

DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF)
VIOLATION ISSUED TO)
BLACK HILLS BENTONITE, LLC)
ATTN: MR. BRUCE LAWSON)
BOX 9)
MILLS, WY 82644)
PERMIT NO. 248C)

Docket No. 5064-12

NOTICE

NOTICE IS HEREBY GIVEN THAT:

1. A Notice of Violation (NOV) is being sent to you pursuant to Wyoming Statute § 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. During an inspection on September 19, 2012 of the mining operations under Permit No. 248(s), Ms. Stacy Page observed a four mile road across an area of Permit No. 248C that had not met the requirements for a Bentonite Mining Operations Update. There is no baseline, Mine or Reclamation Plan for the area of this road. The road had been a two track ranch road which was now being used for transport of machinery used for mining bentonite for Permit No. 248C. The road no longer has vegetation on it and the topsoil is now powder.
3. Altering this two track ranch road is a violation of The Wyoming Environmental Quality Act, W.S. § 35-11-415 (b) which states: The operator, pursuant to an approved surface mining permit and mining plan and reclamation plan, or any approved revisions thereto, shall: (ii) Conduct all surface mining and reclamation activities within the permit area in conformity with his approved plan. This also is in violation of Non Coal Rules and Regulations, Chapter 13, Section 2 which requires baseline and the location, extent, and time schedule for mining and reclamation operations.
4. Affecting areas that have not had the topsoil removed is a violation of The Department of Environmental Quality, Land Quality Rules and Regulations Chapter 3, Section 2(c)(i)(A) which states: All topsoil and approved surface material shall be removed from all areas to be affected in the permit area prior to these areas being affected unless otherwise authorized by the Administrator.
5. 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.

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 Notice be interpreted as being a condition precedent to any other enforcement action.

SIGNED this 2nd day of October, 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 Mark Rogaczewski, District III Supervisor, Land Quality Division, District III Office, 2100 West 5th St, Sheridan, WY 82801; Telephone (307) 675-5616.

cc: Mr. Mark Rogacscewski, District III Supervisor
Cheyenne File