



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



February 16, 2016

Jeremy Nichols
Climate and Energy Program Director
WildEarth Guardians
1536 Wynkoop, Suite 310
Denver, CO 80202

Dear Mr. Nichols:

This is to advise you that your written statements were received by this Office on February 8th, 2016, and February 11th, 2016. In accordance with the Surface Mining Control and Reclamation Act, your statement has been transmitted to the Wyoming Department of Environmental Quality. This State agency will be given ten calendar days to take appropriate action to cause the alleged violation(s) to be corrected or to show good cause for failure to do so. If the State agency fails to notify this Office within ten calendar days, or the action taken by the State agency is not considered appropriate action, or the State fails to show good cause for such failure, a Federal inspection will be conducted. Copies of the ten-day notices are enclosed for your information.

Upon final examination of the State's response, you will be promptly informed of the results. If a Federal inspection is necessary, you will be notified as far in advance as practicable and will be given the opportunity to accompany the Federal inspector on the inspection. Meanwhile, if you have any further questions concerning this process, please contact me at (307) 261-6550.

Sincerely,

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 Peabody Caballo Mining, LLC; Caballo Coal Company; Peabody Powder River Resources, LLC; and Peabody School Creek Mining, LLC (collectively, Peabody Energy) 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)(2), OSMRE is issuing the following Ten Day Notices (TDN's) for the following surface coal mining operations in Wyoming:

TDN #X16-010-549-010 – Permit #240-T7 (Rawhide Mine)
TDN #X16-010-549-011 – Permit #433-T7 (Caballo Mine)
TDN #X16-010-549-012 – Permit #477-T7 (Shoshone #1 Mine)
TDN #X16-010-549-013 – Permit #569-T8 (North Antelope Rochelle Mine (NARM))
TDN #X16-010-549-014 – Permit #764-T2 (School Creek 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 the allegations in the Citizen's Complaint summarized below, OSMRE has reason to believe that WYDEQ may be allowing Peabody Energy to operate in violation of the Wyoming Environmental Quality Act (Wyoming Act) and WYDEQ Coal Rules and Regulations by allowing Peabody Energy'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, Peabody Energy is currently self-bonded at the following operations:

Rawhide Mine, Permit # 240-T7 (SBC141)
Caballo Mine, Permit #433-T7 (SBC142)
Shoshone #1 Mine, Permit # 477-T7 (SBC129)
North Antelope Rochelle Mine, Permit #569-T8 (SBC140)
School Creek Mine, Permit #764-T2 (SBC143)

On February 8, 2016, the OSMRE received a Citizen's Complaint from the WildEarth Guardians. The complainant requested an inspection and enforcement action regarding ongoing coal mining operations of Peabody Energy and its subsidiaries in Colorado, New Mexico, and Wyoming. The complainant alleges violations of the Surface Mining Control and Reclamation Act (SMCRA), stating that they have reason to believe that Peabody Energy and its subsidiaries are conducting coal mining operations in these states without sufficient reclamation bonding as required by SMCRA. Specifically, the complainant alleges potential violations of self-bonding requirements due to the subsidiary guarantor's assets being pledged by the parent company as

collateral for debt, Peabody's credit rating having been downgraded below regulatory thresholds, Peabody's total liabilities to net worth ratio being greater than 2.5, Peabody's total amount of self-bonds exceeding 25% of its tangible net worth in the United States, and that Peabody failed to notify the WYDEQ that it no longer qualified for self-bonding and post an alternative bond within 90-days.

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).

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 respond to the allegations that the self-bonding requirements of its approved State program are being violated. WildEarth Guardians alleges potential violations of self-bonding requirements due to the deterioration of Peabody's financial health, as explained above. Therefore, OSMRE is issuing the following TDN's:

TDN #X16-010-549-010 – Permit #240-T7 (Rawhide Mine)
TDN #X16-010-549-011 – Permit #433-T7 (Caballo Mine)
TDN #X16-010-549-012 – Permit #477-T7 (Shoshone #1 Mine)
TDN #X16-010-549-013 – Permit #569-T8 (North Antelope Rochelle Mine (NARM))
TDN #X16-010-549-014 – Permit #764-T2 (School Creek Mine)

WYDEQ may respond to these notices as directed in 30 C.F.R. § 842.11 within ten calendar 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)(1)(ii)(B)(3) and (4). Appropriate action includes enforcement or other action authorized under the State program to cause the violation to be corrected. Good cause includes showing that the possible violations do not exist under the approved State program, the State regulatory authority requires a reasonable and specified amount of additional time to determine whether a violation exists, the State regulatory authority lacks jurisdiction under its program over the possible violation or subject operation, the State regulatory authority is precluded by an administrative or judicial order from an administrative body or court of competent jurisdiction from acting on the possible violation where that order is based on the violation not existing or where temporary relief standards of section 525(c) or 526(c) of SMCRA have been met, or with regard to abandoned sites the State regulatory authority is diligently pursuing or has exhausted all appropriate enforcement provisions of the State program. These TDN's do not constitute written determinations under 30 C.F.R. § 842.11(b)(1)(ii)(B)(1) 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**



1. Permittee/Person PEABODY CABALLO MINING LLC		9. Permit Number 240-T7	10. Permit Type PP
2. Address 701 MARKET STREET SUITE 700		11. Field Visit Date 2/16/2016	12. Purpose CCR
3. City ST LOUIS		13. SRA Present N	
4. State MO		14. Permit Status A	15. Site Status AP
5. Zip Code 63101	6. Phone Number (314) 342-7705	16. Facility Type ADFG	
7. Operator Name, if Different than Permittee		17. OSM Office # 010	18. CCID # CC16-010-002
8. Mine Name RAWHIDE MINE		19. Land Code SF	
		20. M.S.H.A. ID # 48-00993	21. State Abbrev. WY
		22. County/Burrough CAMPBELL	
		23. AVS Permittee Entity ID Number 250778	24. State Office

25. Hours <table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:50px; text-align: center;">1.0</td><td>a. Permit Review</td></tr> <tr><td style="text-align: center;">0.0</td><td>b. Site Visit Time</td></tr> <tr><td style="text-align: center;">0.0</td><td>c. Travel Time</td></tr> <tr><td style="text-align: center;">2.0</td><td>d. Report Writing</td></tr> </table>	1.0	a. Permit Review	0.0	b. Site Visit Time	0.0	c. Travel Time	2.0	d. Report Writing	26. Signature Block Signature: <div style="border: 1px solid black; padding: 2px; width: fit-content; margin: 0 auto;">Frank Bartlett, ID#549</div> Printed Name: Date: 2/16/2016	27. Reviewing Official: Signature: Review Date: 2-16-16 <small>mm - dd - yyyy</small> Is Supplemental MSE Page Used Y/N <input checked="" type="checkbox"/> Y
1.0	a. Permit Review									
0.0	b. Site Visit Time									
0.0	c. Travel Time									
2.0	d. Report Writing									

