

**DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING**

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF)	
VIOLATION ISSUED TO)	
TATA CHEMICAL (SODA ASH) PARTNERS)	DOCKET NO. 4944-12
ATTN: MR. VIC BRAMAN)	
P.O. BOX 551)	
GREEN RIVER, WY 82935-0551)	
RE: MINE PERMIT NO. 464)	

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. Tata Chemical (Soda Ash) Partners (Tata Chemical) (formerly known as General Chemical (Soda Ash) Partners) is a trona ore mining and refining operation located in Sections 16 through 21 and Sections 27 through 33 of T.19N., R.109W., and Sections 2 through 18 and Sections 20 through 28 and Sections 34, 35, and 36 of T.18N., R.109W, and Sections 1 and 13 of T.17N., R.109W, and Sections 12, 13, 24, and 31 of T.18N., R.108W, and Sections 5, 7, 9, and 17 of T.17N., R.108W, Sweetwater County, Wyoming.
3. Cell D is the primary tailings disposal cell at the Tata Chemical operation. Cell F is a small tailings pond which has been enlarged; the construction of the enlargement commenced in 2010 and was completed in July 2011. A memorandum to the file regarding "Cell D Dike Breach Chronology" dated December 30, 2011 and a memorandum to the file regarding "Cell F Dike Construction" dated December 30, 2011, document that Tata Chemical has failed to provide construction plans, failed to follow approved construction specifications, and failed to submit construction reports for several dike raises on Cell D and for the initial construction of both Cells D and F.
4. LQD Non-Coal Rules and Regulations Chapter 2, Sec 2 (b)(iii)(F) requires plans be submitted and approved for tailings impoundments that "assure proper design, construction, operation, monitoring, maintenance, and reclamation of any tailings impoundments, tailings disposal areas, heap leaching facilities and spent ore disposal areas utilizing best technology currently available..." The failure on the part of General Chemical/Tata Chemical to provide and/or follow specifications or provide construction reports for the dike raises described in Item 3 above is a violation of LQD Non-Coal Rules and Regulations Chapter 2, Sec 2(b)(iii)(F) and Wyoming Statute 35-11-415(a).
5. On 02/17/2008 there was a breach in the Cell D embankment that resulted in a discharge of approximately 30,000 gallons of contaminated tailings water into the waters of the State of Wyoming (the Blacks Fork River). On 02/19/2008 General Chemical "reported the spill" to the agencies listed in WDEQ Emergency Response Procedures, but did not contact any WDEQ/LQD personnel. A notice of violation, docket no. 4233-08, was issued by WDEQ/WQD and LQD on 4/23/08.
6. On 01/07/2009 there was a second breach of the Cell D embankment. The second failure was in the general area of the first failure and is claimed by Tata Chemical to be an extension of the first failure. It was "found" when a dozer working on the face of the dike fell through the surface. The incident was not reported to WDEQ. WDEQ/WQD learned about the breach during a routine inspection of the adjacent Church and Dwight facility

that had been flooded by tailings water. No waters from the second breach were reported to have reached the Blacks Fork River.

7. WDEQ/LQD Non-Coal Rules and Regulations Chapter 3, Sec 2(l)(i) requires that "An operator encountering unanticipated conditions shall notify the Administrator as soon as possible and in no event more than five days after making the discovery." Failure to notify WDEQ/LQD of the second dike breach described in Item 6. above, is a violation of WDEQ/LQD Non-Coal Rules and Regulations Chapter 3, Sec 2(l)(i).
8. LQD Non-Coal Rules and Regulations Chapter 3, Sec 2(h)(i) requires that "Tailings impoundments, tailings disposal areas, heap leach facilities and spent ore disposal areas shall be designed, constructed, and operated in accordance with established engineering principles using best technology currently available to ensure long term stability and to prevent contamination of surface or groundwater. Appropriate leak detection and groundwater monitoring systems shall be installed to detect any movement of contaminated fluids from the facility. Any leakage or movement of contaminated fluids shall be promptly controlled and remediated using the best technology currently available subject to the Administrator's approval. Impoundments shall be permitted by the Wyoming State Engineer's Office and copies of the State Engineer's permits shall be attached to the application." Tata Chemical's failure to conduct appropriate testing and allowing construction to continue on the cell D and Cell F embankments with inadequate compaction and erratic moisture content does not meet the design specifications and is not within established engineering principles or best technology. This constitutes a violation of LQD Non-Coal Rules and Regulations Chapter 3, Sec 2(h)(i) and Wyoming Statute 35-11-415(a).
9. Wyoming Statute 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.
10. Tata Chemical willfully and knowingly violated the act when, after being informed by WDEQ/LQD that construction of the embankment for the dike raise of Cell F required compliance with approved plans and specifications and construction continued with compaction of the soils failing the specifications for both density requirements and moisture control.
11. Wyoming Statute 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 Ste 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 4th day of January, 2012



John V. Corra
Director
Department of Environmental Quality



Nancy Nuttbrock
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.