

DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF)
VIOLATION ISSUED TO)
Solvay Soda Ash Joint Venture)
P.O. Box 1167)
Green River, WY 82935)
RE: Mining Permit #495)

DOCKET NO. 4067-07

NOTICE

NOTICE IS HEREBY GIVEN THAT:

1. This Notice of Violation is being sent to you pursuant to W.S. §35-11-701(c)(i) which requires that a written notice shall be issued in the case of failure to correct or remedy an alleged violation.
2. On April 30, 2007 in a conversation with Amy Boyle, Land Quality Division (LQD) inspector, regarding the pending amendment package (TFN 4 5/329), it became known that as of February 16, 2007 the longwall miner was operating outside of the permit area.. It then became apparent that there was mining of development tunnels and conventional mining outside the permit area prior to this date. In fact, Solvay had begun development of the long wall and was mining outside the permit boundary in January of 2005 before any discussion with LQD about the amendment package Underground mining outside of the mine permit area is a violation of §35-11-405 (a).
3. The area affected outside the mine permit in T17N R109W is as follows: Section 4, 21.5 acres conventional mining (mined September 2001 through March 2003); Section 4, 124 acres longwall development (January 2005 through April 2007); Section 9, 87 acres of longwall development (February 2006 through April 2007); Section 9, 10 acres of longwall mining (February 2007 through April 2007); Section 8, 3.5 acres (January 2005 through February 2005); Section 8, 82.3 acres (January 2006 through December 2006). The total underground acreage disturbed in Sections 4, 8, and 9 as of April 30, 2007 was 328.3 acres.
4. An amendment application (TFN 4 5/329), which includes T17N R109W Sections 4, 8, and 9, was received by the Land Quality Division on April 11, 2007.
5. W.S. § 35-11-901(a) provides that any person who violates any provision of the Environmental Quality Act or any rule, standard, permit, license or variance adopted thereunder is liable to a penalty of ten thousand dollars (\$10,000.00) for each day of violation, which penalty may be recovered in a civil action brought by the Attorney General in the name of the People of the State of Wyoming.

NOTHING IN THIS NOTICE shall be interpreted to in any way limit or contravene any other remedy available under the Environmental Quality Act, nor shall this Violation be interpreted as being a condition precedent to any other enforcement action.

DATED THIS 17 day of June, 2007.


John Corra
Director
Department of Environmental Quality


Richard A. Chancellor
Administrator
Land Quality Division

PLEASE DIRECT ALL INQUIRIES regarding this Notice of Violation to Mark Moxley, Land Quality District 2 Supervisor, 510 Meadowview Dr., Lander, Wyoming 82520, telephone (307) 332-3047.