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

Purpose Type Codes - Item 12
 Oxx...Oversight Rfx...Reclamation Fees CCR...Citizen Complaint Referral (non-site visit)
 Axx...Assistance Fxx...Federal Actions 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.	
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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.
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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
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**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	PEARBODY CABALLO MINING LLC	Permit Number	240-T7	Field Visit Date	2/16/2016	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

<p>A. Administrative</p> <ol style="list-style-type: none"> 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 <p>B. Hydrologic Balance</p> <ol style="list-style-type: none"> 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 <p>C. Topsoil & Subsoil</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> Removal 2. <input type="checkbox"/> Substitute Materials 3. <input type="checkbox"/> Storage and Protection 4. <input type="checkbox"/> Redistribution 	<p>D. Backfilling & Grading</p> <ol style="list-style-type: none"> 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) <p>E. Excess Spoil Disposal</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> Placement 2. <input type="checkbox"/> Drainage Control 3. <input type="checkbox"/> Surface Stabilization 4. <input type="checkbox"/> Inspections & Certifications <p>F. Coal Mine Waste (Refuse Piles/Impoundments)</p> <ol style="list-style-type: none"> 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 <p>G. Use of Explosives</p> <ol style="list-style-type: none"> 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 	<p>H. <input type="checkbox"/> Subsidence Control Plan</p> <p>I. Roads</p> <ol style="list-style-type: none"> 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 <p>J. Signs & Markers</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> Signs 2. <input type="checkbox"/> Markers <p>K. <input type="checkbox"/> Distance Prohibitions</p> <p>L. Revegetation</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> Vegetative Cover 2. <input type="checkbox"/> Timing <p>M. <input type="checkbox"/> Postmining Land Use</p> <p>N. Other</p> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%;">General Performance Category</td> <td style="width:10%; text-align: center;">A</td> <td style="width:10%; text-align: center;">2</td> <td style="width:50%; text-align: right;">30 CFR 800.23 (B)(2) THROUGH (B)(4)</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>	General Performance Category	A	2	30 CFR 800.23 (B)(2) THROUGH (B)(4)												
General Performance Category	A	2	30 CFR 800.23 (B)(2) THROUGH (B)(4)															

Performance Standard Categories 30 CFR Counterparts

<p>A. Administrative (816/817.71-74)</p> <ol style="list-style-type: none"> 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) <p>B. Hydrologic Balance (816/817.41-57)</p> <ol style="list-style-type: none"> 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 <p>C. Topsoil & Subsoil (816/817.22)</p> <ol style="list-style-type: none"> 1. Removal 22(a) 2. Substitute Materials 22(c) 3. Storage and Protection 22(c) 4. Redistribution 22(d) <p>D. Backfilling & Grading (816/817.95-107)</p> <ol style="list-style-type: none"> 1. Exposed Openings §16/817.13, 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) 	<p>E. Excess Spoil Disposal (816/817.71-74)</p> <ol style="list-style-type: none"> 1. Placement 71(e) 2. Drainage Control 71(f) 3. Surface Stabilization 71(g) 4. Inspections & Certifications 71(h) <p>F. Coal Mine Waste (Refuse Piles/Impoundments) (816/817.81-84)</p> <ol style="list-style-type: none"> 1. Drainage Control 83(a) 2. Surface Stabilization 83(b) 3. Placement 83(c) 4. Inspections and Certifications 83(d) 5. Impounding Structures 84 <p>G. Use of Explosives (816/817.61-68)</p> <ol style="list-style-type: none"> 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 <p>H. Subsidence Control Plan (817.121-122)</p> <p>I. Roads (816/817.150-151)</p> <ol style="list-style-type: none"> 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) <p>J. Signs & Markers (816/817.11)</p> <ol style="list-style-type: none"> 1. Signs 11(a),(b), & (c) 2. Markers 11(a),(b),(d),(e), & (f) <p>K. Distance Prohibitions (761.11)</p> <p>L. Revegetation (816/817.111-116)</p> <ol style="list-style-type: none"> 1. Vegetative Cover 111 & 116 2. Timing 113 <p>M. Postmining Land Use (816/817.133)</p>
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**U.S. DEPT. OF THE INTERIOR
OFFICE OF SURFACE MINING
Mine Site Evaluation**

Permittee/Person: PEABODY CABALLO MINING LLC	Permit Number: 240-T7	Field Visit Date: 2/16/2016	State Program Continuation Page
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A. Specific State Law/Regulations Violated: **Chapter 11, Section 4 (a)(ii) referencing Chapter 11, Section 2 (A-D).**

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

C. Performance Standard: **AN** D. Abated (Y/N): **N**

E. OSM Action: **2** F. OSM Action Number: **X16-010-549-010** Viol#: **01**

G. Optional: H. Any Off-Site Impacts (Y/N): **N**

I. Latitude: **0442351** J. Longitude: **1052744** K. Elevation:

L. Off-Site Impacts

	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"/>

A. Specific State Law/Regulations Violated:

B. Description:

C. Performance Standard: D. Abated (Y/N):

E. OSM Action: F. OSM Action Number: Viol#:

G. Optional: H. Any Off-Site Impacts (Y/N):

I. Latitude: J. Longitude: K. Elevation:

L. Off-Site Impacts

	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"/>

A. Specific State Law/Regulations Violated:

B. Description:

C. Performance Standard: D. Abated (Y/N):

E. OSM Action: F. OSM Action Number: Viol#:

G. Optional: H. Any Off-Site Impacts (Y/N):

I. Latitude: J. Longitude: K. Elevation:

L. Off-Site Impacts

	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"/>

A. Specific State Law/Regulations Violated:

B. Description:

C. Performance Standard: D. Abated (Y/N):

E. OSM Action: F. OSM Action Number: Viol#:

G. Optional: H. Any Off-Site Impacts (Y/N):

I. Latitude: J. Longitude: K. Elevation:

L. Off-Site Impacts

	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"/>

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

TEN-DAY NOTICE

Number X16-010-549-010

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: PEABODY CABALLO MINING LLC

County: CAMPBELL

Surface

(Or Operator if No Permit)

Mailing Address: 701 MARKET STREET SUITE 700, , ST LOUIS, MO 63101

Underground

Permit Number: 240-T7

Mine Name: RAWHIDE 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 **Chapter 11, Section 4 (a)(ii) referencing**
Condition believed to have been violated: **Chapter 11, Section 2 (A-D).**

NATURE OF VIOLATION AND LOCATION:

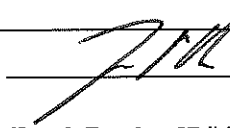
Section of State Law, Regulation or Permit
Condition believed to have been violated:

NATURE OF VIOLATION AND LOCATION:

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

Remarks or Recommendations:

Date of Notice: **02/16/2016**

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

CC16-010-002

Date Complaint Received

02/08/2016

Complainant

WILD EARTH GUARDIANS

Did citizen request confidentiality?

