

**DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING**

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF)	
VIOLATION ISSUED TO)	
H. JEAN BAKER)	DOCKET NO. 4909-11
CARBON ENERGY CORPORATION)	
503 EAST WASHINGTON)	
RIVERTON, WY 82501)	
RE: LIMITED MINING OPERATION 578ET)	

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 June 10, 2008 an inspection of Carbon Energy's scoria pit operated under Limited Mining Operation (LMO) No. 578ET was conducted by John Erickson and Steve Platt of the Land Quality Division, District 2 Office. The LMO was issued on May 23, 1985. The pit is located in the SE¼SW¼ of Section 36, T.34N., R.94W., 6th Principal Meridian in Fremont County, Wyoming.
3. Carbon Energy Corporation was Administratively Dissolved by the Wyoming Secretary of State effective June 11, 2002.
4. The inspection revealed that there has been no mining or reclamation activity since the previous inspection conducted September 10, 1997. In addition, no activity has occurred at the pit since at least 1991.
5. Carbon Energy Corporation operated under Sand & Gravel Lease No. SG-1639 issued by the Wyoming State Lands and Investments. The gravel lease expired in June, 2001.
6. Land Quality Division Non-Coal Rules and Regulations, Chapter 10, Section 5(a)(i)(A) states that an operation will be considered to be abandoned if the corporation conducting the operation goes out of business.
7. Land Quality Division Non-Coal Rules and Regulations, Chapter 10, Section 5(a)(i)(B) states that an operation will be considered to be abandoned if no mining or reclamation work has been done for one annual report to the next.
8. Land Quality Division Non-Coal Rules and Regulations, Chapter 10, Section 5(a)(i)(D) states that an operation will be considered to be abandoned if the period of time for which the surface owner gave permission has expired and a written extension has not been obtained.
9. Failure to commence reclamation after mining operations have ceased or within 30 days after the abandonment of the mining operation is a violation of Land Quality Division Non-Coal Rules and Regulations, Chapter 10, Section 5(a).
10. The violation has not been corrected or remedied, nor has the operator provided any information to the Land Quality Division concerning the violation.
11. 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 THIS NOTICE 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.

SIGNED this 11th day of October, 2011



John V. Corra
Director
Department of Environmental Quality



Nancy Nuttbrock
Administrator
Land Quality Division