment  
F...Loading Facility and/or Tipple  
G...Stockpiles  
H...Exploration Permits  
I...Notice of Intent to Explore  
J...Exempt 16 and 2/3  
K...Government Financed Construction Exemption  
L...Remining site permitted under 30 CFR 785.25

**Small Business Regulatory Enforcement Fairness Act (SBREFA)**  
Your Comments are Important  
The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small businesses about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you are a small business (a business with 500 or fewer employees including those of affiliates) and wish to comment on the enforcement or compliance activities of OSM, call 1-888-REG-FAIR (1-888-734-3247).

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**U.S. DEPT. OF THE INTERIOR  
OFFICE OF SURFACE MINING  
Mine Site Evaluation**

Permittee/ Person <span style="border: 1px solid black; padding: 2px;">ARCH OF WYOMING LLC</span>	Permit Number <span style="border: 1px solid black; padding: 2px;">730-T2</span>	Field Visit Date <span style="border: 1px solid black; padding: 2px;">1/21/2016</span>	State Program Continuation Page
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## 28. Performance Standard Categories

Codes: 1=Compliance, 2=Noncompliance, 3=Not Planned, 4=Not Started, 5=Noncompliance Identified Elsewhere, 6=Previously Cited, 7=Permit Defect

<b>A. Administrative</b> 1. <input type="checkbox"/> Mining within Valid Permit 2. <input type="checkbox"/> Mining within Bonded Area 3. <input type="checkbox"/> Terms & Conditions of Permit 4. <input type="checkbox"/> Liability Insurance 5. <input type="checkbox"/> Ownership and Control 6. <input type="checkbox"/> Temporary Cessation 7. <input type="checkbox"/> AML Rec. Fees - Non-Respondent 8. <input type="checkbox"/> AML Rec. Fees - Failure to Pay  <b>B. Hydrologic Balance</b> 1. <input type="checkbox"/> Drainage Control 2. <input type="checkbox"/> Inspections & Certifications 3. <input type="checkbox"/> Siltation Structures 4. <input type="checkbox"/> Discharge Structures 5. <input type="checkbox"/> Diversions 6. <input type="checkbox"/> Effluent Limits 7. <input type="checkbox"/> Ground Water Monitoring 8. <input type="checkbox"/> Surface Water Monitoring 9. <input type="checkbox"/> Drainage - Acid-Toxic Materials 10. <input type="checkbox"/> Impoundments 11. <input type="checkbox"/> Stream Buffer Zones  <b>C. Topsoil &amp; Subsoil</b> 1. <input type="checkbox"/> Removal 2. <input type="checkbox"/> Substitute Materials 3. <input type="checkbox"/> Storage and Protection 4. <input type="checkbox"/> Redistribution	<b>D. Backfilling &amp; Grading</b> 1. <input type="checkbox"/> Exposed Openings 2. <input type="checkbox"/> Contemporaneous Reclamation 3. <input type="checkbox"/> Approximate Original Contour 4. <input type="checkbox"/> Highwall Elimination 5. <input type="checkbox"/> Steep Slopes (includes downslope) 6. <input type="checkbox"/> Handling of Acid and Toxic Materials 7. <input type="checkbox"/> Stabilization (rills and gullies)  <b>E. Excess Spoil Disposal</b> 1. <input type="checkbox"/> Placement 2. <input type="checkbox"/> Drainage Control 3. <input type="checkbox"/> Surface Stabilization 4. <input type="checkbox"/> Inspections & Certifications  <b>F. Coal Mine Waste (Refuse Piles/Impoundments)</b> 1. <input type="checkbox"/> Drainage Control 2. <input type="checkbox"/> Surface Stabilization 3. <input type="checkbox"/> Placement 4. <input type="checkbox"/> Inspections & Certifications 5. <input type="checkbox"/> Impounding Structures  <b>G. Use of Explosives</b> 1. <input type="checkbox"/> Blaster Certification 2. <input type="checkbox"/> Distance Prohibitions 3. <input type="checkbox"/> Blast Survey/Schedule 4. <input type="checkbox"/> Warnings & Records 5. <input type="checkbox"/> Control of Adverse Effects	<b>H. <input type="checkbox"/> Subsidence Control Plan</b>  <b>I. Roads</b> 1. <input type="checkbox"/> Road Construction 2. <input type="checkbox"/> Certification 3. <input type="checkbox"/> Drainage 4. <input type="checkbox"/> Surfacing and Maintenance 5. <input type="checkbox"/> Reclamation  <b>J. Signs &amp; Markers</b> 1. <input type="checkbox"/> Signs 2. <input type="checkbox"/> Markers  <b>K. <input type="checkbox"/> Distance Prohibitions</b>  <b>L. Revegetation</b> 1. <input type="checkbox"/> Vegetative Cover 2. <input type="checkbox"/> Timing  <b>M. <input type="checkbox"/> Postmining Land Use</b>  <b>N. Other</b> <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;">             General Performance Category           </div> <div style="display: flex; align-items: center;"> <div style="border-bottom: 1px solid black; width: 40px; text-align: center;">A</div> <div style="border-bottom: 1px solid black; width: 40px; text-align: center;">2</div> <div style="border-bottom: 1px solid black; width: 150px; text-align: center;">30 CFR 800.23(B)(2) THROUGH (B)(4)</div> </div> </div>
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### Performance Standard Categories 30 CFR Counterparts

<b>A. Administrative</b> ..... 1. Valid Permit ..... 773.11 2. Mining within Bonded Area ..... 773.11 3. Terms & Conditions of Permit ..... 773.17 4. Liability Insurance ..... 800.60 5. Ownership and Control ..... 778.13 6. Temporary Cessation ..... 842.11(e) & 816/817.131 7. AML Rec. Fees - Non-Respondent ..... 870.15(b) 8. AML Rec. Fees - Failure to Pay ..... 870.15(a) <b>B. Hydrologic Balance</b> ..... (816/817.41-57) 1. Drainage Control ..... 43 2. Inspections & Certifications ..... 49(a)(10) 3. Siltation Structures ..... 46 4. Discharge Structures ..... 47 5. Diversions ..... 43 6. Effluent Limits ..... 42 7. Ground Water Monitoring ..... 41(c) 8. Surface Water Monitoring ..... 41(e) 9. Drainage-Acid-Toxic Materials ..... 41(f) 10. Impoundments ..... 49 11. Stream Buffer Zones ..... 57 <b>C. Topsoil &amp; Subsoil</b> ..... (816/817.22) 1. Removal ..... 22(a) 2. Substitute Materials ..... 22(c) 3. Storage and Protection ..... 22(c) 4. Redistribution ..... 22(d) <b>D. Backfilling &amp; Grading</b> ..... 816/817.95-107) 1. Exposed Openings ..... 816/817.13, 14, 15, & 823.11 & 21 2. Contemporaneous Reclamation ..... 100 3. Approximate Original Contour ..... 102(a)(1) 4. Highwall Elimination ..... 102(a)(2) 5. Steep Slopes (includes downslope) ..... 107 6. Handling of Acid & Toxic Materials ..... 102(c) 7. Stabilization (rills and gullies) ..... 93(b)	<b>E. Excess Spoil Disposal</b> ..... (816/817.71-74) 1. Placement ..... 71(e) 2. Drainage Control ..... 71(f) 3. Surface Stabilization ..... 71(g) 4. Inspections & Certifications ..... 71(h) <b>F. Coal Mine Waste (Refuse Piles/Impoundments)</b> ..... 816/817.81-84) 1. Drainage Control ..... 83(a) 2. Surface Stabilization ..... 83(b) 3. Placement ..... 83(c) 4. Inspections and Certifications ..... 83(d) 5. Impounding Structures ..... 84 <b>G. Use of Explosives</b> ..... (816/817.61-68) 1. Blaster Certification ..... 61(c) 2. Distance Prohibitions ..... 61(d) 3. Blast Survey/Schedule ..... 62-64 4. Warnings & Records ..... 66 & 68 5. Control of Adverse Effects ..... 67 <b>H. Subsidence Control Plan</b> ..... (817.121-122) <b>I. Roads</b> ..... (816/817.150-151) 1. Road Construction ..... 150(c) 2. Certification ..... 151(a) 3. Drainage ..... 150(b)-151(d) 4. Surfacing and Maintenance ..... 150(e)-151(d) 5. Reclamation ..... 150(f) <b>J. Signs &amp; Markers</b> ..... 816/817.11) 1. Signs ..... 11(a),(b),(c) 2. Markers ..... 11(a),(b),(d),(e),(f) <b>K. Distance Prohibitions</b> ..... (761.11) <b>L. Revegetation</b> ..... (816/817.111-116) 1. Vegetative Cover ..... 111 & 116 2. Timing ..... 113 <b>M. Postmining Land Use</b> ..... (816/817.133)
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#### OSM Action

- |  |   |
|--|---|
| 1) Deferred to State Action<br>2) TDN Issued<br>3) NOV Issued<br>4) FTA-CO Issued<br>5) B1-CO Issued | 6) ID-CO Issued (Imminent Danger to Public)<br>7) Previously cited by RA, abatement pending<br>8) Abated during or before OSM inspection<br>9) Follow-up of Federal Action<br>10) Off-site impact with no violation |
|--|---|

#### Off-Site Impacts

- For each type of impact and resource affected, enter "N, D, or J" to describe the degree of off-site impact:
- N - Minor Occurrence  
 D - Moderate Occurrence  
 J - Major Occurrence

**U.S. DEPT. OF THE INTERIOR  
OFFICE OF SURFACE MINING  
Mine Site Evaluation**

Permittee/ Person <b>ARCH OF WYOMING LLC</b>	Permit Number <b>730-T2</b>	Field Visit Date <b>1/21/2016</b>	State Program Continuation Page
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<p><b>A. Specific State Law/Regulations Violated:</b> <span style="border: 1px solid black; padding: 2px;">WY DEQ Coal Rules, Chapter 11, Section 4(a)(ii) referencing Chapter 11, Section 2(a)(vi)(A-D)</span></p> <p><b>B. Description:</b> <span style="border: 1px solid black; padding: 2px;">Self-bond guarantor no longer meets requirements to self-bond in the State of Wyoming.</span></p> <p><b>C. Performance Standard:</b> <span style="border: 1px solid black; padding: 2px;">AN</span>      <b>D. Abated (Y/N):</b> <span style="border: 1px solid black; padding: 2px;">N</span></p> <p><b>E. OSM Action:</b> <span style="border: 1px solid black; padding: 2px;">2</span>      <b>F. OSM Action Number:</b> <span style="border: 1px solid black; padding: 2px;">X16-010-549-007</span>      <b>Viol#:</b> <span style="border: 1px solid black; padding: 2px;">01</span></p> <p><b>G. Optional:</b>      <b>H. Any Off-Site Impacts (Y/N):</b> <span style="border: 1px solid black; padding: 2px;">N</span></p> <p><b>I. Latitude:</b> <span style="border: 1px solid black; padding: 2px;">0414510</span>      <b>J. Longitude:</b> <span style="border: 1px solid black; padding: 2px;">1062217</span>      <b>K. Elevation:</b> <span style="border: 1px solid black; padding: 2px;"></span></p>	<p align="center"><b>L. Off-Site Impacts</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th></th> <th>People</th> <th>Land</th> <th>Water</th> <th>Structures</th> </tr> <tr> <td>Blasting</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Stability</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Hydrology</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Encroachment</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Other</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>		People	Land	Water	Structures	Blasting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Stability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Hydrology	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Encroachment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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UNITED STATES DEPARTMENT OF THE INTERIOR  
Office of Surface Mining  
Reclamation and Enforcement

**TEN-DAY NOTICE**

Number X16-010-549-007

TV 1

Originating Office: Casper Field Office  
US DOI, Office of Surface Mining  
100 East "B" Street  
Federal Building - Room 2128  
Casper, WY 82601-1918

Telephone Number: (307) 261-6541

Ten-Day Notice to the State of **Wyoming**

You are notified that, as a result of Citizen Information (e.g. a federal inspection, citizen information, etc.) the Secretary has reason to believe that the person described below is in violation of the Act or a permit condition required by the Act. If the State Regulatory Authority fails within ten days after receipt of this notice to take appropriate action to cause the violation(s) described herein to be corrected, or to show cause for such failure and transmit notice of your actino to the Secretary through the originating office designated above, then a Federal inspection of the surface coal mining operation at which the alleged violation(s) is occurring will be conducted and appropriate enforcement action as required by Section 521(a)(1) of the Act will be taken.

Permittee: ARCH OF WYOMING LLC

County: CARBON

(Or Operator if No Permit)

Mailing Address: 1 CITY PLACE DRIVE SUITE 300, , ST LOUIS, MO 63141

Permit Number: 730-T2

Mine Name: CARBON BASIN

- ☒ Surface  
☐ Underground  
☒ Other

**01 NATURE OF VIOLATION AND LOCATION:**

**Self-bond guarantor no longer meets requirements to self-bond in the State of Wyoming.**

Section of State Law, Regulation or Permit **WY DEQ Coal Rules, Chapter 11,**  
Condition believed to have been violated: **Section 4(a)(ii) referencing Chapter 11,**

**NATURE OF VIOLATION AND LOCATION:**

Section of State Law, Regulation or Permit  
Condition believed to have been violated:

**NATURE OF VIOLATION AND LOCATION:**

Section of State Law, Regulation or Permit  
Condition believed to have been violated:

Remarks or Recommendations:

Date of Notice: **01/21/2016**

Signature of Authorized Rep.: 

Print Name and ID: **Frank Bartlett ID# 549**



# U.S. DEPT. OF THE INTERIOR OFFICE OF SURFACE MINING



## Citizen Complaint

Citizen Complaint Number

CC16-010-001

Date Complaint Received

12/16/2015

Complainant

PRBRC AND WORC

Did citizen request confidentiality?

N

Nature of Complaint

PRBRC AND WORC ALLEGE THAT ARCH COAL AND ITS SUBSIDIARIES ARE CONDUCTING SURFACE COAL MINING OPERATIONS IN WYOMING WITHOUT SUFFICIENT RECLAMATION BONDING AS REQUIRED BY SMCRA AND WEQA.

Performance Standard Category  
(Check all that apply)

- ☒ A. Administrative
- ☐ B. Hydrologic Balance
- ☐ C. Topsoil & Subsoil
- ☐ D. Backfilling & Grading
- ☐ E. Excess Spoil Disposal
- ☐ F. Coal Mine Waste
- ☐ G. Use of Explosive
- ☐ H. Subsidence Control Plan
- ☐ I. Roads
- ☐ J. Signs & Markers
- ☐ K. Distance Prohibitions
- ☐ L. Revegation
- ☐ M. Postmining Land Use

Acknowledgement Letter

01/21/2016

FO Decision Letter to Citizen

Citizen Informal Review Request

Informal Review Date

Result of Informal Review

Citizen Notified of Review Results

Comments



U.S. DEPT. OF THE INTERIOR  
OFFICE OF SURFACE MINING  
Mine Site Evaluation  
State Program



<b>1. Permittee/Person</b> THUNDER BASIN COAL COMPANY LLC		<b>9. Permit Number</b> 676-T3	<b>10. Permit Type</b> PP
<b>2. Address</b> 1 CITY PLACE DRIVED SUITE 300		<b>11. Field Visit Date</b> 1/21/2016	<b>12. Purpose</b> CCR
<b>3. City</b> ST. LOUIS		<b>13. SRA Present</b> N	
<b>4. State</b> MO		<b>14. Permit Status</b> A	<b>15. Site Status</b> NM
<b>5. Zip Code</b> 63141		<b>16. Facility Type</b> A	
<b>6. Phone Number</b> (314) 994-2949		<b>17. OSM Office #</b> 010	<b>18. CCID #</b> CC16-010-001
<b>7. Operator Name, if Different than Permittee</b> THUNDER BASIN COAL COMPANY LLC		<b>19. Land Code</b> F	
<b>8. Mine Name</b> IZITA MINE		<b>20. M.S.H.A. ID #</b> 48-00977	<b>21. State Abbrev.</b> WY
		<b>22. County/Burrough</b> CAMPBELL	
		<b>23. AVS Permittee Entity ID Number</b> 144426	<b>24. State Office</b>
<b>25. Hours</b>		<b>26. Signature Block</b>	
a. Permit Review b. Site Visit Time c. Travel Time d. Report Writing		Signature: Frank Bartlett, ID#549 Printed Name: Date: 1/21/2016	
		<b>27. Reviewing Official:</b> Signature: Review Date: 1-21-16 Is Supplemental MSE Page Used Y/N Y	

Permit Type - Item 10 IP = Interim Program PP = Permanent Program NP = No Permit

Purpose Type Codes - Item 12  
Oxx...Oversight  
Axx...Assistance  
RFx...Reclamation Fees  
Fxx...Federal Actions  
CCR...Citizen Complaint Referral (non-site visit)  
CC...Citizen Complaint (initial site visit)  
CCF...Assistance

Joint Inspection - Item 13 A joint inspection is when a state inspector accompanies an OSM inspector at any time during the review of the mine site

Permit Status - Item 14  
A Active: Coal mining activities occurring or permitted but not yet disturbed.  
IN Inactive (Permanent Program Permit): Phase II completed or Temporary Cessation of Operations. (Interim Program Permit): Coal mining completed and reclamation activities initiated.  
BR Bond Release: Reclamation completed and State Regulatory Authority(RA) has released all of the bond (Phase III Release).

