

DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF)
VIOLATION ISSUED TO:)

Mr. Bruce Lawson)
Permitting & Environmental Manager)
Black Hills Bentonite, LLC)
P.O. Box 9)
Mills, Wyoming 82644)

DOCKET NUMBER 4554-09

Re: Mine Permit No. 281C)

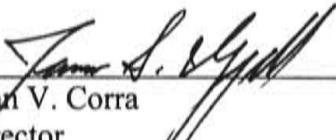
NOTICE

NOTICE IS HEREBY GIVEN THAT:

1. This Notice of Violation is being sent to you pursuant to Wyoming Statute (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. Mine permit no. 281C was issued on March 24, 1975. The permit is located near Ten Sleep, Wyoming and currently encompasses approximately 9,300 acres in T.46N., R.88 and 89W.; T.47N., R.88, 89, 90 and 91W.; and T.48N., R.89, 90 and 91W.
3. The annual report for mine permit no. 281C was due on March 24, 2009. A reminder letter was sent to the operator on January 14, 2009 advising them of the requirement to submit the annual report. As of the date of this Notice, no annual report has been received by the Land Quality Division (LQD) for the period 3/24/08 through 3/24/09.
4. Failure to submit an annual report is a violation of W.S. § 35-11-411(a).
5. Mining operations have been on-going in Section 16, T.46N., R.88W. since 2004 as documented in the operator's annual reports. The last annual report, submitted in 2008, shows approximately 10-15 acres of disturbance in this section. This area is part of the original 281C mine permit area and the operator has not submitted a mine and reclamation plan for this area.
6. Failure to submit a permit update, including environmental baseline information and a mine and reclamation plan, one year in advance of planned disturbance is a violation of LQD Non-Coal Rules and Regulations, Chapter 13 Section 2(c).
7. 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 hereunder 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 THE NOTICE shall be interpreted to in any way limit or contravene any other remedy available under the Environmental Quality Act, nor shall this NOV be interpreted as being a condition precedent to any other enforcement action.

SIGNED this 11th day of September, 2009.



John V. Corra
Director
Department of Environmental Quality



Donald R. McKenzie
Administrator
Land Quality Division

Please direct all inquiries regarding this Notice of Violation to Mr. Mark Moxley, Land Quality Division District II Supervisor, 510 Meadowview Dr., Lander, WY 82520, telephone 307-332-3047.