DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF	)	
VIOLATION ISSUED TO	)	
Brian (Pab) Good	)	
Good Mining Company, LLC	)	**DOCKET NO. 4868-11**
3796 Lane 32½	)	
Greybull, Wyoming 82426	)	
RE: Unauthorized Mining Activity	)	

NOTICE OF VIOLATION AND ORDER

NOTICE IS HEREBY GIVEN THAT:

1. 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. In June 2011, the Wyoming Department of Environmental Quality, Land Quality Division (WDEQ/LQD) was contacted by Mr. Good regarding his request to begin mining operations on his property in Big Horn County, Wyoming.

3. In a letter dated June 13, 2011, WDEQ/LQD informed Mr. Good that prior to mining, he would need to obtain a permit from the WDEQ/LQD.

4. On July 18, 2011, the WDEQ/LQD District II Office was informed of potentially illegal mining activity in Township 54N, Range 92W, Section 30, of Big Horn County, Wyoming.

5. On July 20, 2011, a site inspection was conducted. The site inspection revealed an active bentonite mining operation as described in an Inspection Report dated July 25, 2011. The areal extent of activity was mapped using a Trimble GeoXM datalogger and then imported into ArcMap. Results of the mapping effort, as provided in the Inspection Report, showed that the mining activity was occurring inside the WDEQ/LQD Permit #533 boundary. Review of the latest WDEQ/LQD Permit #533 Annual Report did not indicate any planned mining activity for 2011.

6. During a conversation subsequent to the site inspection, Mr. Good admitted to conducting the mining operation.

7. W.S. § 35-11-401(a) states "No mining operation or operation by which solid minerals are intended to be extracted from the earth shall be commenced after the effective date of the Act, except in accordance with its requirements."

8. Mr. Good willfully and knowingly violated the act when, after being informed by DEQ that he was required to obtain a permit prior to mining, he began mining without a permit or license to mine.

9. W.S. § 35-11-901(j) provides that any person who willfully and knowingly violates, authorizes, orders, or carries out the violation of any provision of this act or any rule, standard, permit, license or variance adopted there under is liable to a penalty of twenty-five thousand dollars ($25,000.00) for each day of violation, which the penalty may be recovered in a civil action brought by the Attorney General in the name of the People of the State of Wyoming.

10. This Notice is being sent to you pursuant to W.S. § 35-11-701(c), which requires that, in any case of the failure to correct or remedy an alleged violation, the Director of the Department of Environmental Quality shall cause written notice to be issued and served upon the person alleged to be responsible.

ORDER

WHEREFORE IT IS HEREBY ORDERED THAT:

1. You hereby are directed to immediately cease and desist all mining and mining related operations within the Black Hills Bentonite WDEQ/LQD Permit #533 boundary, described as Township 54N, Range 92W, NWNE of Section 30 and E½SE and SWSE of Section 19.

THIS ORDER is final unless, not later than ten (10) days after the date this notice is received, it is appealed by filing a written petition for a hearing before the Environmental Quality Council. If a hearing is requested, the petition shall be mailed to Chairman, Wyoming Environmental Quality Council, Room 1714 Herschler Building, 1st Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. The second petition shall be mailed to the Director, Wyoming Department of Environmental Quality, Herschler Building, 4th Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. Both petitions must be sent by certified mail, return receipt requested.

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

DATED THIS 29th day of JULY, 2011.

Nancy Nuttbrock
Administrator
Land Quality Division

John Corra
Director
Department of Environmental Quality

PLEASE DIRECT ALL INQUIRIES regarding this Notice of Violation to Luke Esch, Assistant Attorney General, 123 Capitol Building, 200 W. 24th Street, Cheyenne, WY 82002, Telephone (307) 777-7841.