Site Status - Item 15  
ND No Disturbance: No coal mining and reclamation operations have been started.  
EX Coal Exploration: Coal exploration operations have started and where coal mining operations have not begun.  
AP Active Coal Producing: Coal surface mining activities are occurring.  
AN Active Non-Producing: Active non-producing facility such as tipple or preparation plant.  
NM No Mining: The Permit Status is active, site is not in Temporary Cessation, no surface coal mining activity, and site not regraded.

MC Mining Complete: No mining activity on site, site regraded and awaiting bond release.  
TC Temporary Cessation: The RA has granted cessation of mining pursuant to 30 CFR 816/817-13(b).  
P1 Phase I Release: At least Phase I bond release granted for entire permitted area. For Interim permits, partial bond release.  
P2 Phase II Release: At least Phase II bond release for the entire permitted area.  
P3 Phase III Release: Reclamation completed and the RA has released all bond.

NS Non-Site Visit: Status of site not determined.  
FP Forfeiture Pending: The RA is pursuing actions to revoke the permit, collect the performance bond(s), and/or reclamation of forfeited site is in progress.  
FR Forfeited and Reclaimed: Forfeiture reclamation completed.  
FO Abandoned Site: Abandoned site that is permitted but there is no bond.  
WC Wildcat: Coal mining and reclamation operations have or are taking place and the activity is not covered by the required permits from the RA.

Facility Type Codes - Item 16  
A...Surface  
B...Underground  
C...Preparation Plant  
D...Ancillary (Haulroad, Conveyor, and/or Rails)  
E...Refuse and/or Impoundment  
F...Loading Facility and/or Tipple  
G...Stockpiles  
H...Exploration Permits  
I...Notice of Intent to Explore  
J...Exempt 16 and 2/3  
K...Government Financed Construction Exemption  
L...Remining site permitted under 30 CFR 785.25

Small Business Regulatory Enforcement Fairness Act (SBREFA)  
Your Comments are Important  
The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small businesses about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you are a small business (a business with 500 or fewer employees including those of affiliates) and wish to comment on the enforcement or compliance activities of OSM, call 1-888-REG-FAIR (1-888-734-3247).

**U.S. DEPT. OF THE INTERIOR  
OFFICE OF SURFACE MINING  
Mine Site Evaluation**

Permittee/ Person <b>THUNDER BASIN COAL COMPANY LLC</b>	Permit Number <b>676-T3</b>	Field Visit Date <b>1/21/2016</b>	State Program Continuation Page
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## 28. Performance Standard Categories

Codes: 1=Compliance, 2=Noncompliance, 3=Not Planned, 4=Not Started, 5=Noncompliance Identified Elsewhere, 6=Previously Cited, 7=Permit Defect

<b>A. Administrative</b> 1. Mining within Valid Permit 2. Mining within Bonded Area 3. Terms & Conditions of Permit 4. Liability Insurance 5. Ownership and Control 6. Temporary Cessation 7. AML Rec. Fees - Non-Respondent 8. AML Rec. Fees - Failure to Pay  <b>B. Hydrologic Balance</b> 1. Drainage Control 2. Inspections & Certifications 3. Siltation Structures 4. Discharge Structures 5. Diversions 6. Effluent Limits 7. Ground Water Monitoring 8. Surface Water Monitoring 9. Drainage - Acid-Toxic Materials 10. Impoundments 11. Stream Buffer Zones  <b>C. Topsoil &amp; Subsoil</b> 1. Removal 2. Substitute Materials 3. Storage and Protection 4. Redistribution	<b>D. Backfilling &amp; Grading</b> 1. Exposed Openings 2. Contemporaneous Reclamation 3. Approximate Original Contour 4. Highwall Elimination 5. Steep Slopes (includes downslope) 6. Handling of Acid and Toxic Materials 7. Stabilization (rills and gullies)  <b>E. Excess Spoil Disposal</b> 1. Placement 2. Drainage Control 3. Surface Stabilization 4. Inspections & Certifications  <b>F. Coal Mine Waste (Refuse Piles/Impoundments)</b> 1. Drainage Control 2. Surface Stabilization 3. Placement 4. Inspections & Certifications 5. Impounding Structures  <b>G. Use of Explosives</b> 1. Blaster Certification 2. Distance Prohibitions 3. Blast Survey/Schedule 4. Warnings & Records 5. Control of Adverse Effects	<b>H. Subsidence Control Plan</b>  <b>I. Roads</b> 1. Road Construction 2. Certification 3. Drainage 4. Surfacing and Maintenance 5. Reclamation  <b>J. Signs &amp; Markers</b> 1. Signs 2. Markers  <b>K. Distance Prohibitions</b>  <b>L. Revegetation</b> 1. Vegetative Cover 2. Timing  <b>M. Postmining Land Use</b>  <b>N. Other</b> General Performance Category <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%; text-align: center;">A</td> <td style="width:33%; text-align: center;">2</td> <td style="width:33%; text-align: center;">30 CFR 800.23(b)(2) THROUGH (b)(4)</td> </tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </table>	A	2	30 CFR 800.23(b)(2) THROUGH (b)(4)									
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### Performance Standard Categories 30 CFR Counterparts

<b>A. Administrative</b> 1. Valid Permit ..... 773.11 2. Mining within Bonded Area ..... 773.11 3. Terms & Conditions of Permit ..... 773.17 4. Liability Insurance ..... 800.60 5. Ownership and Control ..... 778.13 6. Temporary Cessation ..... 842.11(e) & 816/817.131 7. AML Rec. Fees - Non-Respondent ..... 870.15(b) 8. AML Rec. Fees - Failure to Pay ..... 870.15(a)  <b>B. Hydrologic Balance</b> ..... (816/817.41-57) 1. Drainage Control ..... 45 2. Inspections & Certifications ..... 49(a)(10) 3. Siltation Structures ..... 46 4. Discharge Structures ..... 47 5. Diversions ..... 43 6. Effluent Limits ..... 42 7. Ground Water Monitoring ..... 41(c) 8. Surface Water Monitoring ..... 41(e) 9. Drainage-Acid-Toxic Materials ..... 41(f) 10. Impoundments ..... 49 11. Stream Buffer Zones ..... 57  <b>C. Topsoil &amp; Subsoil</b> ..... (816/817.22) 1. Removal ..... 22(a) 2. Substitute Materials ..... 22(c) 3. Storage and Protection ..... 22(c) 4. Redistribution ..... 22(d)  <b>D. Backfilling &amp; Grading</b> ..... 816/817.95-107 1. Exposed Openings ..... 816/817.13, 14, 15, & 823.11 & 21 2. Contemporaneous Reclamation ..... 100 3. Approximate Original Contour ..... 102(a)(1) 4. Highwall Elimination ..... 102(a)(2) 5. Steep Slopes (includes downslope) ..... 107 6. Handling of Acid & Toxic Materials ..... 102(c) 7. Stabilization (rills and gullies) ..... 95(b)	<b>E. Excess Spoil Disposal</b> ..... (816/817.71-74) 1. Placement ..... 71(e) 2. Drainage Control ..... 71(f) 3. Surface Stabilization ..... 71(g) 4. Inspections & Certifications ..... 71(h)  <b>F. Coal Mine Waste (Refuse Piles/Impoundments)</b> ..... 816/817.81-84 1. Drainage Control ..... 83(a) 2. Surface Stabilization ..... 83(b) 3. Placement ..... 83(c) 4. Inspections and Certifications ..... 83(d) 5. Impounding Structures ..... 84  <b>G. Use of Explosives</b> ..... (816/817.61-68) 1. Blaster Certification ..... 61(c) 2. Distance Prohibitions ..... 61(d) 3. Blast Survey/Schedule ..... 62-64 4. Warnings & Records ..... 66 & 68 5. Control of Adverse Effects ..... 67  <b>H. Subsidence Control Plan</b> ..... (817.121-122)  <b>I. Roads</b> ..... (816/817.150-151) 1. Road Construction ..... 150(c) 2. Certification ..... 151(a) 3. Drainage ..... 150(b)-151(d) 4. Surfacing and Maintenance ..... 150(e)-151(d) 5. Reclamation ..... 150(f)  <b>J. Signs &amp; Markers</b> ..... 816/817.11 1. Signs ..... 11(a),(b),(c) 2. Markers ..... 11(a),(b),(c),(e),(f)  <b>K. Distance Prohibitions</b> ..... (761.11)  <b>L. Revegetation</b> ..... (816/817.111-116) 1. Vegetative Cover ..... 111 & 116 2. Timing ..... 113  <b>M. Postmining Land Use</b> ..... (816/817.133)
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**U.S. DEPT. OF THE INTERIOR  
OFFICE OF SURFACE MINING  
Mine Site Evaluation**

Permittee/ Person <b>THUNDER BASIN COAL COMPANY LLC</b>	Permit Number <b>676-T3</b>	Field Visit Date <b>1/21/2016</b>	State Program Continuation Page
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<p><b>A. Specific State Law/Regulations Violated:</b> <span style="border: 1px solid black; padding: 2px;">WY DEQ Coal Rules, Chapter 11, Section 4(a)(ii) referencing Chapter 11, Section 2(a)(vi)(A-D).</span></p> <p><b>B. Description:</b> <span style="border: 1px solid black; padding: 2px;">Self-bond guarantor no longer meets requirements to self-bond in the State of Wyoming.</span></p> <p><b>C. Performance Standard:</b> <span style="border: 1px solid black; padding: 2px;">AN</span>      <b>D. Abated (Y/N):</b> <span style="border: 1px solid black; padding: 2px;">N</span></p> <p><b>E. OSM Action:</b> <span style="border: 1px solid black; padding: 2px;">2</span>      <b>F. OSM Action Number:</b> <span style="border: 1px solid black; padding: 2px;">X16-010-549-006</span>      <b>Viol#:</b> <span style="border: 1px solid black; padding: 2px;">01</span></p> <p><b>G. Optional:</b>      <b>H. Any Off-Site Impacts (Y/N):</b> <span style="border: 1px solid black; padding: 2px;">N</span></p> <p><b>I. Latitude:</b> <span style="border: 1px solid black; padding: 2px;">0000000</span>      <b>J. Longitude:</b> <span style="border: 1px solid black; padding: 2px;">0000000</span>      <b>K. Elevation:</b> <span style="border: 1px solid black; padding: 2px;"></span></p>	<p align="center"><b>L. Off-Site Impacts</b></p> <table border="1" style="width:100%; border-collapse: collapse; text-align: center;"> <tr> <th></th> <th>People</th> <th>Land</th> <th>Water</th> <th>Structures</th> </tr> <tr> <td>Blasting</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Stability</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Hydrology</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Encroachment</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Other</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>		People	Land	Water	Structures	Blasting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Stability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Hydrology	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Encroachment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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UNITED STATES DEPARTMENT OF THE INTERIOR  
Office of Surface Mining  
Reclamation and Enforcement

**TEN-DAY NOTICE**

Number X16-010-549-006

TV 1

Originating Office: Casper Field Office  
US DOI, Office of Surface Mining  
100 East "B" Street  
Federal Building - Room 2128  
Casper, WY 82601-1918

Telephone Number: (307) 261-6541

**Ten-Day Notice to the State of Wyoming**

You are notified that, as a result of Citizen Information (e.g. a federal inspection, citizen information, etc.) the Secretary has reason to believe that the person described below is in violation of the Act or a permit condition required by the Act. If the State Regulatory Authority fails within ten days after receipt of this notice to take appropriate action to cause the violation(s) described herein to be corrected, or to show cause for such failure and transmit notice of your action to the Secretary through the originating office designated above, then a Federal inspection of the surface coal mining operation at which the alleged violation(s) is occurring will be conducted and appropriate enforcement action as required by Section 521(a)(1) of the Act will be taken.

Permittee: THUNDER BASIN COAL COMPANY LLC

County: CAMPBELL

☒ Surface

(Or Operator if No Permit)

Mailing Address: 1 CITY PLACE DRIVED SUITE 300, , ST. LOUIS, MO 63141

☐ Underground

Permit Number: 676-T3

Mine Name: IZITA MINE

☒ Other

**01 NATURE OF VIOLATION AND LOCATION:**

**Self-bond guarantor no longer meets requirements to self-bond in the State of Wyoming.**

Section of State Law, Regulation or Permit WY DEQ Coal Rules, Chapter 11,  
Condition believed to have been violated: Section 4(a)(ii) referencing Chapter 11,

**NATURE OF VIOLATION AND LOCATION:**

Section of State Law, Regulation or Permit  
Condition believed to have been violated:

**NATURE OF VIOLATION AND LOCATION:**

Section of State Law, Regulation or Permit  
Condition believed to have been violated:

Remarks or Recommendations:

Date of Notice: 01/21/2016

Signature of Authorized Rep.: 

Print Name and ID: Frank Bartlett ID# 549



# U.S. DEPT. OF THE INTERIOR OFFICE OF SURFACE MINING



## Citizen Complaint

Citizen Complaint Number

CC16-010-001

Date Complaint Received

12/16/2015

Complainant

PRBRC AND WORC

Did citizen request confidentiality?

N

Nature of Complaint

PRBRC AND WORC ALLEGE THAT ARCH COAL AND ITS SUBSIDIARIES ARE CONDUCTING SURFACE COAL MINING OPERATIONS IN WYOMING WITHOUT SUFFICIENT RECLAMATION BONDING AS REQUIRED BY SMCRA AND WEQA.

Performance Standard Category  
(Check all that apply)

- ☒ A. Administrative
- ☐ B. Hydrologic Balance
- ☐ C. Topsoil & Subsoil
- ☐ D. Backfilling & Grading
- ☐ E. Excess Spoil Disposal
- ☐ F. Coal Mine Waste
- ☐ G. Use of Explosive
- ☐ H. Subsidence Control Plan
- ☐ I. Roads
- ☐ J. Signs & Markers
- ☐ K. Distance Prohibitions
- ☐ L. Revegetation
- ☐ M. Postmining Land Use

Acknowledgement Letter

01/21/2016

FO Decision Letter to Citizen

Citizen Informal Review Request

Informal Review Date

Result of Informal Review

Citizen Notified of Review Results

Comments



U.S. DEPT. OF THE INTERIOR  
OFFICE OF SURFACE MINING  
Mine Site Evaluation  
State Program

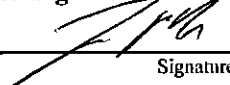


1. Permittee/Person <b>THUNDER BASIN COAL COMPANY LLC</b>		9. Permit Number <b>483-T6</b>	10. Permit Type <b>PP</b>
2. Address <b>1 CITY PLACE DRIVED SUITE 300</b>		11. Field Visit Date <b>1/21/2016</b> <small>mm - dd - yyyy</small>	12. Purpose <b>CCR</b>
3. City <b>ST. LOUIS</b>		13. SRA Present <b>N</b>	14. Permit Status <b>A</b>
4. State <b>MO</b>		15. Site Status <b>AP</b>	16. Facility Type <b>ADFG</b>
5. Zip Code <b>63141</b>	6. Phone Number <b>(314) 994-2949</b>	17. OSM Office # <b>010</b>	18. CCID # <b>CC16-010-001</b>
7. Operator Name, if Different than Permittee <b>THUNDER BASIN COAL COMPANY LLC</b>		19. Land Code <b>SF</b>	20. M.S.H.A. ID # <b>48-01215</b>
8. Mine Name <b>COAL CREEK MINE</b>		21. State Abbrev. <b>WY</b>	22. County/Burrough <b>CAMPBELL</b>
		23. AVS Permittee Entity ID Number <b>144426</b>	24. State Office <b></b>

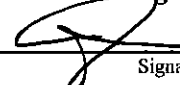
25. Hours

1.0	a. Permit Review
0.0	b. Site Visit Time
0.0	c. Travel Time
4.0	d. Report Writing

26. Signature Block

  
Signature:  
**Frank Bartlett, ID#549**  
Printed Name:  
Date: **1/21/2016**

27. Reviewing Official:

  
Signature:  
Review Date: **1-21-2016**  
mm - dd - yyyy  
Is Supplemental MSE Page Used Y/N **Y**

Permit Type - Item 10 IP = Interim Program PP = Permanent Program NP = No Permit

Purpose Type Codes - Item 12

Oxx...Oversight  
Axx...Assistance

RFx...Reclamation Fees  
Fxx...Federal Actions

CCR...Citizen Complaint Referral (non-site visit)  
CC...Citizen Complaint (initial site visit)  
CCF...Assistance

Joint Inspection - Item 13 A Joint Inspection is when a state inspector accompanies an OSM Inspector at any time during the review of the mine site

Permit Status - Item 14

A Active: Coal mining activities occurring or permitted but not yet disturbed.  
IN Inactive (Permanent Program Permit): Phase II completed or Temporary Cessation of Operations. (Interim Program Permit): Coal mining completed and reclamation activities initiated.  
BR Bond Release: Reclamation completed and State Regulatory Authority(RA) has released all of the bond (Phase III Release).