N

Nature of Complaint

WILDEARTH GUARDIANS ALLEGE THAT PEABODY ENERGY AND ITS SUBSIDIARIES ARE CONDUCTING SURFACE COAL MINING OPERATIONS IN WYOMING WITHOUT SUFFICIENT RECLAMATION BONDING AS REQUIRED BY SMCRA.

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

02/16/2016

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 PEABODY CABALLO MINING LLC		9. Permit Number 433-T7	10. Permit Type PP
2. Address 701 MARKET STREET SUITE 700		11. Field Visit Date 2/16/2016	12. Purpose CCR
3. City ST LOUIS		13. SRA Present N	<small>mm - dd - yyyy</small>
4. State MO	14. Permit Status A	15. Site Status AP	16. Facility Type ADFG
5. Zip Code 63101	6. Phone Number (314) 342-7705	17. OSM Office # 010	18. CCID # CC16-010-002
7. Operator Name, if Different than Permittee		19. Land Code SF	20. M.S.H.A. ID #
8. Mine Name CABALLO		21. State Abbrev. WY	22. County/Burrough CAMPBELL
		23. AVS Permittee Entity ID Number 250778	24. State Office

25. Hours	26. Signature Block	27. Reviewing Official:								
<table border="1" style="width:100%; border-collapse: collapse;"> <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>2.0</td><td>d. Report Writing</td></tr> </table>	1.0	a. Permit Review	0.0	b. Site Visit Time	0.0	c. Travel Time	2.0	d. Report Writing	 Signature: <div style="border: 1px solid black; padding: 2px; display: inline-block;">Frank Bartlett, ID#549</div> Printed Name: Date: 2/16/2016	 Signature: Review Date: 2-16-16 <small>mm - dd - yyyy</small> Is Supplemental MSE Page Used Y/N <input checked="" type="checkbox"/> Y
1.0	a. Permit Review									
0.0	b. Site Visit Time									
0.0	c. Travel Time									
2.0	d. Report Writing									

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

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

<p>A Active: Coal mining activities occurring or permitted but not yet disturbed.</p> <p>IN Inactive (Permanent Program Permit): Phase II completed or Temporary Cessation of Operations. (Interim Program Permit): Coal mining completed and reclamation activities initiated.</p> <p>BR Bond Release: Reclamation completed and State Regulatory Authority(RA) has released all of the bond (Phase III Release).</p>	<p>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).</p> <p>AB1 Bond Forfeiture: Bond forfeiture officially in process or completed and reclamation in progress or not yet commenced.</p> <p>AB2 Partially Reclaimed Forfeiture: Forfeited site where all bonds have been used to reclaim site, but site not reclaimed to Program standards.</p> <p>AB3 Reclaimed Forfeiture: Forfeited site that has been reclaimed to Program standards.</p> <p>NA Not Applicable: When site is unpermitted.</p>
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Site Status - Item 15

<p>ND No Disturbance: No coal mining and reclamation operations have been started.</p> <p>EX Coal Exploration: Coal exploration operations have started and where coal mining operations have not begun.</p> <p>AP Active Coal Producing: Coal surface mining activities are occurring.</p> <p>AN Active Non-Producing: Active non-producing facility such as tipple or preparation plant.</p> <p>NM No Mining: The Permit Status is active, site is not in Temporary Cessation, no surface coal mining activity, and site not regraded.</p>	<p>MC Mining Complete: No mining activity on site, site regraded and awaiting bond release.</p> <p>TC Temporary Cessation: The RA has granted cessation of mining pursuant to 30 CFR 816/817:13(b).</p> <p>P1 Phase I Release: At least Phase I bond release granted for entire permitted area. For interim permits, partial bond release.</p> <p>P2 Phase II Release: At least Phase II bond release for the entire permitted area.</p> <p>P3 Phase III Release: Reclamation completed and the RA has released all bond.</p>	<p>NS Non-Site Visit: Status of site not determined. 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.</p> <p>FR Forfeited and Reclaimed: Forfeiture reclamation completed.</p> <p>FO Abandoned Site: Abandoned site that is permitted but there is no bond.</p> <p>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.</p>
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Facility Type Codes - Item 16

<p>A...Surface</p> <p>B...Underground</p> <p>C...Preparation Plant</p>	<p>D...Ancillary (Haulroad, Conveyor, and/or Rails</p> <p>E...Refuse and/or Impoundment</p> <p>F...Loading Facility and/or Tipple</p> <p>G...Stockpiles</p>	<p>H...Exploration Permits</p> <p>I...Notice of Intent to Explore</p> <p>J...Exempt 16 and 2/3</p>
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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 PEABODY CABALLO MINING LLC	Permit Number 433-T7	Field Visit Date 2/16/2016	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

<p>A. Administrative</p> <ol style="list-style-type: none"> 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 <p>B. Hydrologic Balance</p> <ol style="list-style-type: none"> 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 <p>C. Topsoil & Subsoil</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> Removal 2. <input type="checkbox"/> Substitute Materials 3. <input type="checkbox"/> Storage and Protection 4. <input type="checkbox"/> Redistribution 	<p>D. Backfilling & Grading</p> <ol style="list-style-type: none"> 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) <p>E. Excess Spoil Disposal</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> Placement 2. <input type="checkbox"/> Drainage Control 3. <input type="checkbox"/> Surface Stabilization 4. <input type="checkbox"/> Inspections & Certifications <p>F. Coal Mine Waste (Refuse Piles/Impoundments)</p> <ol style="list-style-type: none"> 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 <p>G. Use of Explosives</p> <ol style="list-style-type: none"> 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 	<p>H. <u> </u> Subsidence Control Plan</p> <p>I. Roads</p> <ol style="list-style-type: none"> 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 <p>J. Signs & Markers</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> Signs 2. <input type="checkbox"/> Markers <p>K. <u> </u> Distance Prohibitions</p> <p>L. Revegetation</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> Vegetative Cover 2. <input type="checkbox"/> Timing <p>M. <u> </u> Postmining Land Use</p> <p>N. Other</p> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%; text-align: center;">General Performance Category</td> <td style="width:10%; text-align: center;"><u> </u> A <u> </u></td> <td style="width:10%; text-align: center;"><u> </u> 2 <u> </u></td> <td style="width:50%; text-align: center;"><u> </u> 30 CFR 800.23 (B)(2) THROUGH (B)(4) <u> </u></td> </tr> <tr> <td> </td> <td style="text-align: center;"><u> </u></td> <td style="text-align: center;"><u> </u></td> <td style="text-align: center;"><u> </u></td> </tr> <tr> <td> </td> <td style="text-align: center;"><u> </u></td> <td style="text-align: center;"><u> </u></td> <td style="text-align: center;"><u> </u></td> </tr> <tr> <td> </td> <td style="text-align: center;"><u> </u></td> <td style="text-align: center;"><u> </u></td> <td style="text-align: center;"><u> </u></td> </tr> </table>	General Performance Category	<u> </u> A <u> </u>	<u> </u> 2 <u> </u>	<u> </u> 30 CFR 800.23 (B)(2) THROUGH (B)(4) <u> </u>		<u> </u>	<u> </u>	<u> </u>		<u> </u>	<u> </u>	<u> </u>		<u> </u>	<u> </u>	<u> </u>
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Performance Standard Categories 30 CFR Counterparts

