

**DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE OF WYOMING**

**NOTICE OF VIOLATION**

<b>IN THE MATTER OF THE NOTICE OF</b>	)	
<b>VIOLATION ISSUED TO</b>	)	
<b>AMERICAN COLLOID COMPANY</b>	)	<b>DOCKET NO. 5178-13</b>
<b>ATTN: MR. LYNDON BUCHER</b>	)	
<b>P.O. BOX 2010</b>	)	
<b>BELLE FOURCHE, SD 57717</b>	)	
<b>PERMIT 620</b>	)	

**NOTICE**

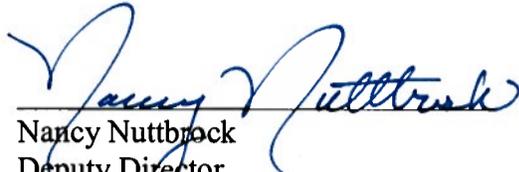
**NOTICE IS HEREBY GIVEN THAT:**

1. 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. American Colloid Company is the operator of a bentonite mining operation located in Crook County, Wyoming. As part of its operation, American Colloid Company has mined mineral from this site and distributed or sold the mined mineral for commercial use.
3. The inspection was performed on June 24 and 25, 2013, by Mr. Josh Malmberg of the LQD District III staff.
4. The annual inspection revealed an erosional channel located on reclaimed land in SW¼SE¼ Section 7, Township 57 North, Range 61 West. It was further noted that subsequent deposition of material occurred offsite when the sediment created a delta in a pond outside the permit boundary.
5. Affecting lands outside the approved permit boundary of Permit 620 is a violation of W.S. § 35-11-415 (b) (ii).
6. Failure to prevent the pollution of surface and subsurface waters on lands affected by mining is a violation of W.S. § 35-11-415(b)(viii)
7. The inspection also revealed that a topsoil stockpile adjacent to the Newland shale pit located in NE¼ Section 18, Township 57 North, Range 61 had experienced erosional rilling. This topsoil stockpile is sited on a stripped area adjacent to the shale pit. Topsoil leaving the topsoil stockpile mixed with disturbed area runoff and was collected down gradient in a sump.
8. Failure to protect removed and segregated topsoil from wind and water erosion is a violation of W.S. § 35-1-415(b)(iii).
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.

**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 5<sup>th</sup> day of July, 2013

  
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Todd Parfitt  
Director,  
Department of Environmental Quality

  
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Nancy Nuttbrock  
Deputy Director,  
Department of Environmental Quality  
Administrator, Land Quality Division

Please direct all inquiries regarding this Notice of Violation to Mr. Josh Malmberg, District III Natural Resources Analyst, Wyoming Department of Environmental Quality/Land Quality Division, 2100 West 5<sup>th</sup> Street, Sheridan, WY, 82801.

cc: Mark Rogaczewski, LQD DIII  
Cheyenne LQD File