AB Abandoned: All surface and underground coal mining activities have ceased and operator has left the site without completing reclamation as defined in 30 CFR 840.11(g).  
AB1 Bond Forfeiture: Bond forfeiture officially in process or completed and reclamation in progress or not yet commenced.  
AB2 Partially Reclaimed Forfeiture: Forfeited site where all bonds have been used to reclaim site, but site not reclaimed to Program standards.  
AB3 Reclaimed Forfeiture: Forfeited site that has been reclaimed to Program standards.  
NA Not Applicable: When site is unpermitted.

Site Status - Item 15

ND No Disturbance: No coal mining and reclamation operations have been started.  
EX Coal Exploration: Coal exploration operations have started and where coal mining operations have not begun.  
AP Active Coal Producing: Coal surface mining activities are occurring.  
AN Active Non-Producing: Active non-producing facility such as tipple or preparation plant.  
NM No Mining: The Permit Status is active, site is not in Temporary Cessation, no surface coal mining activity, and site not regraded.

MC Mining Complete: No mining activity on site, site regraded and awaiting bond release.  
TC Temporary Cessation: The RA has granted cessation of mining pursuant to 30 CFR 816/817.13(b).  
P1 Phase I Release: At least Phase I bond release granted for entire permitted area. For interim permits, partial bond release.  
P2 Phase II Release: At least Phase II bond release for the entire permitted area.  
P3 Phase III Release: Reclamation completed and the RA has released all bond.

NS Non-Site Visit: Status of site not determined.  
FP Forfeiture Pending: The RA is pursuing actions to revoke the permit, collect the performance bond(s), and/or reclamation of forfeited site is in progress.  
FR Forfeited and Reclaimed: Forfeiture reclamation completed.  
FO Abandoned Site: Abandoned site that is permitted but there is no bond.  
WC Wildcat: Coal mining and reclamation operations have or are taking place and the activity is not covered by the required permits from the RA.

Facility Type Codes - Item 16

A...Surface  
B...Underground  
C...Preparation Plant

D...Ancillary (Haulroad, Conveyor, and/or Rails)  
E...Refuse and/or Impoundment  
F...Loading Facility and/or Tipple  
G...Stockpiles

H...Exploration Permits  
I...Notice of Intent to Explore  
J...Exempt 16 and 2/3

K...Government Financed Construction Exemption  
L...Remining site permitted under 30 CFR 785.25

Small Business Regulatory Enforcement Fairness Act (SBREFA)

Your Comments are Important

The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small businesses about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you are a small business (a business with 500 or fewer employees including those of affiliates) and wish to comment on the enforcement or compliance activities of OSM, call 1-888-REG-FAIR (1-888-734-3247).

**U.S. DEPT. OF THE INTERIOR  
OFFICE OF SURFACE MINING  
Mine Site Evaluation**

Permittee/  
Person **THUNDER BASIN COAL COMPANY LLC**

Permit  
Number **483-T6**

Field Visit  
Date **1/21/2016**

State Program  
Continuation Page

## 28. Performance Standard Categories

Codes: 1=Compliance, 2=Noncompliance, 3=Not Planned, 4=Not Started, 5=Noncompliance Identified Elsewhere, 6=Previously Cited, 7=Permit Defect

<b>A. Administrative</b> 1. <input type="checkbox"/> Mining within Valid Permit 2. <input type="checkbox"/> Mining within Bonded Area 3. <input type="checkbox"/> Terms & Conditions of Permit 4. <input type="checkbox"/> Liability Insurance 5. <input type="checkbox"/> Ownership and Control 6. <input type="checkbox"/> Temporary Cessation 7. <input type="checkbox"/> AML Rec. Fees - Non-Respondent 8. <input type="checkbox"/> AML Rec. Fees - Failure to Pay  <b>B. Hydrologic Balance</b> 1. <input type="checkbox"/> Drainage Control 2. <input type="checkbox"/> Inspections & Certifications 3. <input type="checkbox"/> Siltation Structures 4. <input type="checkbox"/> Discharge Structures 5. <input type="checkbox"/> Diversions 6. <input type="checkbox"/> Effluent Limits 7. <input type="checkbox"/> Ground Water Monitoring 8. <input type="checkbox"/> Surface Water Monitoring 9. <input type="checkbox"/> Drainage - Acid-Toxic Materials 10. <input type="checkbox"/> Impoundments 11. <input type="checkbox"/> Stream Buffer Zones  <b>C. Topsoil &amp; Subsoil</b> 1. <input type="checkbox"/> Removal 2. <input type="checkbox"/> Substitute Materials 3. <input type="checkbox"/> Storage and Protection 4. <input type="checkbox"/> Redistribution	<b>D. Backfilling &amp; Grading</b> 1. <input type="checkbox"/> Exposed Openings 2. <input type="checkbox"/> Contemporaneous Reclamation 3. <input type="checkbox"/> Approximate Original Contour 4. <input type="checkbox"/> Highwall Elimination 5. <input type="checkbox"/> Steep Slopes (includes downslope) 6. <input type="checkbox"/> Handling of Acid and Toxic Materials 7. <input type="checkbox"/> Stabilization (rills and gullies)  <b>E. Excess Spoil Disposal</b> 1. <input type="checkbox"/> Placement 2. <input type="checkbox"/> Drainage Control 3. <input type="checkbox"/> Surface Stabilization 4. <input type="checkbox"/> Inspections & Certifications  <b>F. Coal Mine Waste (Refuse Piles/Impoundments)</b> 1. <input type="checkbox"/> Drainage Control 2. <input type="checkbox"/> Surface Stabilization 3. <input type="checkbox"/> Placement 4. <input type="checkbox"/> Inspections & Certifications 5. <input type="checkbox"/> Impounding Structures  <b>G. Use of Explosives</b> 1. <input type="checkbox"/> Blaster Certification 2. <input type="checkbox"/> Distance Prohibitions 3. <input type="checkbox"/> Blast Survey/Schedule 4. <input type="checkbox"/> Warnings & Records 5. <input type="checkbox"/> Control of Adverse Effects	<b>H. <input type="checkbox"/> Subsidence Control Plan</b>  <b>I. Roads</b> 1. <input type="checkbox"/> Road Construction 2. <input type="checkbox"/> Certification 3. <input type="checkbox"/> Drainage 4. <input type="checkbox"/> Surfacing and Maintenance 5. <input type="checkbox"/> Reclamation  <b>J. Signs &amp; Markers</b> 1. <input type="checkbox"/> Signs 2. <input type="checkbox"/> Markers  <b>K. <input type="checkbox"/> Distance Prohibitions</b>  <b>L. Revegetation</b> 1. <input type="checkbox"/> Vegetative Cover 2. <input type="checkbox"/> Timing  <b>M. <input type="checkbox"/> Postmining Land Use</b>  <b>N. Other</b> General Performance Category <table style="width: 100%;"><tr><td style="text-align: center;"><b>A</b></td><td style="text-align: center;"><b>2</b></td><td style="text-align: center;">30 CFR 800.23(B)(2) THROUGH (B)(4)</td></tr><tr><td style="text-align: center;"> </td><td style="text-align: center;"> </td><td style="text-align: center;"> </td></tr><tr><td style="text-align: center;"> </td><td style="text-align: center;"> </td><td style="text-align: center;"> </td></tr></table>	<b>A</b>	<b>2</b>	30 CFR 800.23(B)(2) THROUGH (B)(4)						
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### Performance Standard Categories 30 CFR Counterparts

<b>A. Administrative</b> .....	773.11
1. Valid Permit .....	773.11
2. Mining within Bonded Area .....	773.11
3. Terms & Conditions of Permit .....	773.17
4. Liability Insurance .....	800.60
5. Ownership and Control .....	778.13
6. Temporary Cessation .....	\$42.11(e) & §16/817.131
7. AML Rec. Fees - Non-Respondent .....	\$70.15(b)
8. AML Rec. Fees - Failure to Pay .....	\$70.15(a)
<b>B. Hydrologic Balance</b> .....	(816/817.41-57)
1. Drainage Control .....	43
2. Inspections & Certifications .....	49(a)(10)
3. Siltation Structures .....	46
4. Discharge Structures .....	47
5. Diversions .....	43
6. Effluent Limits .....	42
7. Ground Water Monitoring .....	41(c)
8. Surface Water Monitoring .....	41(e)
9. Drainage - Acid - Toxic Materials .....	41(f)
10. Impoundments .....	49
11. Stream Buffer Zones .....	57
<b>C. Topsoil &amp; Subsoil</b> .....	(816/817.22)
1. Removal .....	22(a)
2. Substitute Materials .....	22(c)
3. Storage and Protection .....	22(c)
4. Redistribution .....	22(d)
<b>D. Backfilling &amp; Grading</b> .....	816/817.95-107
1. Exposed Openings .....	816/817.13, 14, 15, & §23.11 & 21
2. Contemporaneous Reclamation .....	100
3. Approximate Original Contour .....	102(a)(1)
4. Highwall Elimination .....	102(a)(2)
5. Steep Slopes (includes downslope) .....	107
6. Handling of Acid & Toxic Materials .....	102(c)
7. Stabilization (rills and gullies) .....	95(b)

<b>E. Excess Spoil Disposal</b> .....	(816/817.71-74)
1. Placement .....	71(c)
2. Drainage Control .....	71(f)
3. Surface Stabilization .....	71(g)
4. Inspections & Certifications .....	71(h)
<b>F. Coal Mine Waste (Refuse Piles/Impoundments)</b> .....	816/817.81-84
1. Drainage Control .....	83(a)
2. Surface Stabilization .....	83(b)
3. Placement .....	83(c)
4. Inspections and Certifications .....	83(d)
5. Impounding Structures .....	84
<b>G. Use of Explosives</b> .....	(816/817.61-68)
1. Blaster Certification .....	61(c)
2. Distance Prohibitions .....	61(d)
3. Blast Survey/Schedule .....	62-64
4. Warnings & Records .....	66 & 68
5. Control of Adverse Effects .....	67
<b>H. Subsidence Control Plan</b> .....	(817.121-122)
<b>I. Roads</b> .....	(816/817.150-151)
1. Road Construction .....	150(c)
2. Certification .....	151(a)
3. Drainage .....	150(b)-151(d)
4. Surfacing and Maintenance .....	150(e)-151(d)
5. Reclamation .....	150(f)
<b>J. Signs &amp; Markers</b> .....	816/817.11
1. Signs .....	11(a),(b),(c)
2. Markers .....	11(a),(b),(d),(e),(f)
<b>K. Distance Prohibitions</b> .....	(761.11)
<b>L. Revegetation</b> .....	(816/817.111-116)
1. Vegetative Cover .....	111 & 116
2. Timing .....	113
<b>M. Postmining Land Use</b> .....	(816/817.133)

#### OSM Action

- |                             |  |
|-----------------------------|--|
| 1) Deferred to State Action | 6) ID-CO Issued (Imminent Danger to Public)  |
| 2) TDN Issued               | 7) Previously cited by RA, statement pending |
| 3) NOV Issued               | 8) Abated during or before OSM inspection    |
| 4) FTA-CO Issued            | 9) Follow-up of Federal Action               |
| 5) IH-CO Issued             | 0) Off-site impact with no violation         |

#### Off-Site Impacts

- For each type of impact and resource affected, enter "N, D, or J" to describe the degree of off-site impact:
- |                         |
|-------------------------|
| N - Minor Occurrence    |
| D - Moderate Occurrence |
| J - Major Occurrence    |

**U.S. DEPT. OF THE INTERIOR  
OFFICE OF SURFACE MINING  
Mine Site Evaluation**

Permittee/ Person <b>THUNDER BASIN COAL COMPANY LLC</b>	Permit Number <b>483-T6</b>	Field Visit Date <b>1/21/2016</b>	State Program Continuation Page
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<p>A. Specific State Law/Regulations Violated: <b>WYDEQ Coal Rules, Chapter 11, Section 4(a)(ii) referencing Chapter 11, Section 2(a)(vii)(A-D).</b></p> <p>B. Description: <b>Self-bond guarantor no longer meets requirements to self-bond in the State of Wyoming</b></p> <p>C. Performance Standard: <b>AN</b>      D. Abated (Y/N): <b>N</b></p> <p>E. OSM Action: <b>2</b>      F. OSM Action Number: <b>X16-010-549-005</b>      Viol#: <b>01</b></p> <p>G. Optional:      H. Any Off-Site Impacts (Y/N): <b>N</b></p> <p>I. Latitude: <b>0435803</b>      J. Longitude: <b>1051704</b>      K. Elevation: <b></b></p>	<p align="center"><b>L. Off-Site Impacts</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th></th> <th>People</th> <th>Land</th> <th>Water</th> <th>Structures</th> </tr> <tr> <td>Blasting</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Stability</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Hydrology</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Encroachment</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Other</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>		People	Land	Water	Structures	Blasting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Stability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Hydrology	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Encroachment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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<div style="text-align: center;"><b>UNITED STATES DEPARTMENT OF THE INTERIOR</b> Office of Surface Mining Reclamation and Enforcement  <b>TEN-DAY NOTICE</b></div> <div style="display: flex; justify-content: space-between; margin-top: 20px;"><div>Number <u>X16-010-549-005</u></div><div>TV <u>1</u></div></div>	<div>Originating Office: <u>Casper Field Office</u> <u>US DOI, Office of Surface Mining</u> <u>100 East "B" Street</u> <u>Federal Building - Room 2128</u> <u>Casper, WY 82601-1918</u></div> <div style="margin-top: 10px;">Telephone Number: <u>(307) 261-6541</u></div>									
<b>Ten-Day Notice to the State of <u>Wyoming</u></b>										
<p>You are notified that, as a result of <u>Citizen Information</u> (e.g. a federal inspection, citizen information, etc.) the Secretary has reason to believe that the person described below is in violation of the Act or a permit condition required by the Act. If the State Regulatory Authority fails within ten days after receipt of this notice to take appropriate action to cause the violation(s) described herein to be corrected, or to show cause for such failure and transmit notice of your action to the Secretary through the originating office designated above, then a Federal inspection of the surface coal mining operation at which the alleged violation(s) is occurring will be conducted and appropriate enforcement action as required by Section 521(a)(1) of the Act will be taken.</p>										
<table style="width: 100%; border: none;"><tr><td style="width: 50%; border: none;">Permittee: <u>THUNDER BASIN COAL COMPANY LLC</u> <small>(Or Operator if No Permit)</small></td><td style="width: 20%; border: none;">County: <u>CAMPBELL</u></td><td style="width: 30%; border: none; vertical-align: top;"><input checked="" type="checkbox"/> Surface  <input type="checkbox"/> Underground  <input checked="" type="checkbox"/> Other</td></tr><tr><td colspan="3" style="border: none;">Mailing Address: <u>1 CITY PLACE DRIVED SUITE 300, , ST. LOUIS, MO 63141</u></td></tr><tr><td style="border: none;">Permit Number: <u>483-T6</u></td><td style="border: none;">Mine Name: <u>COAL CREEK MINE</u></td><td style="border: none;"></td></tr></table>		Permittee: <u>THUNDER BASIN COAL COMPANY LLC</u> <small>(Or Operator if No Permit)</small>	County: <u>CAMPBELL</u>	<input checked="" type="checkbox"/> Surface  <input type="checkbox"/> Underground  <input checked="" type="checkbox"/> Other	Mailing Address: <u>1 CITY PLACE DRIVED SUITE 300, , ST. LOUIS, MO 63141</u>			Permit Number: <u>483-T6</u>	Mine Name: <u>COAL CREEK MINE</u>	
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<b>01 NATURE OF VIOLATION AND LOCATION:</b>  <p style="text-align: center;">Self-bond guarantor no longer meets requirements to self-bond in the State of Wyoming</p> <div style="text-align: right; margin-top: 20px;">Section of State Law, Regulation or Permit <u>WYDEQ Coal Rules, Chapter 11,</u> Condition believed to have been violated: <u>Section 4(a)(ii) referencing Chapter 11,</u></div>										
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<b>Remarks or Recommendations:</b>										
<table style="width: 100%; border: none;"><tr><td style="width: 30%;">Date of Notice: <u>01/21/2016</u></td><td style="width: 70%;">Signature of Authorized Rep.: </td></tr><tr><td colspan="2" style="text-align: center; margin-top: 10px;">Print Name and ID: <u>Frank Bartlett ID# 549</u></td></tr></table>		Date of Notice: <u>01/21/2016</u>	Signature of Authorized Rep.:	Print Name and ID: <u>Frank Bartlett ID# 549</u>						
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<div style="border: 1px solid black; display: inline-block; padding: 2px 10px;"><b>Page 1 of 1</b> <small>Revised October 1, 1998</small></div>										



# U.S. DEPT. OF THE INTERIOR OFFICE OF SURFACE MINING



## Citizen Complaint

Citizen Complaint Number

CC16-010-001

Date Complaint Received

12/16/2015

Complainant

PRBRC AND WORC

Did citizen request confidentiality?