<p>A. Administrative 773.11</p> <ol style="list-style-type: none"> 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 870.15(a) <p>B. Hydrologic Balance (816/817.41-57)</p> <ol style="list-style-type: none"> 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 <p>C. Topsoil & Subsoil (816/817.22)</p> <ol style="list-style-type: none"> 1. Removal 22(a) 2. Substitute Materials 22(c) 3. Storage and Protection 22(c) 4. Redistribution 22(d) <p>D. Backfilling & Grading 816/817.95-107</p> <ol style="list-style-type: none"> 1. Exposed Openings \$16/817.13, 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) 	<p>E. Excess Spoil Disposal (816/817.71-74)</p> <ol style="list-style-type: none"> 1. Placement 71(e) 2. Drainage Control 71(f) 3. Surface Stabilization 71(g) 4. Inspections & Certifications 71(h) <p>F. Coal Mine Waste (Refuse Piles/Impoundments) 816/817.81-84</p> <ol style="list-style-type: none"> 1. Drainage Control 83(a) 2. Surface Stabilization 83(b) 3. Placement 83(c) 4. Inspections and Certifications 83(d) 5. Impounding Structures 84 <p>G. Use of Explosives (816/817.61-68)</p> <ol style="list-style-type: none"> 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 <p>H. Subsidence Control Plan (817.121-122)</p> <p>I. Roads (816/817.150-151)</p> <ol style="list-style-type: none"> 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) <p>J. Signs & Markers 816/817.111</p> <ol style="list-style-type: none"> 1. Signs 11(a),(b), & (c) 2. Markers 11(a),(b),(d),(e), & (f) <p>K. Distance Prohibitions (761.11)</p> <p>L. Revegetation (816/817.111-116)</p> <ol style="list-style-type: none"> 1. Vegetative Cover 111 & 116 2. Timing 113 <p>M. Postmining Land Use (816/817.133)</p>
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<p>OSHA Action</p> <ol style="list-style-type: none"> 1) Deferred to State Action 2) TDN Issued 3) MOV Issued 4) FTA-CO Issued 5) IH-CO Issued 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 	<p>Off-Site Impacts</p> <p>For each type of impact and resource affected, enter 'N, D, or J' to describe the degree of off-site impact:</p> <p align="center">N - Minor Occurrence D - Moderate Occurrence J - Major Occurrence</p>
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**U.S. DEPT. OF THE INTERIOR
OFFICE OF SURFACE MINING
Mine Site Evaluation**

Permittee/ Person	PEABODY CABALLO MINING LLC	Permit Number	433-T7	Field Visit Date	2/16/2016	State Program Continuation Page
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<p>A. Specific State Law/Regulations Violated: Chapter 11, Section 4 (a)(i) referencing Chapter 11, Section 2 (A-D).</p> <p>B. Description: Self-bond guarantor no longer meets requirements to self-bond in the State of Wyoming.</p> <p>C. Performance Standard: AN D. Abated (Y/N): N</p> <p>E. OSM Action: 2 F. OSM Action Number: X16-010-549-011 Viol#: 01</p> <p>G. Optional: H. Any Off-Site Impacts (Y/N): N</p> <p>I. Latitude: 0440618 J. Longitude: 1052046 K. Elevation: </p>	<p align="center">L. Off-Site Impacts</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th>People</th> <th>Land</th> <th>Water</th> <th>Structures</th> </tr> </thead> <tbody> <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> </tbody> </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: </p> <p>B. Description: </p> <p>C. Performance Standard: D. Abated (Y/N): </p> <p>E. OSM Action: F. OSM Action Number: Viol#: </p> <p>G. Optional: H. Any Off-Site Impacts (Y/N): </p> <p>I. Latitude: J. Longitude: K. Elevation: </p>	<p align="center">L. Off-Site Impacts</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th>People</th> <th>Land</th> <th>Water</th> <th>Structures</th> </tr> </thead> <tbody> <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> </tbody> </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 X16-010-549-011

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: PEABODY CABALLO MINING LLC

County: CAMPBELL

(Or Operator if No Permit)

Mailing Address: 701 MARKET STREET SUITE 700,, ST LOUIS, MO 63101

Permit Number: 433-T7

Mine Name: CABALLO

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 **Chapter 11, Section 4 (a)(ii) referencing**
Condition believed to have been violated: **Chapter 11, Section 2 (A-D).**

NATURE OF VIOLATION AND LOCATION:

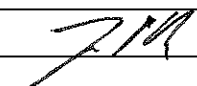
Section of State Law, Regulation or Permit
Condition believed to have been violated:

NATURE OF VIOLATION AND LOCATION:

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

Remarks or Recommendations:

Date of Notice: **02/16/2016**

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

CC16-010-002

Date Complaint Received

02/08/2016

Complainant

WILD EARTH GUARDIANS

Did citizen request confidentiality?

N

Nature of Complaint

WILDEARTH GUARDIANS ALLEGE THAT PEABODY ENERGY AND ITS SUBSIDIARIES ARE CONDUCTING SURFACE COAL MINING OPERATIONS IN WYOMING WITHOUT SUFFICIENT RECLAMATION BONDING AS REQUIRED BY SMCRA.

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

02/16/2016

FO Decision Letter to Citizen

Citizen Informal Review Request

Informal Review Date

Result of Informal Review

Citizen Notified of Review Results

Comments

Empty box for comments.



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



1. Permittee/Person SHOSHONE COAL CORP		9. Permit Number 477-T7	10. Permit Type PP
2. Address 701 MARKET ST		11. Field Visit Date 2/16/2016	12. Purpose CCR
3. City ST LOUIS		13. SRA Present N	
4. State MO		14. Permit Status A	15. Site Status PI
5. Zip Code 631011826	6. Phone Number (314) 423-3400	16. Facility Type BD	
7. Operator Name, if Different than Permittee		17. OSM Office # 010	18. CCID # CC16-010-002
8. Mine Name SHOSHONE #1		19. Land Code SF	
		20. M.S.H.A. ID #	21. State Abbrev. WY
		22. County/Burrough CARBON	
		23. AVS Permittee Entity ID Number 154836	24. State Office

25. Hours <table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:50px; text-align: center;">1.0</td><td>a. Permit Review</td></tr> <tr><td style="text-align: center;">0.0</td><td>b. Site Visit Time</td></tr> <tr><td style="text-align: center;">0.0</td><td>c. Travel Time</td></tr> <tr><td style="text-align: center;">2.0</td><td>d. Report Writing</td></tr> </table>	1.0	a. Permit Review	0.0	b. Site Visit Time	0.0	c. Travel Time	2.0	d. Report Writing	26. Signature Block <div style="text-align: center;"> Signature: <div style="border: 1px solid black; padding: 2px; width: 100%;">Frank Bartlett, ID#549</div> Printed Name: Date: 2/16/2016 </div>	27. Reviewing Official: <div style="text-align: center;"> Signature: Review Date: 2-16-16 <small>mm - dd - yyyy</small> Is Supplemental MSE Page Used Y/N <input checked="" type="checkbox"/> Y </div>
1.0	a. Permit Review									
0.0	b. Site Visit Time									
0.0	c. Travel Time									
2.0	d. Report Writing									

