DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF	)	
VIOLATION ISSUED TO	)	
Melvin E. Gustin	)	
P. O. Box 468	)	**DOCKET NO. 4908-11**
Riverton, WY 82501	)	
RE: Small Mining Permit 310s	)	

NOTICE

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. On July 25, 2007 an inspection of Mr. Gustin's exploration site near Dubois, WY was conducted by US Forest Service personnel. WDEQ/LQD personnel were unable to attend that inspection. However, LQD personnel conducted a joint inspection with USFS personnel on September 23, 2011. The exploration site is located in Sections 25 and 30, T.43N, R.104W, 6th PM, Fremont, County, Wyoming.

3. During the aforementioned inspections, a total of seven (7) exploration sites were located, each of which contained adequate vegetation. The two-track access road, however, was determined to be in need of multiple water bars (15 to 20) along its steeper portions (for stabilization/reclamation).

4. The LQD attempted to send correspondence to the operator in 2007 regarding the above referenced need to install water bars. However, delivery of that correspondence was refused by Mr. Gustin.

5. Failure to reclaim affected land as mining progresses in conformity with the approved reclamation plan is a violation of W.S. §35-11-415 (b)(ix).

6. The violation has not been corrected or remedied. Nor has the operator provided any information to the Land Quality Division concerning the violation.

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 there under 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 6th day of October, 2011

John Corra
Director
Department of Environmental Quality

Nancy Nuttbrock
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.