N

Nature of Complaint

PRBRC AND WORC ALLEGE THAT ARCH COAL AND ITS SUBSIDIARIES ARE CONDUCTING SURFACE COAL MINING OPERATIONS IN WYOMING WITHOUT SUFFICIENT RECLAMATION BONDING AS REQUIRED BY SMCRA AND WEQA.

### Performance Standard Category (Check all that apply)

- ☒ A. Administrative
- ☐ B. Hydrologic Balance
- ☐ C. Topsoil & Subsoil
- ☐ D. Backfilling & Grading
- ☐ E. Excess Spoil Disposal
- ☐ F. Coal Mine Waste
- ☐ G. Use of Explosive
- ☐ H. Subsidence Control Plan
- ☐ I. Roads
- ☐ J. Signs & Markers
- ☐ K. Distance Prohibitions
- ☐ L. Revegetation
- ☐ M. Postmining Land Use

Acknowledgement Letter

01/21/2016

FO Decision Letter to Citizen

Citizen Informal Review Request

Informal Review Date

Result of Informal Review

Citizen Notified of Review Results

Comments



U.S. DEPT. OF THE INTERIOR  
OFFICE OF SURFACE MINING  
Mine Site Evaluation  
State Program



1. Permittee/Person <b>ARCH OF WYOMING INC</b>		9. Permit Number <b>377-T5</b>	10. Permit Type <b>PP</b>
2. Address <b>PO BOX 460</b>		11. Field Visit Date <b>1/21/2016</b> <small>mm - dd - yyyy</small>	12. Purpose <b>CCR</b>
3. City <b>HANNA</b>		14. Permit Status <b>A</b>	16. Facility Type <b>ADFG</b>
4. State <b>WY</b>		15. Site Status <b>P2</b>	13. SRA Present <b>N</b>
5. Zip Code <b>82327</b>	6. Phone Number <b>(307) 325-6581</b>	17. OSM Office # <b>010</b>	18. CCID # <b>CC16-010-001</b>
7. Operator Name, if Different than Permittee		19. Land Code <b>SF</b>	20. M.S.H.A. ID # <b>48-00828</b>
8. Mine Name <b>SEMINOE II MINE</b>		21. State Abbrev. <b>WY</b>	22. County/Burrough <b>CARBON</b>
		23. AVS Permittee Entity ID Number <b>97556</b>	24. State Office

25. Hours	26. Signature Block	27. Reviewing Official:								
<table border="1"><tr><td>1.0</td><td>a. Permit Review</td></tr><tr><td>0.0</td><td>b. Site Visit Time</td></tr><tr><td>0.0</td><td>c. Travel Time</td></tr><tr><td>4.0</td><td>d. Report Writing</td></tr></table>	1.0	a. Permit Review	0.0	b. Site Visit Time	0.0	c. Travel Time	4.0	d. Report Writing	<p><i>[Signature]</i> Signature: <b>Frank Bartlett, ID#549</b> Printed Name: Date: <b>1/21/2016</b></p>	<p><i>[Signature]</i> Signature: Review Date: <b>1-21-2016</b> <small>mm - dd - yyyy</small> Is Supplemental MSE Page Used Y/N <b>Y</b></p>
1.0	a. Permit Review									
0.0	b. Site Visit Time									
0.0	c. Travel Time									
4.0	d. Report Writing									

Permit Type - Item 10 IP = Interim Program PP = Permanent Program NP = No Permit

Purpose Type Codes - Item 12

Oxx...Oversight  
Axx...Assistance

Rfx...Reclamation Fees  
Fxx...Federal Actions

CCR...Citizen Complaint Referral (non-site visit)  
CC...Citizen Complaint (initial site visit)  
CCF...Assistance

Joint Inspection - Item 13 A joint inspection is when a state inspector accompanies an OSM inspector at any time during the review of the mine site

Permit Status - Item 14

A Active: Coal mining activities occurring or permitted but not yet disturbed.  
IN Inactive (Permanent Program Permit): Phase II completed or Temporary Cessation of Operations. (Interim Program Permit): Coal mining completed and reclamation activities initiated.  
BR Bond Release: Reclamation completed and State Regulatory Authority(RA) has released all of the bond (Phase III Release).

AB Abandoned: All surface and underground coal mining activities have ceased and operator has left the site without completing reclamation as defined in 30 CFR 840.11(g).  
AB1 Bond Forfeiture: Bond forfeiture officially in process or completed and reclamation in progress or not yet commenced.  
AB2 Partially Reclaimed Forfeiture: Forfeited site where all bonds have been used to reclaim site, but site not reclaimed to Program standards.  
AB3 Reclaimed Forfeiture: Forfeited site that has been reclaimed to Program standards.  
NA Not Applicable: When site is unpermitted.

Site Status - Item 15

ND No Disturbance: No coal mining and reclamation operations have been started.  
EX Coal Exploration: Coal exploration operations have started and where coal mining operations have not begun.  
AP Active Coal Producing: Coal surface mining activities are occurring.  
AN Active Non-Producing: Active non-producing facility such as tipple or preparation plant.  
NM No Mining: The Permit Status is active, site is not in Temporary Cessation, no surface coal mining activity, and site not regraded.

MC Mining Complete: No mining activity on site, site regraded and awaiting bond release.  
TC Temporary Cessation: The RA has granted cessation of mining pursuant to 30 CFR 816/817:13(b).  
P1 Phase I Release: At least Phase I bond release granted for entire permitted area. For interim permits, partial bond release.  
P2 Phase II Release: At least Phase II bond release for the entire permitted area.  
P3 Phase III Release: Reclamation completed and the RA has released all bond.

NS Non-Site Visit: Status of site not determined.  
FP Forfeiture Pending: The RA is pursuing actions to revoke the permit, collect the performance bond(s), and/or reclamation of forfeited site is in progress.  
FR Forfeited and Reclaimed: Forfeiture reclamation completed.  
FO Abandoned Site: Abandoned site that is permitted but there is no bond.  
WC Wildcat: Coal mining and reclamation operations have or are taking place and the activity is not covered by the required permits from the RA.

Facility Type Codes - Item 16

A...Surface  
B...Underground  
C...Preparation Plant

D...Ancillary (Haulroad, Conveyor, and/or Rails)  
E...Refuse and/or Impoundment  
F...Loading Facility and/or Tipple  
G...Stockpiles

H...Exploration Permits  
I...Notice of Intent to Explore  
J...Exempt 16 and 2/3

K...Government Financed Construction Exemption  
L...Remining site permitted under 30 CFR 785.25

Small Business Regulatory Enforcement Fairness Act (SBREFA)

Your Comments are Important

The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small businesses about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you are a small business (a business with 500 or fewer employees including those of affiliates) and wish to comment on the enforcement or compliance activities of OSM, call 1-888-REG-FAIR (1-888-734-3247).



**U.S. DEPT. OF THE INTERIOR  
OFFICE OF SURFACE MINING  
Mine Site Evaluation**

Permittee/  
Person **ARCH OF WYOMING INC**

Permit  
Number **377-T5**

Field Visit  
Date **1/21/2016**

State Program  
Continuation Page

## 28. Performance Standard Categories

Codes: 1=Compliance, 2=Noncompliance, 3=Not Planned, 4=Not Started, 5=Noncompliance Identified Elsewhere, 6=Previously Cited, 7=Permit Defect

### A. Administrative

1. ☐ Mining within Valid Permit
2. ☐ Mining within Bonded Area
3. ☐ Terms & Conditions of Permit
4. ☐ Liability Insurance
5. ☐ Ownership and Control
6. ☐ Temporary Cessation
7. ☐ AML Rec. Fees - Non-Respondent
8. ☐ AML Rec. Fees - Failure to Pay

### B. Hydrologic Balance

1. ☐ Drainage Control
2. ☐ Inspections & Certifications
3. ☐ Siltation Structures
4. ☐ Discharge Structures
5. ☐ Diversions
6. ☐ Effluent Limits
7. ☐ Ground Water Monitoring
8. ☐ Surface Water Monitoring
9. ☐ Drainage - Acid-Toxic Materials
10. ☐ Impoundments
11. ☐ Stream Buffer Zones

### C. Topsoil & Subsoil

1. ☐ Removal
2. ☐ Substitute Materials
3. ☐ Storage and Protection
4. ☐ Redistribution

### D. Backfilling & Grading

1. ☐ Exposed Openings
2. ☐ Contemporaneous Reclamation
3. ☐ Approximate Original Contour
4. ☐ Highwall Elimination
5. ☐ Steep Slopes (includes downslope)
6. ☐ Handling of Acid and Toxic Materials
7. ☐ Stabilization (rills and gullies)

### E. Excess Spoil Disposal

1. ☐ Placement
2. ☐ Drainage Control
3. ☐ Surface Stabilization
4. ☐ Inspections & Certifications

### F. Coal Mine Waste (Refuse Piles/Impoundments)

1. ☐ Drainage Control
2. ☐ Surface Stabilization
3. ☐ Placement
4. ☐ Inspections & Certifications
5. ☐ Impounding Structures

### G. Use of Explosives

1. ☐ Blaster Certification
2. ☐ Distance Prohibitions
3. ☐ Blast Survey/Schedule
4. ☐ Warnings & Records
5. ☐ Control of Adverse Effects

### H. ☐ Subsidence Control Plan

### I. Roads

1. ☐ Road Construction
2. ☐ Certification
3. ☐ Drainage
4. ☐ Surfacing and Maintenance
5. ☐ Reclamation

### J. Signs & Markers

1. ☐ Signs
2. ☐ Markers

### K. ☐ Distance Prohibitions

### L. Revegetation

1. ☐ Vegetative Cover
2. ☐ Timing

### M. ☐ Postmining Land Use

### N. Other

General  
Performance  
Category

A	2	30 CFR 800.23(B)(2) THROUGH (B)(4)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Performance Standard Categories 30 CFR Counterparts

### A. Administrative

- |                                   |                         |
|-----------------------------------|-------------------------|
| 1. Valid Permit                   | 773.11                  |
| 2. Mining within Bonded Area      | 773.11                  |
| 3. Terms & Conditions of Permit   | 773.17                  |
| 4. Liability Insurance            | 800.60                  |
| 5. Ownership and Control          | 778.13                  |
| 6. Temporary Cessation            | 842.11(e) & 816/817.131 |
| 7. AML Rec. Fees - Non-Respondent | 870.15(b)               |
| 8. AML Rec. Fees - Failure to Pay | 870.15(a)               |

### B. Hydrologic Balance

- |                                  |           |
|----------------------------------|-----------|
| 1. Drainage Control              | 45        |
| 2. Inspections & Certifications  | 49(a)(10) |
| 3. Siltation Structures          | 46        |
| 4. Discharge Structures          | 47        |
| 5. Diversions                    | 43        |
| 6. Effluent Limits               | 42        |
| 7. Ground Water Monitoring       | 41(c)     |
| 8. Surface Water Monitoring      | 41(e)     |
| 9. Drainage-Acid-Toxic Materials | 41(f)     |
| 10. Impoundments                 | 49        |
| 11. Stream Buffer Zones          | 57        |

### C. Topsoil & Subsoil

- |                           |       |
|---------------------------|-------|
| 1. Removal                | 22(a) |
| 2. Substitute Materials   | 22(c) |
| 3. Storage and Protection | 22(c) |
| 4. Redistribution         | 22(d) |

### D. Backfilling & Grading

- |                                       |                                   |
|---------------------------------------|-----------------------------------|
| 1. Exposed Openings                   | 816/817.13, 14, 15, & 823.11 & 21 |
| 2. Contemporaneous Reclamation        | 100                               |
| 3. Approximate Original Contour       | 102(a)(1)                         |
| 4. Highwall Elimination               | 102(a)(2)                         |
| 5. Steep Slopes (includes downslope)  | 107                               |
| 6. Handling of Acid & Toxic Materials | 102(c)                            |
| 7. Stabilization (rills and gullies)  | 95(b)                             |

### E. Excess Spoil Disposal (816/817.71-74)

- |                                 |       |
|---------------------------------|-------|
| 1. Placement                    | 71(e) |
| 2. Drainage Control             | 71(f) |
| 3. Surface Stabilization        | 71(g) |
| 4. Inspections & Certifications | 71(h) |

### F. Coal Mine Waste (Refuse Piles/Impoundments) (816/817.81-84)

- |                                   |       |
|-----------------------------------|-------|
| 1. Drainage Control               | 83(a) |
| 2. Surface Stabilization          | 83(b) |
| 3. Placement                      | 83(c) |
| 4. Inspections and Certifications | 83(d) |
| 5. Impounding Structures          | 84    |

### G. Use of Explosives (816/817.61-68)

- |                               |         |
|-------------------------------|---------|
| 1. Blaster Certification      | 61(c)   |
| 2. Distance Prohibitions      | 61(d)   |
| 3. Blast Survey/Schedule      | 62-64   |
| 4. Warnings & Records         | 66 & 68 |
| 5. Control of Adverse Effects | 67      |

### H. Subsidence Control Plan (817.121-122)

### I. Roads (816/817.150-151)

- |                              |               |
|------------------------------|---------------|
| 1. Road Construction         | 150(c)        |
| 2. Certification             | 151(a)        |
| 3. Drainage                  | 150(b)-151(d) |
| 4. Surfacing and Maintenance | 150(e)-151(d) |
| 5. Reclamation               | 150(f)        |

### J. Signs & Markers (816/817.11)

- |            |                             |
|------------|-----------------------------|
| 1. Signs   | 11(a), (b), & (c)           |
| 2. Markers | 11(a), (b), (d), (e), & (f) |

### K. Distance Prohibitions (761.11)

### L. Revegetation (816/817.111-116)

- |                     |           |
|---------------------|-----------|
| 1. Vegetative Cover | 111 & 116 |
| 2. Timing           | 113       |