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

Purpose Type Codes - Item 12
 Oxx...Oversight RFX...Reclamation Fees CCR...Citizen Complaint Referral (non-site visit)
 Axx...Assistance Fxx...Federal Actions 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.
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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.
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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 Tippie 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
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**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	SHOSHONE COAL CORP	Permit Number	477-T7	Field Visit Date	2/16/2016	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

<p>A. Administrative</p> <ol style="list-style-type: none"> 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 <p>B. Hydrologic Balance</p> <ol style="list-style-type: none"> 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 <p>C. Topsoil & Subsoil</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> Removal 2. <input type="checkbox"/> Substitute Materials 3. <input type="checkbox"/> Storage and Protection 4. <input type="checkbox"/> Redistribution 	<p>D. Backfilling & Grading</p> <ol style="list-style-type: none"> 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) <p>E. Excess Spoil Disposal</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> Placement 2. <input type="checkbox"/> Drainage Control 3. <input type="checkbox"/> Surface Stabilization 4. <input type="checkbox"/> Inspections & Certifications <p>F. Coal Mine Waste (Refuse Piles/Impoundments)</p> <ol style="list-style-type: none"> 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 <p>G. Use of Explosives</p> <ol style="list-style-type: none"> 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 	<p>H. Subsidence Control Plan</p> <p>I. Roads</p> <ol style="list-style-type: none"> 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 <p>J. Signs & Markers</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> Signs 2. <input type="checkbox"/> Markers <p>K. Distance Prohibitions</p> <p>L. Revegetation</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> Vegetative Cover 2. <input type="checkbox"/> Timing <p>M. Postmining Land Use</p> <p>N. Other</p> <table border="1" style="width:100%; border-collapse: collapse; margin-top: 10px;"> <tr> <td style="width:30%; text-align: center;">General Performance Category</td> <td style="width:10%; text-align: center;">A</td> <td style="width:10%; text-align: center;">2</td> <td style="width:50%; text-align: center;">30 CFR 800.23 (B)(2) THROUGH (B)(4)</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>	General Performance Category	A	2	30 CFR 800.23 (B)(2) THROUGH (B)(4)												
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Performance Standard Categories 30 CFR Counterparts

<p>A. Administrative 773.11</p> <ol style="list-style-type: none"> 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) <p>B. Hydrologic Balance (§16/§17.41-57)</p> <ol style="list-style-type: none"> 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 <p>C. Topsoil & Subsoil (§16/§17.22)</p> <ol style="list-style-type: none"> 1. Removal 22(a) 2. Substitute Materials 22(c) 3. Storage and Protection 22(c) 4. Redistribution 22(d) <p>D. Backfilling & Grading §16/§17.95-107</p> <ol style="list-style-type: none"> 1. Exposed Openings §16-§17.13, 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) 	<p>E. Excess Spoil Disposal (§16/§17.71-74)</p> <ol style="list-style-type: none"> 1. Placement 71(c) 2. Drainage Control 71(f) 3. Surface Stabilization 71(g) 4. Inspections & Certifications 71(h) <p>F. Coal Mine Waste (Refuse Piles/Impoundments) §16/§17.81-84</p> <ol style="list-style-type: none"> 1. Drainage Control 83(a) 2. Surface Stabilization 83(b) 3. Placement 83(c) 4. Inspections and Certifications 83(d) 5. Impounding Structures 84 <p>G. Use of Explosives (§16/§17.61-68)</p> <ol style="list-style-type: none"> 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 <p>H. Subsidence Control Plan (§17.121-122)</p> <p>I. Roads (§16/§17.150-151)</p> <ol style="list-style-type: none"> 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) <p>J. Signs & Markers §16/§17.111</p> <ol style="list-style-type: none"> 1. Signs 11(a),(b), & (c) 2. Markers 11(a),(b),(d),(e), & (f) <p>K. Distance Prohibitions (761.11)</p> <p>L. Revegetation (§16/§17.111-116)</p> <ol style="list-style-type: none"> 1. Vegetative Cover 111 & 116 2. Timing 113 <p>M. Postmining Land Use (§16/§17.133)</p>
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<p>OSM Action</p> <ol style="list-style-type: none"> 1) Deferred to State Action 2) TDN Issued 3) NOV Issued 4) FTA-CO Issued 5) B4-CO Issued 	<p>Off-Site Impacts</p> <p>For each type of impact and resource affected, enter "H, D, or J" to describe the degree of off-site impact:</p> <p>N - Minor Occurrence D - Moderate Occurrence J - Major Occurrence</p>	<p>Page 2 of 3</p> <p>Revised October 1, 2010</p>
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**U.S. DEPT. OF THE INTERIOR
OFFICE OF SURFACE MINING
Mine Site Evaluation**

Permittee/ Person SHOSHONE COAL CORP	Permit Number 477-T7	Field Visit Date 2/16/2016	State Program Continuation Page
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<p>A. Specific State Law/Regulations Violated: Chapter 11, Section 4 (a)(ii) referencing Chapter 11, Section 2 (A-d).</p> <p>B. Description: Self-bond guarantor no longer meets requirements to self-bond in the State of Wyoming.</p> <p>C. Performance Standard: AN D. Abated (Y/N): N</p> <p>E. OSM Action: 2 F. OSM Action Number: X16-010-549-012 Viol#: 01</p> <p>G. Optional: H. Any Off-Site Impacts (Y/N): N</p> <p>I. Latitude: 0415559 J. Longitude: 1060341 K. Elevation: </p>	<p align="center">L. Off-Site Impacts</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th>People</th> <th>Land</th> <th>Water</th> <th>Structures</th> </tr> </thead> <tbody> <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> </tbody> </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 X16-010-549-012 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: SHOSHONE COAL CORP County: CARBON Surface
(Or Operator if No Permit) _____
Mailing Address: 701 MARKET ST., ST LOUIS, MO 631011826 Underground
Permit Number: 477-T7 Mine Name: SHOSHONE #1 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 **Chapter 11, Section 4 (a)(II) referencing**
Condition believed to have been violated: **Chapter 11, Section 2 (A-d).**

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: **02/16/2016** 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

CC16-010-002

Date Complaint Received

02/08/2016

Complainant

WILD EARTH GUARDIANS

Did citizen request confidentiality?

N

Nature of Complaint

WILDEARTH GUARDIANS ALLEGE THAT PEABODY ENERGY AND ITS SUBSIDIARIES ARE CONDUCTING SURFACE COAL MINING OPERATIONS IN WYOMING WITHOUT SUFFICIENT RECLAMATION BONDING AS REQUIRED BY SMCRA.