### M. Postmining Land Use (816/817.133)

#### OSM Action

- |                             |  |
|-----------------------------|--|
| 1) Deferred to State Action | 6) ID-CO Issued (Imminent Danger to Public)  |
| 2) TDN Issued               | 7) Previously Cited by RA, abatement pending |
| 3) NOV Issued               | 8) Abated during or before OSM inspection    |
| 4) FTA-CO Issued            | 9) Follow-up of Federal Action               |
| 5) ID-CO Issued             | 0) Off-site impact with no violation         |

#### Off-Site Impacts

- For each type of impact and resource affected, enter "N, D, or J" to describe the degree of off-site impact:
- N - Minor Occurrence
  - D - Moderate Occurrence
  - J - Major Occurrence

**U.S. DEPT. OF THE INTERIOR  
OFFICE OF SURFACE MINING  
Mine Site Evaluation**

Permittee/ Person <span style="border: 1px solid black; padding: 2px;">ARCH OF WYOMING INC</span>	Permit Number <span style="border: 1px solid black; padding: 2px;">377-T5</span>	Field Visit Date <span style="border: 1px solid black; padding: 2px;">1/21/2016</span>	State Program Continuation Page
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<p><b>A. Specific State Law/Regulations Violated:</b> <span style="border: 1px solid black; padding: 2px;">WY DEQ Coal Rules, Chapter 11, Section 4(a)(ii) referencing Chapter 11, Section 2(a)(vii)(A-D).</span></p> <p><b>B. Description:</b> <span style="border: 1px solid black; padding: 2px;">Self-bond guarantor no longer meets requirements to self-bond in the State of Wyoming.</span></p> <p><b>C. Performance Standard:</b> <span style="border: 1px solid black; padding: 2px;">AN</span>      <b>D. Abated (Y/N):</b> <span style="border: 1px solid black; padding: 2px;">N</span></p> <p><b>E. OSM Action:</b> <span style="border: 1px solid black; padding: 2px;">2</span>      <b>F. OSM Action Number:</b> <span style="border: 1px solid black; padding: 2px;">X16-010-549-004</span>      <b>Viol#:</b> <span style="border: 1px solid black; padding: 2px;">01</span></p> <p><b>G. Optional:</b>      <b>H. Any Off-Site Impacts (Y/N):</b> <span style="border: 1px solid black; padding: 2px;">N</span></p> <p><b>I. Latitude:</b> <span style="border: 1px solid black; padding: 2px;">0415320</span>      <b>J. Longitude:</b> <span style="border: 1px solid black; padding: 2px;">1063217</span>      <b>K. Elevation:</b> <span style="border: 1px solid black; padding: 2px;"></span></p>	<p align="center"><b>L. Off-Site Impacts</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th></th> <th>People</th> <th>Land</th> <th>Water</th> <th>Structures</th> </tr> <tr> <td>Blasting</td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>Stability</td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>Hydrology</td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>Encroachment</td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>Other</td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> </table>		People	Land	Water	Structures	Blasting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Stability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Hydrology	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Encroachment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**OSM Action**

1) Deferred to State Action      6) ID-CO Issued (Imminent Danger to Public)

2) TDN Issued      7) Previously cited by RA, abatement pending

3) NOV Issued      8) Abated during or before OSM inspection

4) FTA-CO Issued      9) Follow-up of Federal Action

5) IH-CO Issued      0) Off-site impact with no violation

**Off-Site Impacts**

For each type of impact and resource affected, enter "N, D, or J" to describe the degree of off-site impact:

N - Minor Occurrence

D - Moderate Occurrence

J - Major Occurrence

UNITED STATES DEPARTMENT OF THE INTERIOR  
Office of Surface Mining  
Reclamation and Enforcement

**TEN-DAY NOTICE**

Number X16-010-549-004

TV 1

Originating Office: Casper Field Office  
US DOI, Office of Surface Mining  
100 East "B" Street  
Federal Building - Room 2128  
Casper, WY 82601-1918

Telephone Number: (307) 261-6541

Ten-Day Notice to the State of **Wyoming**

You are notified that, as a result of Citizen Information (e.g. a federal inspection, citizen information, etc.) the Secretary has reason to believe that the person described below is in violation of the Act or a permit condition required by the Act. If the State Regulatory Authority fails within ten days after receipt of this notice to take appropriate action to cause the violation(s) described herein to be corrected, or to show cause for such failure and transmit notice of your action to the Secretary through the originating office designated above, then a Federal inspection of the surface coal mining operation at which the alleged violation(s) is occurring will be conducted and appropriate enforcement action as required by Section 521(a)(1) of the Act will be taken.

Permittee: ARCH OF WYOMING INC  
(Or Operator if No Permit)

County: CARBON

☒ Surface

Mailing Address: PO BOX 460, , HANNA, WY 82327

☐ Underground

Permit Number: 377-T5

Mine Name: SEMINOE II MINE

☒ Other

**01 NATURE OF VIOLATION AND LOCATION:**

**Self-bond guarantor no longer meets requirements to self-bond in the State of Wyoming.**

Section of State Law, Regulation or Permit WY DEQ Coal Rules, Chapter 11,  
Condition believed to have been violated: Section 4(a)(ii) referencing Chapter 11,

**NATURE OF VIOLATION AND LOCATION:**

Section of State Law, Regulation or Permit  
Condition believed to have been violated:

**NATURE OF VIOLATION AND LOCATION:**

Section of State Law, Regulation or Permit  
Condition believed to have been violated:

Remarks or Recommendations:

Date of Notice: 01/21/2016

Signature of Authorized Rep.: 

Print Name and ID: Frank Bartlett ID# 549



# U.S. DEPT. OF THE INTERIOR OFFICE OF SURFACE MINING



## Citizen Complaint

Citizen Complaint Number

CC16-010-001

Date Complaint Received

12/16/2015

Complainant

PRBRC AND WORC

Did citizen request confidentiality?

N

Nature of Complaint

PRBRC AND WORC ALLEGE THAT ARCH COAL AND ITS SUBSIDIARIES ARE CONDUCTING SURFACE COAL MINING OPERATIONS IN WYOMING WITHOUT SUFFICIENT RECLAMATION BONDING AS REQUIRED BY SMCRA AND WEQA.

### Performance Standard Category (Check all that apply)

- ☒ A. Administrative
- ☐ B. Hydrologic Balance
- ☐ C. Topsoil & Subsoil
- ☐ D. Backfilling & Grading
- ☐ E. Excess Spoil Disposal
- ☐ F. Coal Mine Waste
- ☐ G. Use of Explosive
- ☐ H. Subsidence Control Plan
- ☐ I. Roads
- ☐ J. Signs & Markers
- ☐ K. Distance Prohibitions
- ☐ L. Revegetation
- ☐ M. Postmining Land Use

Acknowledgement Letter

01/21/2016

FO Decision Letter to Citizen

Citizen Informal Review Request

Informal Review Date

Result of Informal Review

Citizen Notified of Review Results

Comments



U.S. DEPT. OF THE INTERIOR  
OFFICE OF SURFACE MINING  
Mine Site Evaluation  
State Program

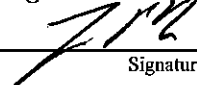


1. Permittee/Person <b>ENERGY DEVL CO</b>		9. Permit Number <b>334-T2</b>	10. Permit Type <b>PP</b>
2. Address <b>PO BOX 460</b>		11. Field Visit Date <b>1/21/2016</b> <small>mm - dd - yyyy</small>	12. Purpose <b>CCR</b>
3. City <b>HANNA</b>		13. SRA Present <b>N</b>	14. Permit Status <b>A</b>
4. State <b>WY</b>		15. Site Status <b>P1</b>	16. Facility Type <b>ABDF</b>
5. Zip Code <b>82327</b>	6. Phone Number <b>(307) 325-6565</b>	17. OSM Office # <b>010</b>	18. CCID # <b>CC16-010-001</b>
7. Operator Name, if Different than Permittee <b>ENERGY DEVL CO</b>		19. Land Code <b>SF</b>	20. M.S.H.A. ID # <b></b>
8. Mine Name <b>ENERGY DEVELOPMENT CO</b>		21. State Abbrev. <b>WY</b>	22. County/Burrough <b>CARBON</b>
		23. AVS Permittee Entity ID Number <b>102257</b>	24. State Office <b></b>

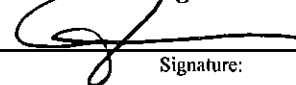
25. Hours

1.0	a. Permit Review
0.0	b. Site Visit Time
0.0	c. Travel Time
4.0	d. Report Writing

26. Signature Block

  
Signature:  
**Frank Bartlett, ID#549**  
Printed Name:  
Date: **1/21/2016**

27. Reviewing Official:

  
Signature:  
Review Date: **1-21-2016**  
mm - dd - yyyy  
Is Supplemental MSE Page Used Y/N **Y**

Permit Type - Item 10 IP = Interim Program PP = Permanent Program NP = No Permit

Purpose Type Codes - Item 12

Oxx...Oversight  
Axx...Assistance

RFx...Reclamation Fees  
Fxx...Federal Actions

CCR...Citizen Complaint Referral (non-site visit)  
CC...Citizen Complaint (initial site visit)  
CCF...Assistance

Joint Inspection - Item 13 A joint inspection is when a state inspector accompanies an OSM inspector at any time during the review of the mine site

Permit Status - Item 14

A Active: Coal mining activities occurring or permitted but not yet disturbed.  
IN Inactive (Permanent Program Permit): Phase II completed or Temporary Cessation of Operations. (Interim Program Permit): Coal mining completed and reclamation activities initiated.  
BR Bond Release: Reclamation completed and State Regulatory Authority(RA) has released all of the bond (Phase III Release).

AB Abandoned: All surface and underground coal mining activities have ceased and operator has left the site without completing reclamation as defined in 30 CFR 840:11(g).  
AB1 Bond Forfeiture: Bond forfeiture officially in process or completed and reclamation in progress or not yet commenced.  
AB2 Partially Reclaimed Forfeiture: Forfeited site where all bonds have been used to reclaim site, but site not reclaimed to Program standards.  
AB3 Reclaimed Forfeiture: Forfeited site that has been reclaimed to Program standards.  
NA Not Applicable: When site is unpermitted.

Site Status - Item 15

ND No Disturbance: No coal mining and reclamation operations have been started.  
EX Coal Exploration: Coal exploration operations have started and where coal mining operations have not begun.  
AP Active Coal Producing: Coal surface mining activities are occurring.  
AN Active Non-Producing: Active non-producing facility such as tippie or preparation plant.  
NM No Mining: The Permit Status is active, site is not in Temporary Cessation, no surface coal mining activity, and site not regraded.

MC Mining Complete: No mining activity on site, site regraded and awaiting bond release.  
TC Temporary Cessation: The RA has granted cessation of mining pursuant to 30 CFR 816/817:13(b).  
P1 Phase I Release: At least Phase I bond release granted for entire permitted area. For interim permits, partial bond release.  
P2 Phase II Release: At least Phase II bond release for the entire permitted area.  
P3 Phase III Release: Reclamation completed and the RA has released all bond.

NS Non-Site Visit: Status of site not determined.  
FP Forfeiture Pending: The RA is pursuing actions to revoke the permit, collect the performance bond(s), and/or reclamation of forfeited site is in progress.  
FR Forfeited and Reclaimed: Forfeiture reclamation completed.  
FO Abandoned Site: Abandoned site that is permitted but there is no bond.  
WC Wildcat: Coal mining and reclamation operations have or are taking place and the activity is not covered by the required permits from the RA.

Facility Type Codes - Item 16

A...Surface  
B...Underground  
C...Preparation Plant

D...Ancillary (Haulroad, Conveyor, and/or Rails)  
E...Refuse and/or Impoundment  
F...Loading Facility and/or Tlpple  
G...Stockpiles

H...Exploration Permits  
I...Notice of Intent to Explore  
J...Exempt 16 and 2/3

K...Government Financed Construction Exemption  
L...Remining site permitted under 30 CFR 785.25

Small Business Regulatory Enforcement Fairness Act (SBREFA)

Your Comments are Important

The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small businesses about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you are a small business (a business with 500 or fewer employees including those of affiliates) and wish to comment on the enforcement or compliance activities of OSM, call 1-888-REG-FAIR (1-888-734-3247).

**U.S. DEPT. OF THE INTERIOR  
OFFICE OF SURFACE MINING  
Mine Site Evaluation**

Permittee/  
Person **ENERGY DEVL CO**

Permit  
Number **334-T2**

Field Visit  
Date **1/21/2016**

State Program  
Continuation Page

## 28. Performance Standard Categories

Codes: 1=Compliance, 2=Noncompliance, 3=Not Planned, 4=Not Started, 5=Noncompliance Identified Elsewhere, 6=Previously Cited, 7=Permit Defect

<b>A. Administrative</b> 1. <input type="checkbox"/> Mining within Valid Permit 2. <input type="checkbox"/> Mining within Bonded Area 3. <input type="checkbox"/> Terms & Conditions of Permit 4. <input type="checkbox"/> Liability Insurance 5. <input type="checkbox"/> Ownership and Control 6. <input type="checkbox"/> Temporary Cessation 7. <input type="checkbox"/> AML Rec. Fees - Non-Respondent 8. <input type="checkbox"/> AML Rec. Fees - Failure to Pay  <b>B. Hydrologic Balance</b> 1. <input type="checkbox"/> Drainage Control 2. <input type="checkbox"/> Inspections & Certifications 3. <input type="checkbox"/> Siltation Structures 4. <input type="checkbox"/> Discharge Structures 5. <input type="checkbox"/> Diversions 6. <input type="checkbox"/> Effluent Limits 7. <input type="checkbox"/> Ground Water Monitoring 8. <input type="checkbox"/> Surface Water Monitoring 9. <input type="checkbox"/> Drainage - Acid-Toxic Materials 10. <input type="checkbox"/> Impoundments 11. <input type="checkbox"/> Stream Buffer Zones  <b>C. Topsoil &amp; Subsoil</b> 1. <input type="checkbox"/> Removal 2. <input type="checkbox"/> Substitute Materials 3. <input type="checkbox"/> Storage and Protection 4. <input type="checkbox"/> Redistribution	<b>D. Backfilling &amp; Grading</b> 1. <input type="checkbox"/> Exposed Openings 2. <input type="checkbox"/> Contemporaneous Reclamation 3. <input type="checkbox"/> Approximate Original Contour 4. <input type="checkbox"/> Highwall Elimination 5. <input type="checkbox"/> Steep Slopes (includes downslope) 6. <input type="checkbox"/> Handling of Acid and Toxic Materials 7. <input type="checkbox"/> Stabilization (rills and gullies)  <b>E. Excess Spoil Disposal</b> 1. <input type="checkbox"/> Placement 2. <input type="checkbox"/> Drainage Control 3. <input type="checkbox"/> Surface Stabilization 4. <input type="checkbox"/> Inspections & Certifications  <b>F. Coal Mine Waste (Refuse Piles/Impoundments)</b> 1. <input type="checkbox"/> Drainage Control 2. <input type="checkbox"/> Surface Stabilization 3. <input type="checkbox"/> Placement 4. <input type="checkbox"/> Inspections & Certifications 5. <input type="checkbox"/> Impounding Structures  <b>G. Use of Explosives</b> 1. <input type="checkbox"/> Blaster Certification 2. <input type="checkbox"/> Distance Prohibitions 3. <input type="checkbox"/> Blast Survey/Schedule 4. <input type="checkbox"/> Warnings & Records 5. <input type="checkbox"/> Control of Adverse Effects	<b>H. <input type="checkbox"/> Subsidence Control Plan</b>  <b>I. Roads</b> 1. <input type="checkbox"/> Road Construction 2. <input type="checkbox"/> Certification 3. <input type="checkbox"/> Drainage 4. <input type="checkbox"/> Surfacing and Maintenance 5. <input type="checkbox"/> Reclamation  <b>J. Signs &amp; Markers</b> 1. <input type="checkbox"/> Signs 2. <input type="checkbox"/> Markers  <b>K. <input type="checkbox"/> Distance Prohibitions</b>  <b>L. <input type="checkbox"/> Revegetation</b> 1. <input type="checkbox"/> Vegetative Cover 2. <input type="checkbox"/> Timing  <b>M. <input type="checkbox"/> Postmining Land Use</b>  <b>N. Other</b> General Performance Category <table border="1" style="width: 100%;"><tr><td style="width: 33%; text-align: center;">A</td><td style="width: 33%; text-align: center;">2</td><td style="width: 33%; text-align: center;">30 CFR 800.23(B)(2) THROUGH (B)(4)</td></tr><tr><td style="height: 20px;"></td><td></td><td></td></tr><tr><td style="height: 20px;"></td><td></td><td></td></tr><tr><td style="height: 20px;"></td><td></td><td></td></tr></table>	A	2	30 CFR 800.23(B)(2) THROUGH (B)(4)									
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### Performance Standard Categories 30 CFR Counterparts

<b>A. Administrative</b> .....	<b>E. Excess Spoil Disposal</b> .....(816/817.71-74)
1. Valid Permit.....773.11	1. Placement.....71(e)
2. Mining within Bonded Area.....773.11	2. Drainage Control.....71(f)
3. Terms & Conditions of Permit.....773.17	3. Surface Stabilization.....71(g)
4. Liability Insurance.....800.60	4. Inspections & Certifications.....71(h)
5. Ownership and Control.....778.13	<b>F. Coal Mine Waste (Refuse Piles/Impoundments)</b> .....816/817.81-84
6. Temporary Cessation.....842.11(e) & 816/817.131	1. Drainage Control.....83(a)
7. AML Rec. Fees - Non-Respondent.....870.15(b)	2. Surface Stabilization.....83(b)
8. AML Rec. Fees - Failure to Pay.....870.15(a)	3. Placement.....83(c)
<b>B. Hydrologic Balance</b> .....(816/817.41-57)	4. Inspections and Certifications.....83(d)
1. Drainage Control.....43	5. Impounding Structures.....84
2. Inspections & Certifications.....49(a)(10)	<b>G. Use of Explosives</b> .....(816/817.61-68)
3. Siltation Structures.....46	1. Blaster Certification.....61(e)
4. Discharge Structures.....47	2. Distance Prohibitions.....61(d)
5. Diversions.....43	3. Blast Survey/Schedule.....62-64
6. Effluent Limits.....42	4. Warnings & Records.....66 & 68
7. Ground Water Monitoring.....41(c)	5. Control of Adverse Effects.....67
8. Surface Water Monitoring.....41(e)	<b>H. Subsidence Control Plan</b> .....(817.121-122)
9. Drainage-Acid-Toxic Materials.....41(f)	<b>I. Roads</b> .....(816/817.150-151)
10. Impoundments.....49	1. Road Construction.....150(c)
11. Stream Buffer Zones.....57	2. Certification.....151(a)
<b>C. Topsoil &amp; Subsoil</b> .....(816/817.22)	3. Drainage.....150(b)-151(d)
1. Removal.....22(a)	4. Surfacing and Maintenance.....150(e)-151(d)
2. Substitute Materials.....22(c)	5. Reclamation.....150(f)
3. Storage and Protection.....22(c)	<b>J. Signs &amp; Markers</b> .....816/817.11
4. Redistribution.....22(d)	1. Signs.....11(a),(b),(c)
<b>D. Backfilling &amp; Grading</b> .....816/817.95-107	2. Markers.....11(a),(b),(d),(e),(f)
1. Exposed Openings.....816/817.13, 14, 15, & 823.11 & 21	<b>K. Distance Prohibitions</b> .....(761.11)
2. Contemporaneous Reclamation.....100	<b>L. Revegetation</b> .....(816/817.111-116)
3. Approximate Original Contour.....102(a)(1)	1. Vegetative Cover.....111 & 116
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5. Steep Slopes (includes downslope).....107	<b>M. Postmining Land Use</b> .....(816/817.133)
6. Handling of Acid & Toxic Materials.....102(c)	
7. Stabilization (rills and gullies).....95(b)	

#### OSM Action

- |                             |  |
|-----------------------------|--|
| 1) Deferred to State Action | 6) ID-CO Issued (Imminent Danger to Public)  |
| 2) TDN Issued               | 7) Previously cited by RA, abatement pending |
| 3) NOV Issued               | 8) Abated during or before OSM inspection    |
| 4) FTA-CO Issued            | 9) Follow-up of Federal Action               |
| 5) IH-CO Issued             | 0) Off-site impact with no violation         |

#### Off-Site Impacts

For each type of impact and resource affected, enter "N", "D", or "J" to describe the degree of off-site impact:  
N - Minor Occurrence  
D - Moderate Occurrence  
J - Major Occurrence

Page 2 of 3

Revised October 1, 2010

**U.S. DEPT. OF THE INTERIOR  
OFFICE OF SURFACE MINING  
Mine Site Evaluation**

Permittee/ Person <b>ENERGY DEVL CO</b>	Permit Number <b>334-T2</b>	Field Visit Date <b>1/21/2016</b>	State Program Continuation Page
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<p><b>A. Specific State Law/Regulations Violated:</b> <b>WYDEQ Coal Rules, Chapter 11, Section 4(a)(i) referencing Chapter 11, Section 2(a)(vi)(A-D).</b></p> <p><b>B. Description:</b> Self-bond guarantor no longer meets requirements to self-bond in the State of Wyoming.</p> <p><b>C. Performance Standard:</b> <b>AN</b>      <b>D. Abated (Y/N):</b> <b>N</b></p> <p><b>E. OSM Action:</b> <b>2</b>      <b>F. OSM Action Number:</b> <b>X16-010-549-003</b>      <b>Viol#:</b> <b>01</b></p> <p><b>G. Optional:</b>      <b>H. Any Off-Site Impacts (Y/N):</b> <b>N</b></p> <p><b>I. Latitude:</b> <b>0415200</b>      <b>J. Longitude:</b> <b>1063824</b>      <b>K. Elevation:</b> <b></b></p>	<p align="center"><b>L. Off-Site Impacts</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th></th> <th>People</th> <th>Land</th> <th>Water</th> <th>Structures</th> </tr> <tr> <td>Blasting</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Stability</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Hydrology</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Encroachment</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Other</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>		People	Land	Water	Structures	Blasting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Stability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Hydrology	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Encroachment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**OSM Action**

1) Deferred to State Action  
2) TDN Issued  
3) NOV Issued  
4) FTA-CO Issued  
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6) ID-CO Issued (Imminent Danger to Public)  
7) Previously cited by RA, abatement pending  
8) Abated during or before OSM inspection  
9) Follow-up of Federal Action  
0) Off-site impact with no violation

**Off-Site Impacts**

For each type of impact and resource affected, enter "N, D, or J" to describe the degree of off-site impact:  
N - Minor Occurrence  
D - Moderate Occurrence  
J - Major Occurrence

UNITED STATES DEPARTMENT OF THE INTERIOR  
Office of Surface Mining  
Reclamation and Enforcement

**TEN-DAY NOTICE**

Number X16-010-549-003

TV 1

Originating Office: Casper Field Office  
US DOI, Office of Surface Mining  
100 East "B" Street  
Federal Building - Room 2128  
Casper, WY 82601-1918

Telephone Number: (307) 261-6541

Ten-Day Notice to the State of **Wyoming**

You are notified that, as a result of Citizen Information (e.g. a federal inspection, citizen information, etc.) the Secretary has reason to believe that the person described below is in violation of the Act or a permit condition required by the Act. If the State Regulatory Authority fails within ten days after receipt of this notice to take appropriate action to cause the violation(s) described herein to be corrected, or to show cause for such failure and transmit notice of your actino to the Secretary through the originating office designated above, then a Federal inspection of the surface coal mining operation at which the alleged violation(s) is occurring will be conducted and appropriate enforcement action as required by Section 521(a)(1) of the Act will be taken.

Permittee: ENERGY DEVL CO  
(Or Operator if No Permit)

County: CARBON

☒ Surface

Mailing Address: PO BOX 460, , HANNA, WY 82327

☒ Underground

Permit Number: 334-T2

Mine Name: ENERGY DEVELOPMENT CO

☒ Other

**01 NATURE OF VIOLATION AND LOCATION:**

**Self-bond guarantor no longer meets requirements to self-bond in the State of Wyoming.**

Section of State Law, Regulation or Permit **WYDEQ Coal Rules, Chapter 11,**  
Condition believed to have been violated: **Section 4(a)(ii) referencing Chapter 11,**

**NATURE OF VIOLATION AND LOCATION:**

Section of State Law, Regulation or Permit  
Condition believed to have been violated:

**NATURE OF VIOLATION AND LOCATION:**

Section of State Law, Regulation or Permit  
Condition believed to have been violated:

Remarks or Recommendations:

Date of Notice: **01/21/2016**

Signature of Authorized Rep.: 

Print Name and ID: **Frank Bartlett ID# 549**





# U.S. DEPT. OF THE INTERIOR OFFICE OF SURFACE MINING



## Citizen Complaint

Citizen Complaint Number

CC16-010-001

Date Complaint Received

12/16/2015

Complainant

PRBRC AND WORC

Did citizen request confidentiality?

N

Nature of Complaint

PRBRC AND WORC ALLEGE THAT ARCH COAL AND ITS SUBSIDIARIES ARE CONDUCTING SURFACE COAL MINING OPERATIONS IN WYOMING WITHOUT SUFFICIENT RECLAMATION BONDING AS REQUIRED BY SMCRA AND WEQA.

### Performance Standard Category (Check all that apply)

- ☒ A. Administrative
- ☐ B. Hydrologic Balance
- ☐ C. Topsoil & Subsoil
- ☐ D. Backfilling & Grading
- ☐ E. Excess Spoil Disposal
- ☐ F. Coal Mine Waste
- ☐ G. Use of Explosive
- ☐ H. Subsidence Control Plan
- ☐ I. Roads
- ☐ J. Signs & Markers
- ☐ K. Distance Prohibitions
- ☐ L. Revegetation
- ☐ M. Postmining Land Use

Acknowledgement Letter

01/21/2016

FO Decision Letter to Citizen

Citizen Informal Review Request

Informal Review Date

Result of Informal Review

Citizen Notified of Review Results

Comments



U.S. DEPT. OF THE INTERIOR  
OFFICE OF SURFACE MINING  
Mine Site Evaluation  
State Program



<b>1. Permittee/Person</b> ARCH OF WYOMING LLC		<b>9. Permit Number</b> 331-T6	<b>10. Permit Type</b> PP
<b>2. Address</b> 1 CITY PLACE DRIVE SUITE 300		<b>11. Field Visit Date</b> 1/21/2016	<b>12. Purpose</b> CCR
<b>3. City</b> ST LOUIS		<b>13. SRA Present</b> N	
<b>4. State</b> MO		<b>14. Permit Status</b> A	<b>15. Site Status</b> MC
<b>5. Zip Code</b> 63141		<b>16. Facility Type</b> ADG	
<b>6. Phone Number</b> (314) 994-2956		<b>17. OSM Office #</b> 010	<b>18. CCID #</b> CC16-010-001
<b>7. Operator Name, if Different than Permittee</b> ARCH OF WYOMING LLC		<b>19. Land Code</b> S	
<b>8. Mine Name</b> MEDICINE BOW MINE		<b>20. M.S.H.A. ID #</b> 48-00900	<b>21. State Abbrev.</b> WY
		<b>22. County/Burrough</b> CARBON	
		<b>23. AVS Permittee Entity ID Number</b> 145743	<b>24. State Office</b>
<b>25. Hours</b>		<b>26. Signature Block</b>	
a. Permit Review b. Site Visit Time c. Travel Time d. Report Writing		Signature: Frank Bartlett, ID#549 Printed Name: Date: 1/21/2016	
		<b>27. Reviewing Official:</b> Signature: Review Date: 1-21-2016 mm - dd - yyyy Is Supplemental MSE Page Used Y/N Y	

**Permit Type - Item 10** IP = Interim Program PP = Permanent Program NP = No Permit

**Purpose Type Codes - Item 12**  
Oxx...Oversight  
Axx...Assistance  
RFx...Reclamation Fees  
Fxx...Federal Actions  
CCR...Citizen Complaint Referral (non-site visit)  
CC...Citizen Complaint (initial site visit)  
CCF...Assistance

**Joint Inspection - Item 13** A joint inspection is when a state inspector accompanies an OSM inspector at any time during the review of the mine site

**Permit Status - Item 14**  
A Active: Coal mining activities occurring or permitted but not yet disturbed.  
IN Inactive (Permanent Program Permit): Phase II completed or Temporary Cessation of Operations. (Interim Program Permit): Coal mining completed and reclamation activities initiated.  
BR Bond Release: Reclamation completed and State Regulatory Authority(RA) has released all of the bond (Phase III Release).  
AB Abandoned: All surface and underground coal mining activities have ceased and operator has left the site without completing reclamation as defined in 30 CFR 840.11(g).  
AB1 Bond Forfeiture: Bond forfeiture officially in process or completed and reclamation in progress or not yet commenced.  
AB2 Partially Reclaimed Forfeiture: Forfeited site where all bonds have been used to reclaim site, but site not reclaimed to Program standards.  
AB3 Reclaimed Forfeiture: Forfeited site that has been reclaimed to Program standards.  
NA Not Applicable: When site is unpermitted.

**Site Status - Item 15**  
ND No Disturbance: No coal mining and reclamation operations have been started.  
EX Coal Exploration: Coal exploration operations have started and where coal mining operations have not begun.  
AP Active Coal Producing: Coal surface mining activities are occurring.  
AN Active Non-Producing: Active non-producing facility such as tipple or preparation plant.  
NM No Mining: The Permit Status is active, site is not in Temporary Cessation, no surface coal mining activity, and site not regraded.  
MC Mining Complete: No mining activity on site, site regraded and awaiting bond release.  
TC Temporary Cessation: The RA has granted cessation of mining pursuant to 30 CFR 816/817.13(b).  
P1 Phase I Release: At least Phase I bond release granted for entire permitted area. For interim permits, partial bond release.  
P2 Phase II Release: At least Phase II bond release for the entire permitted area.  
P3 Phase III Release: Reclamation completed and the RA has released all bond.  
NS Non-Site Visit: Status of site not determined.  
FP Forfeiture Pending: The RA is pursuing actions to revoke the permit, collect the performance bond(s), and/or reclamation of forfeited site is in progress.  
FR Forfeited and Reclaimed: Forfeiture reclamation completed.  
FO Abandoned Site: Abandoned site that is permitted but there is no bond.  
WC Wildcat: Coal mining and reclamation operations have or are taking place and the activity is not covered by the required permits from the RA.

**Facility Type Codes - Item 16**  
A...Surface  
B...Underground  
C...Preparation Plant  
D...Ancillary (Haulroad, Conveyor, and/or Rail's)  
E...Refuse and/or Impoundment  
F...Loading Facility and/or Tipple  
G...Stockpiles  
H...Exploration Permits  
I...Notice of Intent to Explore  
J...Exempt 16 and 2/3  
K...Government Financed Construction Exemption  
L...Remining site permitted under 30 CFR 785.25

**Small Business Regulatory Enforcement Fairness Act (SBREFA)**  
Your Comments are Important  
The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small businesses about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you are a small business (a business with 500 or fewer employees including those of affiliates) and wish to comment on the enforcement or compliance activities of OSM, call 1-888-REG-FAIR (1-888-734-3247).