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

02/16/2016

FO Decision Letter to Citizen

Citizen Informal Review Request

Informal Review Date

Result of Informal Review

Citizen Notified of Review Results

Comments

Empty box for comments.



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



<p>1. Permittee/Person PEABODY POWDER RIVER MINING LLC</p> <p>2. Address 701 MARKET STREET</p> <p>3. City ST LOUIS 4. State MO</p> <p>5. Zip Code 63101 6. Phone Number</p> <p>7. Operator Name, if Different than Permittee</p> <p>8. Mine Name NORTH ANTELOPE ROCHELLE MINE</p>	<p>9. Permit Number 569-T8</p> <p>10. Permit Type PP</p> <p>11. Field Visit Date 2/16/2016 12. Purpose CCR 13. SRA Present N <small>mm - dd - yyyy</small></p> <p>14. Permit Status A 15. Site Status AP 16. Facility Type ADFG</p> <p>17. OSM Office # 010 18. CCID # CC16-010-002 19. Land Code SF</p> <p>20. M.S.H.A. ID # 48-01353 21. State Abbrev. WY 22. County/Burrough CAMPBELL</p> <p>23. AVS Permittee Entity ID Number 250775 24. State Office</p>
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<p>25. Hours</p> <table style="width:100%;"> <tr><td style="width:15%; border: 1px solid black;">1.0</td><td>a. Permit Review</td></tr> <tr><td style="border: 1px solid black;">0.0</td><td>b. Site Visit Time</td></tr> <tr><td style="border: 1px solid black;">0.0</td><td>c. Travel Time</td></tr> <tr><td style="border: 1px solid black;">2.0</td><td>d. Report Writing</td></tr> </table>	1.0	a. Permit Review	0.0	b. Site Visit Time	0.0	c. Travel Time	2.0	d. Report Writing	<p>26. Signature Block</p> <p align="center"><i>[Signature]</i> Signature:</p> <p align="center">Frank Bartlett, ID#549 Printed Name:</p> <p align="center">Date: 2/16/2016</p>	<p>27. Reviewing Official:</p> <p align="center"><i>[Signature]</i> Signature:</p> <p align="center">Review Date: 2-16-16 <small>mm - dd - yyyy</small></p> <p align="right">Is Supplemental MSE Page Used Y/N <input checked="" type="checkbox"/> Y</p>
1.0	a. Permit Review									
0.0	b. Site Visit Time									
0.0	c. Travel Time									
2.0	d. Report Writing									

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

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

<p>A Active: Coal mining activities occurring or permitted but not yet disturbed.</p> <p>IN Inactive (Permanent Program Permit): Phase II completed or Temporary Cessation of Operations. (Interim Program Permit): Coal mining completed and reclamation activities initiated.</p> <p>BR Bond Release: Reclamation completed and State Regulatory Authority(RA) has released all of the bond (Phase III Release).</p>	<p>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).</p> <p>AB1 Bond Forfeiture: Bond forfeiture officially in process or completed and reclamation in progress or not yet commenced.</p> <p>AB2 Partially Reclaimed Forfeiture: Forfeited site where all bonds have been used to reclaim site, but site not reclaimed to Program standards.</p> <p>AB3 Reclaimed Forfeiture: Forfeited site that has been reclaimed to Program standards.</p> <p>NA Not Applicable: When site is unpermitted.</p>
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<p>Site Status - Item 15</p> <p>ND No Disturbance: No coal mining and reclamation operations have been started.</p> <p>EX Coal Exploration: Coal exploration operations have started and where coal mining operations have not begun.</p> <p>AP Active Coal Producing: Coal surface mining activities are occurring.</p> <p>AN Active Non-Producing: Active non-producing facility such as tipple or preparation plant.</p> <p>NM No Mining: The Permit Status is active, site is not in Temporary Cessation, no surface coal mining activity, and site not regraded.</p>	<p>MC Mining Complete: No mining activity on site, site regraded and awaiting bond release.</p> <p>TC Temporary Cessation: The RA has granted cessation of mining pursuant to 30 CFR 816/817:13(b).</p> <p>P1 Phase I Release: At least Phase I bond release granted for entire permitted area. For interim permits, partial bond release.</p> <p>P2 Phase II Release: At least Phase II bond release for the entire permitted area.</p> <p>P3 Phase III Release: Reclamation completed and the RA has released all bond.</p>	<p>NS Non-Site Visit: Status of site not determined.</p> <p>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.</p> <p>FR Forfeited and Reclaimed: Forfeiture reclamation completed.</p> <p>FO Abandoned Site: Abandoned site that is permitted but there is no bond.</p> <p>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.</p>
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Facility Type Codes - Item 16

A...Surface	D...Ancillary (Haulroad, Conveyor, and/or Rails	H...Exploration Permits
B...Underground	E...Refuse and/or Impoundment	I...Notice of Intent to Explore
C...Preparation Plant	F...Loading Facility and/or Tipple	J...Exempt 16 and 2/3
	G...Stockpiles	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	PEABODY POWDER RIVER MINING LLC	Permit Number	569-T8	Field Visit Date	2/16/2016	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

<p>A. Administrative</p> <ol style="list-style-type: none"> 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 <p>B. Hydrologic Balance</p> <ol style="list-style-type: none"> 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 <p>C. Topsoil & Subsoil</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> Removal 2. <input type="checkbox"/> Substitute Materials 3. <input type="checkbox"/> Storage and Protection 4. <input type="checkbox"/> Redistribution 	<p>D. Backfilling & Grading</p> <ol style="list-style-type: none"> 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) <p>E. Excess Spoil Disposal</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> Placement 2. <input type="checkbox"/> Drainage Control 3. <input type="checkbox"/> Surface Stabilization 4. <input type="checkbox"/> Inspections & Certifications <p>F. Coal Mine Waste (Refuse Piles/Impoundments)</p> <ol style="list-style-type: none"> 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 <p>G. Use of Explosives</p> <ol style="list-style-type: none"> 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 	<p>H. <input type="checkbox"/> Subsidence Control Plan</p> <p>I. Roads</p> <ol style="list-style-type: none"> 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 <p>J. Signs & Markers</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> Signs 2. <input type="checkbox"/> Markers <p>K. <input type="checkbox"/> Distance Prohibitions</p> <p>L. Revegetation</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> Vegetative Cover 2. <input type="checkbox"/> Timing <p>M. <input type="checkbox"/> Postmining Land Use</p> <p>N. Other</p> <p>General Performance Category</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:33%;">A</th> <th style="width:33%;">2</th> <th style="width:33%;">30 CFR 800.23 (B)(2) THROUGH (B)(4)</th> </tr> </thead> <tbody> <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> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> </tr> </tbody> </table>	A	2	30 CFR 800.23 (B)(2) THROUGH (B)(4)	_____	_____	_____	_____	_____	_____	_____	_____	_____
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_____	_____	_____												