**U.S. DEPT. OF THE INTERIOR  
OFFICE OF SURFACE MINING  
Mine Site Evaluation**

Permittee/  
Person **ARCH OF WYOMING LLC**

Permit  
Number **331-T6**

Field Visit  
Date **1/21/2016**

State Program  
Continuation Page

## 28. Performance Standard Categories

Codes: 1=Compliance, 2=Noncompliance, 3=Not Planned, 4=Not Started, 5=Noncompliance Identified Elsewhere, 6=Previously Cited, 7=Permit Defect

<b>A. Administrative</b> 1. <input type="checkbox"/> Mining within Valid Permit 2. <input type="checkbox"/> Mining within Bonded Area 3. <input type="checkbox"/> Terms & Conditions of Permit 4. <input type="checkbox"/> Liability Insurance 5. <input type="checkbox"/> Ownership and Control 6. <input type="checkbox"/> Temporary Cessation 7. <input type="checkbox"/> AML Rec. Fees - Non-Respondent 8. <input type="checkbox"/> AML Rec. Fees - Failure to Pay  <b>B. Hydrologic Balance</b> 1. <input type="checkbox"/> Drainage Control 2. <input type="checkbox"/> Inspections & Certifications 3. <input type="checkbox"/> Siltation Structures 4. <input type="checkbox"/> Discharge Structures 5. <input type="checkbox"/> Diversions 6. <input type="checkbox"/> Effluent Limits 7. <input type="checkbox"/> Ground Water Monitoring 8. <input type="checkbox"/> Surface Water Monitoring 9. <input type="checkbox"/> Drainage - Acid-Toxic Materials 10. <input type="checkbox"/> Impoundments 11. <input type="checkbox"/> Stream Buffer Zones  <b>C. Topsoil &amp; Subsoil</b> 1. <input type="checkbox"/> Removal 2. <input type="checkbox"/> Substitute Materials 3. <input type="checkbox"/> Storage and Protection 4. <input type="checkbox"/> Redistribution	<b>D. Backfilling &amp; Grading</b> 1. <input type="checkbox"/> Exposed Openings 2. <input type="checkbox"/> Contemporaneous Reclamation 3. <input type="checkbox"/> Approximate Original Contour 4. <input type="checkbox"/> Highwall Elimination 5. <input type="checkbox"/> Steep Slopes (includes downslope) 6. <input type="checkbox"/> Handling of Acid and Toxic Materials 7. <input type="checkbox"/> Stabilization (rills and gullies)  <b>E. Excess Spoil Disposal</b> 1. <input type="checkbox"/> Placement 2. <input type="checkbox"/> Drainage Control 3. <input type="checkbox"/> Surface Stabilization 4. <input type="checkbox"/> Inspections & Certifications  <b>F. Coal Mine Waste (Refuse Piles/Impoundments)</b> 1. <input type="checkbox"/> Drainage Control 2. <input type="checkbox"/> Surface Stabilization 3. <input type="checkbox"/> Placement 4. <input type="checkbox"/> Inspections & Certifications 5. <input type="checkbox"/> Impounding Structures  <b>G. Use of Explosives</b> 1. <input type="checkbox"/> Blaster Certification 2. <input type="checkbox"/> Distance Prohibitions 3. <input type="checkbox"/> Blast Survey/Schedule 4. <input type="checkbox"/> Warnings & Records 5. <input type="checkbox"/> Control of Adverse Effects	<b>H. <input type="checkbox"/> Subsidence Control Plan</b>  <b>I. Roads</b> 1. <input type="checkbox"/> Road Construction 2. <input type="checkbox"/> Certification 3. <input type="checkbox"/> Drainage 4. <input type="checkbox"/> Surfacing and Maintenance 5. <input type="checkbox"/> Reclamation  <b>J. Signs &amp; Markers</b> 1. <input type="checkbox"/> Signs 2. <input type="checkbox"/> Markers  <b>K. <input type="checkbox"/> Distance Prohibitions</b>  <b>L. <input type="checkbox"/> Revegetation</b> 1. <input type="checkbox"/> Vegetative Cover 2. <input type="checkbox"/> Timing  <b>M. <input type="checkbox"/> Postmining Land Use</b>  <b>N. Other</b> General Performance Category <table border="1" style="width: 100%;"><tr><td style="width: 33%; text-align: center;">A</td><td style="width: 33%; text-align: center;">2</td><td style="width: 33%; text-align: center;">30 CFR 800.23(b)(2) THROUGH (b)(4)</td></tr><tr><td style="height: 20px;"></td><td></td><td></td></tr><tr><td style="height: 20px;"></td><td></td><td></td></tr></table>	A	2	30 CFR 800.23(b)(2) THROUGH (b)(4)						
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### Performance Standard Categories 30 CFR Counterparts

<b>A. Administrative</b>	<b>E. Excess Spoil Disposal</b>
1. Valid Permit ..... 773.11	1. Placement ..... 71(c)
2. Mining within Bonded Area ..... 773.11	2. Drainage Control ..... 71(d)
3. Terms & Conditions of Permit ..... 773.17	3. Surface Stabilization ..... 71(e)
4. Liability Insurance ..... 800.60	4. Inspections & Certifications ..... 71(h)
5. Ownership and Control ..... 778.13	<b>F. Coal Mine Waste (Refuse Piles/Impoundments)</b> ..... 816/817.81-84
6. Temporary Cessation ..... 842.11(e) & 816/817.131	1. Drainage Control ..... 83(a)
7. AML Rec. Fees - Non-Respondent ..... 870.15(b)	2. Surface Stabilization ..... 83(b)
8. AML Rec. Fees - Failure to Pay ..... 870.15(a)	3. Placement ..... 83(c)
<b>B. Hydrologic Balance</b> ..... (816/817.41-57)	4. Inspections and Certifications ..... 83(d)
1. Drainage Control ..... 45	5. Impounding Structures ..... 84
2. Inspections & Certifications ..... 49(a)(10)	<b>G. Use of Explosives</b> ..... (816/817.61-68)
3. Siltation Structures ..... 46	1. Blaster Certification ..... 61(c)
4. Discharge Structures ..... 47	2. Distance Prohibitions ..... 61(d)
5. Diversions ..... 43	3. Blast Survey/Schedule ..... 62-64
6. Effluent Limits ..... 42	4. Warnings & Records ..... 66 & 68
7. Ground Water Monitoring ..... 41(c)	5. Control of Adverse Effects ..... 67
8. Surface Water Monitoring ..... 41(e)	<b>H. Subsidence Control Plan</b> ..... (817.121-122)
9. Drainage-Acid-Toxic Materials ..... 41(f)	<b>I. Roads</b> ..... (816/817.150-151)
10. Impoundments ..... 49	1. Road Construction ..... 150(c)
11. Stream Buffer Zones ..... 57	2. Certification ..... 151(a)
<b>C. Topsoil &amp; Subsoil</b> ..... (816/817.22)	3. Drainage ..... 150(b)-151(d)
1. Removal ..... 22(a)	4. Surfacing and Maintenance ..... 150(e)-151(d)
2. Substitute Materials ..... 22(c)	5. Reclamation ..... 150(f)
3. Storage and Protection ..... 22(c)	<b>J. Signs &amp; Markers</b> ..... 816/817.11
4. Redistribution ..... 22(d)	1. Signs ..... 11(a),(b),(c)
<b>D. Backfilling &amp; Grading</b> ..... 816/817.95-107	2. Markers ..... 11(a),(b),(d),(e),(f)
1. Exposed Openings ..... 816/817.13, 14, 15, & 923.11 & 21	<b>K. Distance Prohibitions</b> ..... (761.11)
2. Contemporaneous Reclamation ..... 100	<b>L. Revegetation</b> ..... (816/817.111-116)
3. Approximate Original Contour ..... 102(a)(1)	1. Vegetative Cover ..... 111 & 116
4. Highwall Elimination ..... 102(a)(2)	2. Timing ..... 113
5. Steep Slopes (includes downslope) ..... 107	<b>M. Postmining Land Use</b> ..... (816/817.133)
6. Handling of Acid & Toxic Materials ..... 102(c)	
7. Stabilization (rills and gullies) ..... 95(b)	

#### OSM Action

- |                             |  |
|-----------------------------|--|
| 1) Deferred to State Action | 6) IO-CO Issued (Imminent Danger to Public)  |
| 2) TDN Issued               | 7) Previously cited by RA, abatement pending |
| 3) NOV Issued               | 8) Abated during or before OSM Inspection    |
| 4) FTA-CO Issued            | 9) Follow-up of Federal Action               |
| 5) IH-CO Issued             | 0) Off-site Impact with no violation         |

#### Off-Site Impacts

- For each type of impact and resource affected, enter "N, D, or J" to describe the degree of off-site impact:
- |                         |
|-------------------------|
| N - Minor Occurrence    |
| D - Moderate Occurrence |
| J - Major Occurrence    |

Page 2 of 3

Revised October 1, 2010

**U.S. DEPT. OF THE INTERIOR  
OFFICE OF SURFACE MINING  
Mine Site Evaluation**

Permittee/ Person <b>ARCH OF WYOMING LLC</b>	Permit Number <b>331-T6</b>	Field Visit Date <b>1/21/2016</b>	State Program Continuation Page
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<p><b>A. Specific State Law/Regulations Violated:</b> <span style="border: 1px solid black; padding: 2px;">WY DEQ Coal Rules, Chapter 11, Section 4(a)(ii) referencing Chapter 11, Section 2(a)(vi)(A-D).</span></p> <p><b>B. Description:</b> <span style="border: 1px solid black; padding: 2px;">Self-bond guarantor no longer meets requirements to self-bond in the State of Wyoming.</span></p> <p><b>C. Performance Standard:</b> <span style="border: 1px solid black; padding: 2px;">AN</span>      <b>D. Abated (Y/N):</b> <span style="border: 1px solid black; padding: 2px;">N</span></p> <p><b>E. OSM Action:</b> <span style="border: 1px solid black; padding: 2px;">2</span>      <b>F. OSM Action Number:</b> <span style="border: 1px solid black; padding: 2px;">X16-010-549-002</span>      <b>Viol#:</b> <span style="border: 1px solid black; padding: 2px;">01</span></p> <p><b>G. Optional:</b>      <b>H. Any Off-Site Impacts (Y/N):</b> <span style="border: 1px solid black; padding: 2px;">N</span></p> <p><b>I. Latitude:</b> <span style="border: 1px solid black; padding: 2px;">0415741</span>      <b>J. Longitude:</b> <span style="border: 1px solid black; padding: 2px;">1064741</span>      <b>K. Elevation:</b> <span style="border: 1px solid black; padding: 2px;"></span></p>	<p align="center"><b>L. Off-Site Impacts</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th></th> <th>People</th> <th>Land</th> <th>Water</th> <th>Structures</th> </tr> <tr> <td>Blasting</td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>Stability</td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>Hydrology</td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>Encroachment</td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> <tr> <td>Other</td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> <td align="center"><input type="checkbox"/></td> </tr> </table>		People	Land	Water	Structures	Blasting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Stability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Hydrology	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Encroachment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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UNITED STATES DEPARTMENT OF THE INTERIOR  
Office of Surface Mining  
Reclamation and Enforcement

**TEN-DAY NOTICE**

Number X16-010-549-002

TV 1

Originating Office: Casper Field Office

US DOI, Office of Surface Mining

100 East "B" Street

Federal Building - Room 2128

Casper, WY 82601-1918

Telephone Number: (307) 261-6541

Ten-Day Notice to the State of **Wyoming**

You are notified that, as a result of Citizen Information (e.g. a federal inspection, citizen information, etc.) the Secretary has reason to believe that the person described below is in violation of the Act or a permit condition required by the Act. If the State Regulatory Authority fails within ten days after receipt of this notice to take appropriate action to cause the violation(s) described herein to be corrected, or to show cause for such failure and transmit notice of your action to the Secretary through the originating office designated above, then a Federal inspection of the surface coal mining operation at which the alleged violation(s) is occurring will be conducted and appropriate enforcement action as required by Section 521(a)(1) of the Act will be taken.

Permittee: ARCH OF WYOMING LLC

County: CARBON

(Or Operator if No Permit)

Mailing Address: 1 CITY PLACE DRIVE SUITE 300, , ST LOUIS, MO 63141

Permit Number: 331-T6

Mine Name: MEDICINE BOW MINE

☒ Surface

☐ Underground

☒ Other

**01 NATURE OF VIOLATION AND LOCATION:**

**Self-bond guarantor no longer meets requirements to self-bond in the State of Wyoming.**

Section of State Law, Regulation or Permit WY DEQ Coal Rules, Chapter 11,  
Condition believed to have been violated: Section 4(a)(ii) referencing Chapter 11,

**NATURE OF VIOLATION AND LOCATION:**

Section of State Law, Regulation or Permit  
Condition believed to have been violated:

**NATURE OF VIOLATION AND LOCATION:**

Section of State Law, Regulation or Permit  
Condition believed to have been violated:

Remarks or Recommendations:

Date of Notice: 01/21/2016

Signature of Authorized Rep.: 

Print Name and ID: Frank Bartlett ID# 549



# U.S. DEPT. OF THE INTERIOR OFFICE OF SURFACE MINING



## Citizen Complaint

Citizen Complaint Number

CC16-010-001

Date Complaint Received

12/16/2015

Complainant

PRBRC AND WORC

Did citizen request confidentiality?

N

Nature of Complaint

PRBRC AND WORC ALLEGE THAT ARCH COAL AND ITS SUBSIDIARIES ARE CONDUCTING SURFACE COAL MINING OPERATIONS IN WYOMING WITHOUT SUFFICIENT RECLAMATION BONDING AS REQUIRED BY SMCRA AND WEQA.

Performance Standard Category  
(Check all that apply)

- ☒ A. Administrative
- ☐ B. Hydrologic Balance
- ☐ C. Topsoil & Subsoil
- ☐ D. Backfilling & Grading
- ☐ E. Excess Spoil Disposal
- ☐ F. Coal Mine Waste
- ☐ G. Use of Explosive
- ☐ H. Subsidence Control Plan
- ☐ I. Roads
- ☐ J. Signs & Markers
- ☐ K. Distance Prohibitions
- ☐ L. Revegation
- ☐ M. Postmining Land Use

Acknowledgement Letter

01/21/2016

FO Decision Letter to Citizen

Citizen Informal Review Request

Informal Review Date

Result of Informal Review

Citizen Notified of Review Results

Comments



U.S. DEPT. OF THE INTERIOR  
OFFICE OF SURFACE MINING  
Mine Site Evaluation  
State Program

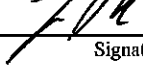


1. Permittee/Person <b>THUNDER BASIN COAL COMPANY LLC</b>		9. Permit Number <b>233-T8</b>	10. Permit Type <b>PP</b>	
2. Address <b>1 CITY PLACE DRIVED SUITE 300</b>		11. Field Visit Date <b>1/20/2016</b> <small>mm - dd - yyyy</small>	12. Purpose <b>CCR</b>	13. SRA Present <b>N</b>
3. City <b>ST. LOUIS</b>	4. State <b>MO</b>	14. Permit Status <b>A</b>	15. Site Status <b>AP</b>	16. Facility Type <b>ADFG</b>
5. Zip Code <b>63141</b>	6. Phone Number <b>(314) 994-2949</b>	17. OSM Office # <b>010</b>	18. CCID # <b>CC16-010-001</b>	19. Land Code <b>SF</b>
7. Operator Name, if Different than Permittee <b>THUNDER BASIN COAL COMPANY LLC</b>		20. M.S.H.A. ID # <b></b>	21. State Abbrev. <b>WY</b>	22. County/Burrough <b>CAMPBELL</b>
8. Mine Name <b>BLACK THUNDER</b>		23. AVS Permittee Entity ID Number <b>144426</b>	24. State Office <b></b>	

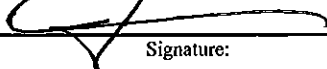
25. Hours

1.0	a. Permit Review
0.0	b. Site Visit Time
0.0	c. Travel Time
4.0	d. Report Writing

26. Signature Block

  
Signature:  
**Frank Bartlett, ID#549**  
Printed Name:  
Date: **1/21/2016**

27. Reviewing Official:

  
Signature:  
Review Date: **1-21-2016**  
mm - dd - yyyy  
Is Supplemental MSE Page Used Y/N **Y**

Permit Type - Item 10 IP = Interim Program PP = Permanent Program NP = No Permit

Purpose Type Codes - Item 12

Oxx...Oversight  
Axx...Assistance

RFx...Reclamation Fees  
Fxx...Federal Actions

CCR...Citizen Complaint Referral (non-site visit)  
CC...Citizen Complaint (initial site visit)  
CCF...Assistance

Joint Inspection - Item 13 A joint inspection is when a state inspector accompanies an OSM Inspector at any time during the review of the mine site

Permit Status - Item 14

A Active: Coal mining activities occurring or permitted but not yet disturbed.  
IN Inactive (Permanent Program Permit): Phase II completed or Temporary Cessation of Operations. (Interim Program Permit): Coal mining completed and reclamation activities initiated.  
BR Bond Release: Reclamation completed and State Regulatory Authority(RA) has released all of the bond (Phase III Release).

AB Abandoned: All surface and underground coal mining activities have ceased and operator has left the site without completing reclamation as defined in 30 CFR 840.11(g).  
AB1 Bond Forfeiture: Bond forfeiture officially in process or completed and reclamation in progress or not yet commenced.  
AB2 Partially Reclaimed Forfeiture: Forfeited site where all bonds have been used to reclaim site, but site not reclaimed to Program standards.  
AB3 Reclaimed Forfeiture: Forfeited site that has been reclaimed to Program standards.  
NA Not Applicable: When site is unpermitted.

Site Status - Item 15

ND No Disturbance: No coal mining and reclamation operations have been started.  
EX Coal Exploration: Coal exploration operations have started and where coal mining operations have not begun.  
AP Active Coal Producing: Coal surface mining activities are occurring.  
AN Active Non-Producing: Active non-producing facility such as tipple or preparation plant.  
NM No Mining: The Permit Status is active, site is not in Temporary Cessation, no surface coal mining activity, and site not regraded.

MC Mining Complete: No mining activity on site, site regraded and awaiting bond release.  
TC Temporary Cessation: The RA has granted cessation of mining pursuant to 30 CFR 816/817.13(b).  
P1 Phase I Release: At least Phase I bond release granted for entire permitted area. For interim permits, partial bond release.  
P2 Phase II Release: At least Phase II bond release for the entire permitted area.  
P3 Phase III Release: Reclamation completed and the RA has released all bond.

NS Non-Site Visit: Status of site not determined.  
FP Forfeiture Pending: The RA is pursuing actions to revoke the permit, collect the performance bond(s), and/or reclamation of forfeited site is in progress.  
FR Forfeited and Reclaimed: Forfeiture reclamation completed.  
FO Abandoned Site: Abandoned site that is permitted but there is no bond.  
WC Wildcat: Coal mining and reclamation operations have or are taking place and the activity is not covered by the required permits from the RA.

Facility Type Codes - Item 16

A...Surface  
B...Underground  
C...Preparation Plant

D...Ancillary (Haulroad, Conveyor, and/or Rails)  
E...Refuse and/or Impoundment  
F...Loading Facility and/or Tipple  
G...Stockpiles

H...Exploration Permits  
I...Notice of Intent to Explore  
J...Exempt 16 and 2/3

K...Government Financed Construction Exemption  
L...Remining site permitted under 30 CFR 785.25

Small Business Regulatory Enforcement Fairness Act (SBREFA)

Your Comments are Important

The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small businesses about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you are a small business (a business with 500 or fewer employees including those of affiliates) and wish to comment on the enforcement or compliance activities of OSM, call 1-888-REG-FAIR (1-888-734-3247).

**U.S. DEPT. OF THE INTERIOR  
OFFICE OF SURFACE MINING  
Mine Site Evaluation**

Permittee/ Person <b>THUNDER BASIN COAL COMPANY LLC</b>	Permit Number <b>233-T8</b>	Field Visit Date <b>1/20/2016</b>	State Program Continuation Page
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## 28. Performance Standard Categories

Codes: 1=Compliance, 2=Noncompliance, 3=Not Planned, 4=Not Started, 5=Noncompliance Identified Elsewhere, 6=Previously Cited, 7=Permit Defect

<b>A. Administrative</b> 1. Mining within Valid Permit 2. Mining within Bonded Area 3. Terms & Conditions of Permit 4. Liability Insurance 5. Ownership and Control 6. Temporary Cessation 7. AML Rec. Fees - Non-Respondent 8. AML Rec. Fees - Failure to Pay  <b>B. Hydrologic Balance</b> 1. Drainage Control 2. Inspections & Certifications 3. Siltation Structures 4. Discharge Structures 5. Diversions 6. Effluent Limits 7. Ground Water Monitoring 8. Surface Water Monitoring 9. Drainage - Acid-Toxic Materials 10. Impoundments 11. Stream Buffer Zones  <b>C. Topsoil &amp; Subsoil</b> 1. Removal 2. Substitute Materials 3. Storage and Protection 4. Redistribution	<b>D. Backfilling &amp; Grading</b> 1. Exposed Openings 2. Contemporaneous Reclamation 3. Approximate Original Contour 4. Highwall Elimination 5. Steep Slopes (includes downslope) 6. Handling of Acid and Toxic Materials 7. Stabilization (rills and gullies)  <b>E. Excess Spoil Disposal</b> 1. Placement 2. Drainage Control 3. Surface Stabilization 4. Inspections & Certifications  <b>F. Coal Mine Waste (Refuse Piles/Impoundments)</b> 1. Drainage Control 2. Surface Stabilization 3. Placement 4. Inspections & Certifications 5. Impounding Structures  <b>G. Use of Explosives</b> 1. Blaster Certification 2. Distance Prohibitions 3. Blast Survey/Schedule 4. Warnings & Records 5. Control of Adverse Effects	<b>H. Subsidence Control Plan</b>  <b>I. Roads</b> 1. Road Construction 2. Certification 3. Drainage 4. Surfacing and Maintenance 5. Reclamation  <b>J. Signs &amp; Markers</b> 1. Signs 2. Markers  <b>K. Distance Prohibitions</b>  <b>L. Revegetation</b> 1. Vegetative Cover 2. Timing  <b>M. Postmining Land Use</b>  <b>N. Other</b> General Performance Category <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%; text-align: center;">A</td> <td style="width:33%; text-align: center;">2</td> <td style="width:33%; text-align: center;">30 CFR 800.23 (B)(2) THROUGH (D)(4)</td> </tr> <tr> <td style="border-top: 1px solid black; height: 15px;"></td> <td style="border-top: 1px solid black; height: 15px;"></td> <td style="border-top: 1px solid black; height: 15px;"></td> </tr> <tr> <td style="border-top: 1px solid black; height: 15px;"></td> <td style="border-top: 1px solid black; height: 15px;"></td> <td style="border-top: 1px solid black; height: 15px;"></td> </tr> <tr> <td style="border-top: 1px solid black; height: 15px;"></td> <td style="border-top: 1px solid black; height: 15px;"></td> <td style="border-top: 1px solid black; height: 15px;"></td> </tr> </table>	A	2	30 CFR 800.23 (B)(2) THROUGH (D)(4)									
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### Performance Standard Categories 30 CFR Counterparts

<b>A. Administrative</b> 1. Valid Permit ..... 773.11 2. Mining within Bonded Area ..... 773.11 3. Terms & Conditions of Permit ..... 773.17 4. Liability Insurance ..... 800.60 5. Ownership and Control ..... 778.13 6. Temporary Cessation ..... 842.11(e) & 816/817.131 7. AML Rec. Fees - Non-Respondent ..... 870.15(b) 8. AML Rec. Fees - Failure to Pay ..... 870.15(a) <b>B. Hydrologic Balance</b> ..... (816/817.41-57) 1. Drainage Control ..... 43 2. Inspections & Certifications ..... 49(a)(10) 3. Siltation Structures ..... 46 4. Discharge Structures ..... 47 5. Diversions ..... 43 6. Effluent Limits ..... 42 7. Ground Water Monitoring ..... 41(c) 8. Surface Water Monitoring ..... 41(c) 9. Drainage-Acid-Toxic Materials ..... 41(f) 10. Impoundments ..... 49 11. Stream Buffer Zones ..... 57 <b>C. Topsoil &amp; Subsoil</b> ..... (816/817.22) 1. Removal ..... 22(a) 2. Substitute Materials ..... 22(c) 3. Storage and Protection ..... 22(c) 4. Redistribution ..... 22(d) <b>D. Backfilling &amp; Grading</b> ..... 816/817.95-107 1. Exposed Openings ..... 816/817.13, 14, 15, & 823.11 & 21 2. Contemporaneous Reclamation ..... 100 3. Approximate Original Contour ..... 102(a)(1) 4. Highwall Elimination ..... 102(a)(2) 5. Steep Slopes (includes downslope) ..... 107 6. Handling of Acid & Toxic Materials ..... 102(c) 7. Stabilization (rills and gullies) ..... 95(b)	<b>E. Excess Spoil Disposal</b> ..... (816/817.71-74) 1. Placement ..... 71(e) 2. Drainage Control ..... 71(f) 3. Surface Stabilization ..... 71(g) 4. Inspections & Certifications ..... 71(h) <b>F. Coal Mine Waste (Refuse Piles/Impoundments)</b> ..... 816/817.81-84 1. Drainage Control ..... 83(a) 2. Surface Stabilization ..... 83(b) 3. Placement ..... 83(c) 4. Inspections and Certifications ..... 83(d) 5. Impounding Structures ..... 84 <b>G. Use of Explosives</b> ..... (816/817.61-68) 1. Blaster Certification ..... 61(c) 2. Distance Prohibitions ..... 61(d) 3. Blast Survey/Schedule ..... 62-64 4. Warnings & Records ..... 66 & 68 5. Control of Adverse Effects ..... 67 <b>H. Subsidence Control Plan</b> ..... (817.121-122) <b>I. Roads</b> ..... (816/817.150-151) 1. Road Construction ..... 150(c) 2. Certification ..... 151(a) 3. Drainage ..... 150(b)-151(d) 4. Surfacing and Maintenance ..... 150(e)-151(d) 5. Reclamation ..... 150(f) <b>J. Signs &amp; Markers</b> ..... 816/817.11 1. Signs ..... 11(a),(b), & (c) 2. Markers ..... 11(a),(b),(d),(e), & (f) <b>K. Distance Prohibitions</b> ..... (761.11) <b>L. Revegetation</b> ..... (816/817.111-116) 1. Vegetative Cover ..... 111 & 116 2. Timing ..... 113 <b>M. Postmining Land Use</b> ..... (816/817.133)
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#### OSM Action

- |  |  |
|--|--|
| 1) Deferred to State Action<br>2) TDN Issued<br>3) NOV Issued<br>4) FTA-CO Issued<br>5) IH-CO Issued | 6) ID-CO Issued (Imminent Danger to Public)<br>7) Previously cited by RA, abatement pending<br>8) Abated during or before OSM inspection<br>9) Follow-up of Federal Action<br>0) Off-site impact with no violation |
|--|--|

#### Off-Site Impacts

- For each type of impact and resource affected, enter "N, D, or J" to describe the degree of off-site impact:
- |   |                         |
|---|-------------------------|
| N - Minor Occurrence<br>D - Moderate Occurrence<br>J - Major Occurrence | Revised October 1, 2010 |
|---|-------------------------|



**U.S. DEPT. OF THE INTERIOR  
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<p>A. Specific State Law/Regulations Violated: <span style="border: 1px solid black; padding: 2px;">WY DEQ Coal Rules, Chapter 11, Section 4(a)(ii) referencing Chapter 11, Section 2(a)(vii)(A-D).</span></p> <p>B. Description: <span style="border: 1px solid black; padding: 2px;">Self-bond guarantor no longer meets requirements to self-bond in the State of Wyoming.</span></p> <p>C. Performance Standard: <span style="border: 1px solid black; padding: 2px;">AN</span>      D. Abated (Y/N): <span style="border: 1px solid black; padding: 2px;">N</span></p> <p>E. OSM Action: <span style="border: 1px solid black; padding: 2px;">2</span>      F. OSM Action Number: <span style="border: 1px solid black; padding: 2px;">X16-010-549-001</span>      Viol#: <span style="border: 1px solid black; padding: 2px;">01</span></p> <p>G. Optional:      H. Any Off-Site Impacts (Y/N): <span style="border: 1px solid black; padding: 2px;">N</span></p> <p>I. Latitude: <span style="border: 1px solid black; padding: 2px;">0434140</span>      J. Longitude: <span style="border: 1px solid black; padding: 2px;">1051821</span>      K. Elevation: <span style="border: 1px solid black; padding: 2px;"></span></p>	<p align="center"><b>L. Off-Site Impacts</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th></th> <th>People</th> <th>Land</th> <th>Water</th> <th>Structures</th> </tr> <tr> <td>Blasting</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Stability</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Hydrology</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Encroachment</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Other</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>		People	Land	Water	Structures	Blasting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Stability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Hydrology	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Encroachment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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<p>A. Specific State Law/Regulations Violated: <span style="border: 1px solid black; padding: 2px;"></span></p> <p>B. Description: <span style="border: 1px solid black; padding: 2px;"></span></p> <p>C. Performance Standard: <span style="border: 1px solid black; padding: 2px;"></span>      D. Abated (Y/N): <span style="border: 1px solid black; padding: 2px;"></span></p> <p>E. OSM Action: <span style="border: 1px solid black; padding: 2px;"></span>      F. OSM Action Number: <span style="border: 1px solid black; padding: 2px;"></span>      Viol#: <span style="border: 1px solid black; padding: 2px;"></span></p> <p>G. Optional:      H. Any Off-Site Impacts (Y/N): <span style="border: 1px solid black; padding: 2px;"></span></p> <p>I. Latitude: <span style="border: 1px solid black; padding: 2px;"></span>      J. Longitude: <span style="border: 1px solid black; padding: 2px;"></span>      K. Elevation: <span style="border: 1px solid black; padding: 2px;"></span></p>	<p align="center"><b>L. Off-Site Impacts</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th></th> <th>People</th> <th>Land</th> <th>Water</th> <th>Structures</th> </tr> <tr> <td>Blasting</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Stability</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Hydrology</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Encroachment</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Other</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>		People	Land	Water	Structures	Blasting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Stability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Hydrology	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Encroachment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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UNITED STATES DEPARTMENT OF THE INTERIOR  
Office of Surface Mining  
Reclamation and Enforcement

**TEN-DAY NOTICE**

Number X16-010-549-001

TV 1

Originating Office: Casper Field Office

US DOI, Office of Surface Mining

100 East "B" Street

Federal Building - Room 2128

Casper, WY 82601-1918

Telephone Number: (307) 261-6541

Ten-Day Notice to the State of **Wyoming**

You are notified that, as a result of Citizen Information (e.g. a federal inspection, citizen information, etc.) the Secretary has reason to believe that the person described below is in violation of the Act or a permit condition required by the Act. If the State Regulatory Authority fails within ten days after receipt of this notice to take appropriate action to cause the violation(s) described herein to be corrected, or to show cause for such failure and transmit notice of your action to the Secretary through the originating office designated above, then a Federal inspection of the surface coal mining operation at which the alleged violation(s) is occurring will be conducted and appropriate enforcement action as required by Section 521(a)(1) of the Act will be taken.

Permittee: **THUNDER BASIN COAL COMPANY LLC**

County: **CAMPBELL**

(Or Operator if No Permit)

Mailing Address: **1 CITY PLACE DRIVED SUITE 300,, ST. LOUIS, MO 63141**

Permit Number: **233-T8**

Mine Name: **BLACK THUNDER**

☒ Surface

☐ Underground

☒ Other

**01 NATURE OF VIOLATION AND LOCATION:**

**Self-bond guarantor no longer meets requirements to self-bond in the State of Wyoming.**

Section of State Law, Regulation or Permit **WY DEQ Coal Rules, Chapter 11,**  
Condition believed to have been violated: **Section 4(a)(ii) referencing Chapter 11,**

**NATURE OF VIOLATION AND LOCATION:**

Section of State Law, Regulation or Permit  
Condition believed to have been violated:

**NATURE OF VIOLATION AND LOCATION:**

Section of State Law, Regulation or Permit  
Condition believed to have been violated:

Remarks or Recommendations:

Date of Notice: **01/21/2016**

Signature of Authorized Rep.: 

Print Name and ID: **Frank Bartlett ID# 549**



# U.S. DEPT. OF THE INTERIOR OFFICE OF SURFACE MINING



## Citizen Complaint

Citizen Complaint Number

CC16-010-001

Date Complaint Received

12/16/2015

Complainant

PRBRC AND WORC

Did citizen request confidentiality?

N

Nature of Complaint

PRBRC AND WORC ALLEGE THAT ARCH COAL AND ITS SUBSIDIARIES ARE CONDUCTING SURFACE COAL MINING OPERATIONS IN WYOMING WITHOUT SUFFICIENT RECLAMATION BONDING AS REQUIRED BY SMCRA AND WEQA.

Performance Standard Category  
(Check all that apply)

- ☒ A. Administrative
- ☐ B. Hydrologic Balance
- ☐ C. Topsoil & Subsoil
- ☐ D. Backfilling & Grading
- ☐ E. Excess Spoil Disposal
- ☐ F. Coal Mine Waste
- ☐ G. Use of Explosive
- ☐ H. Subsidence Control Plan
- ☐ I. Roads
- ☐ J. Signs & Markers
- ☐ K. Distance Prohibitions
- ☐ L. Revegetation
- ☐ M. Postmining Land Use

Acknowledgement Letter

01/21/2016

FO Decision Letter to Citizen

Citizen Informal Review Request

Informal Review Date

Result of Informal Review

Citizen Notified of Review Results

Comments