Performance Standard Categories 30 CFR Counterparts

<p>A. Administrative (816/817.71-74)</p> <ol style="list-style-type: none"> 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) <p>B. Hydrologic Balance (816/817.41-57)</p> <ol style="list-style-type: none"> 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 <p>C. Topsoil & Subsoil (816/817.22)</p> <ol style="list-style-type: none"> 1. Removal 22(a) 2. Substitute Materials 22(c) 3. Storage and Protection 22(c) 4. Redistribution 22(d) <p>D. Backfilling & Grading (816/817.95-107)</p> <ol style="list-style-type: none"> 1. Exposed Openings §16/817.13, 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) 	<p>E. Excess Spoil Disposal (816/817.71-74)</p> <ol style="list-style-type: none"> 1. Placement 71(e) 2. Drainage Control 71(f) 3. Surface Stabilization 71(g) 4. Inspections & Certifications 71(h) <p>F. Coal Mine Waste (Refuse Piles/Impoundments) (816/817.81-84)</p> <ol style="list-style-type: none"> 1. Drainage Control 83(a) 2. Surface Stabilization 83(b) 3. Placement 83(c) 4. Inspections and Certifications 83(d) 5. Impounding Structures 84 <p>G. Use of Explosives (816/817.61-68)</p> <ol style="list-style-type: none"> 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 <p>H. Subsidence Control Plan (817.121-122)</p> <p>I. Roads (816/817.150-151)</p> <ol style="list-style-type: none"> 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) <p>J. Signs & Markers (816/817.11)</p> <ol style="list-style-type: none"> 1. Signs 11(a),(b),(c) 2. Markers 11(a),(b),(d),(e),(f) <p>K. Distance Prohibitions (761.11)</p> <p>L. Revegetation (816/817.111-116)</p> <ol style="list-style-type: none"> 1. Vegetative Cover 111 & 116 2. Timing 113 <p>M. Postmining Land Use (816/817.133)</p>
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**U.S. DEPT. OF THE INTERIOR
OFFICE OF SURFACE MINING
Mine Site Evaluation**

Permittee/ Person	PEABODY POWDER RIVER MINING LLC	Permit Number	569-T8	Field Visit Date	2/16/2016	State Program Continuation Page
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<p>A. Specific State Law/Regulations Violated: Chapter 11, Section 4 (a)(ii) referencing Chapter 11, Section 2 (A-D).</p> <p>B. Description: Self-bond guarantor no longer meets requirements to self-bond in the State of Wyoming.</p> <p>C. Performance Standard: AN D. Abated (Y/N): N</p> <p>E. OSM Action: 2 F. OSM Action Number: X16-010-549-013 Viol#: 01</p> <p>G. Optional: H. Any Off-Site Impacts (Y/N): N</p> <p>I. Latitude: 0433214 J. Longitude: 1051513 K. Elevation:</p>	<p>L. Off-Site Impacts</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th>People</th> <th>Land</th> <th>Water</th> <th>Structures</th> </tr> </thead> <tbody> <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> </tbody> </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 X16-010-549-013

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: PEABODY POWDER RIVER MINING LLC
(Or Operator if No Permit)

County: CAMPBELL

Surface

Mailing Address: 701 MARKET STREET, , ST LOUIS, MO 63101

Underground

Permit Number: 569-T8

Mine Name: NORTH ANTELOPE ROCHELLE 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 **Chapter 11, Section 4 (a)(ii) referencing**
Condition believed to have been violated: **Chapter 11, Section 2 (A-D).**

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: **02/16/2016**

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

CC16-010-002

Date Complaint Received

02/08/2016

Complainant

WILD EARTH GUARDIANS

Did citizen request confidentiality?

N

Nature of Complaint

WILDEARTH GUARDIANS ALLEGE THAT PEABODY ENERGY AND ITS SUBSIDIARIES ARE CONDUCTING SURFACE COAL MINING OPERATIONS IN WYOMING WITHOUT SUFFICIENT RECLAMATION BONDING AS REQUIRED BY SMCRA.

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

02/16/2016

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 PEABODY SCHOOL CREEK MINING LLC		9. Permit Number 764-T2	10. Permit Type PP
2. Address 701 MARKET STREET		11. Field Visit Date 2/16/2016 <small>mm - dd - yyyy</small>	12. Purpose CCR
3. City ST LOUIS	4. State MO	13. SRA Present N	
5. Zip Code 63101	6. Phone Number	14. Permit Status A	15. Site Status AP
7. Operator Name, if Different than Permittee PEABODY POWDER RIVER MINING LLC		16. Facility Type ADFG	
8. Mine Name SCHOOL CREEK MINE		17. OSM Office # 010	18. CCID # CC16-010-002
		19. Land Code SF	
		20. M.S.H.A. ID #	21. State Abbrev. WY
		22. County/Burrough CAMPBELL	
		23. AVS Permittee Entity ID Number 250777	24. State Office

25. Hours	26. Signature Block Signature: Frank Bartlett, ID#549 Printed Name: Date: 2/16/2016	27. Reviewing Official: Signature: Review Date: 2-16-16 <small>mm - dd - yyyy</small>
<input type="checkbox"/> 1.0 a. Permit Review		Is Supplemental MSE Page Used Y/N <input checked="" type="checkbox"/> Y
<input type="checkbox"/> 0.0 b. Site Visit Time		
<input type="checkbox"/> 0.0 c. Travel Time		
<input type="checkbox"/> 2.0 d. Report Writing		

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

Purpose Type Codes - Item 12

Oxx...Oversight Rfx...Reclamation Fees CCR...Citizen Complaint Referral (non-site visit)
 Axx...Assistance Fxx...Federal Actions 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.	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).
IN Inactive (Permanent Program Permit): Phase II completed or Temporary Cessation of Operations. (Interim Program Permit): Coal mining completed and reclamation activities initiated.	AB1 Bond Forfeiture: Bond forfeiture officially in process or completed and reclamation in progress or not yet commenced.
BR Bond Release: Reclamation completed and State Regulatory Authority(RA) has released all of the bond (Phase III Release).	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.	MC Mining Complete: No mining activity on site, site regraded and awaiting bond release.	NS Non-Site Visit: Status of site not determined.
EX Coal Exploration: Coal exploration operations have started and where coal mining operations have not begun.	TC Temporary Cessation: The RA has granted cessation of mining pursuant to 30 CFR 816/817.13(b).	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.
AP Active Coal Producing: Coal surface mining activities are occurring.	P1 Phase I Release: At least Phase I bond release granted for entire permitted area. For interim permits, partial bond release.	FR Forfeited and Reclaimed: Forfeiture reclamation completed.
AN Active Non-Producing: Active non-producing facility such as tipple of preparation plant.	P2 Phase II Release: At least Phase II bond release for the entire permitted area.	FO Abandoned Site: Abandoned site that is permitted but there is no bond.
NM No Mining: The Permit Status is active, site is not in Temporary Cessation, no surface coal mining activity, and site not regraded.	P3 Phase III Release: Reclamation completed and the RA has released all 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	D ...Ancillary (Haulroad, Conveyor, and/or Rails)	H ...Exploration Permits	K ...Government Financed Construction Exemption
B ...Underground	E ...Refuse and/or Impoundment	L ...Notice of Intent to Explore	L ...Remining site permitted under 30 CFR 785.25
C ...Preparation Plant	F ...Loading Facility and/or Tipple	J ...Exempt 16 and 2/3	
	G ...Stockpiles		

**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	PEABODY SCHOOL CREEK MINING LLC	Permit Number	764-T2	Field Visit Date	2/16/2016	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

<p>A. Administrative</p> <ol style="list-style-type: none"> 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 <p>B. Hydrologic Balance</p> <ol style="list-style-type: none"> 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 <p>C. Topsoil & Subsoil</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> Removal 2. <input type="checkbox"/> Substitute Materials 3. <input type="checkbox"/> Storage and Protection 4. <input type="checkbox"/> Redistribution 	<p>D. Backfilling & Grading</p> <ol style="list-style-type: none"> 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) <p>E. Excess Spoil Disposal</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> Placement 2. <input type="checkbox"/> Drainage Control 3. <input type="checkbox"/> Surface Stabilization 4. <input type="checkbox"/> Inspections & Certifications <p>F. Coal Mine Waste (Refuse Piles/Impoundments)</p> <ol style="list-style-type: none"> 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 <p>G. Use of Explosives</p> <ol style="list-style-type: none"> 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 	<p>H. <input type="checkbox"/> Subsidence Control Plan</p> <p>I. Roads</p> <ol style="list-style-type: none"> 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 <p>J. Signs & Markers</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> Signs 2. <input type="checkbox"/> Markers <p>K. <input type="checkbox"/> Distance Prohibitions</p> <p>L. Revegetation</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> Vegetative Cover 2. <input type="checkbox"/> Timing <p>M. <input type="checkbox"/> Postmining Land Use</p> <p>N. Other</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;">General Performance Category</td> <td style="width:10%; text-align: center;">A</td> <td style="width:10%; text-align: center;">2</td> <td style="width:47%; text-align: center;">30 CFR 800.23 (B)(2) THROUGH (B)(4)</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>	General Performance Category	A	2	30 CFR 800.23 (B)(2) THROUGH (B)(4)												
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Performance Standard Categories 30 CFR Counterparts

<p>A. Administrative (816/817.71-74)</p> <ol style="list-style-type: none"> 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) <p>B. Hydrologic Balance (816/817.41-57)</p> <ol style="list-style-type: none"> 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(e) 8. Surface Water Monitoring 41(e) 9. Drainage-Acid-Toxic Materials 41(f) 10. Impoundments 49 11. Stream Buffer Zones 57 <p>C. Topsoil & Subsoil (816/817.22)</p> <ol style="list-style-type: none"> 1. Removal 22(a) 2. Substitute Materials 22(c) 3. Storage and Protection 22(c) 4. Redistribution 22(d) <p>D. Backfilling & Grading 816/817.95-107)</p> <ol style="list-style-type: none"> 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) 	<p>E. Excess Spoil Disposal (816/817.71-74)</p> <ol style="list-style-type: none"> 1. Placement 71(e) 2. Drainage Control 71(f) 3. Surface Stabilization 71(g) 4. Inspections & Certifications 71(h) <p>F. Coal Mine Waste (Refuse Piles/Impoundments) 816/817.81-84)</p> <ol style="list-style-type: none"> 1. Drainage Control 83(a) 2. Surface Stabilization 83(b) 3. Placement 83(c) 4. Inspections and Certifications 83(d) 5. Impounding Structures 84 <p>G. Use of Explosives (816/817.61-68)</p> <ol style="list-style-type: none"> 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 <p>H. Subsidence Control Plan (817.121-122)</p> <p>I. Roads (816/817.150-151)</p> <ol style="list-style-type: none"> 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) <p>J. Signs & Markers 816/817.11)</p> <ol style="list-style-type: none"> 1. Signs 11(a),(b), & (c) 2. Markers 11(a),(b),(d),(e), & (f) <p>K. Distance Prohibitions (761.11)</p> <p>L. Revegetation (816/817.111-116)</p> <ol style="list-style-type: none"> 1. Vegetative Cover 111 & 116 2. Timing 113 <p>M. Postmining Land Use (816/817.133)</p>
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<p>OSM Action</p> <ol style="list-style-type: none"> 1) Deferred to State Action 2) TDN Issued 3) NOV Issued 4) FTA-CO Issued 5) IH-CO Issued 6) IO-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 	<p>Off-Site Impacts</p> <p>For each type of impact and resource affected, enter "W, D, or J" to describe the degree of off-site impact:</p> <p>W - Minor Occurrence D - Moderate Occurrence J - Major Occurrence</p>	<p>Page 2 of 3</p> <p>Revised October 1, 2010</p>
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**U.S. DEPT. OF THE INTERIOR
OFFICE OF SURFACE MINING
Mine Site Evaluation**

Permittee/ Person	PEABODY SCHOOL CREEK MINING LLC	Permit Number	764-T2	Field Visit Date	2/16/2016	State Program Continuation Page
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<p>A. Specific State Law/Regulations Violated: Chapter 11, Section 4 (a)(ii) referencing Chapter 11, Section 2 (A-D).</p> <p>B. Description: Self-bond guarantor no longer meets requirements to self-bond in the State of Wyoming.</p> <p>C. Performance Standard: AN D. Abated (Y/N): N</p> <p>E. OSM Action: 2 F. OSM Action Number: X16-010-549-014 Viol#: 01</p> <p>G. Optional: H. Any Off-Site Impacts (Y/N): N</p> <p>I. Latitude: 0433156 J. Longitude: 1051658 K. Elevation:</p>	<p>L. Off-Site Impacts</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th>People</th> <th>Land</th> <th>Water</th> <th>Structures</th> </tr> </thead> <tbody> <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> </tbody> </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 X16-010-549-014 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: PEABODY SCHOOL CREEK MINING LLC
(Or Operator if No Permit)

County: CAMPBELL

Surface

Mailing Address: 701 MARKET STREET, , ST LOUIS, MO 63101

Underground

Permit Number: 764-T2 Mine Name: SCHOOL CREEK 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 **Chapter 11, Section 4 (a)(ii) referencing**
Condition believed to have been violated: **Chapter 11, Section 2 (A-D).**

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: **02/16/2016**

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

CC16-010-002

Date Complaint Received

02/08/2016

Complainant

WILD EARTH GUARDIANS

Did citizen request confidentiality?

N

Nature of Complaint

WILDEARTH GUARDIANS ALLEGE THAT PEABODY ENERGY AND ITS SUBSIDIARIES ARE CONDUCTING SURFACE COAL MINING OPERATIONS IN WYOMING WITHOUT SUFFICIENT RECLAMATION BONDING AS REQUIRED BY SMCRA.

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

02/16/2016

FO Decision Letter to Citizen

Citizen Informal Review Request

Informal Review Date

Result of Informal Review

Citizen Notified of Review Results

Comments

[Empty box for comments]