

**DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE OF WYOMING**

**NOTICE OF VIOLATION**

**IN THE MATTER OF THE NOTICE OF  
VIOLATION ISSUED TO:** )

**ATTN: MR. BRUCE LAWSON** )  
**BLACK HILLS BENTONITE, LLC** )  
**P.O. BOX 9** )  
**MILLS, WY 82644** )

**DOCKET NO. 5180-13**

**OPERATOR, Permit No. 248C – Regular Mine Permit** )  
)

**NOTICE**

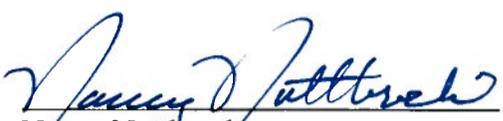
**NOTICE IS HEREBY GIVEN THAT:**

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. The Wyoming Environmental Quality Act, W.S. § 35-11-405(a) states that no mining operation may be commenced or conducted on lands for which there is not in effect a valid permit to which the operator possesses the rights.
3. During the 2013 Annual Inspection of Permit No. 248C performed on June 26, 2013 by Mr. David Schellinger, Mr. Bruce Lawson and Mr. Tom Thorson of Black Hills Bentonite, LLC informed Mr. Schellinger that portions of the flood plain of Murphy Creek in Johnson County, WY, had been mined in 2004 to provide surface materials for construction of a road approved as an Incidental Boundary Revision to Permit No. 248C. The LQD was never informed of these disturbances and did not observe the disturbances during following annual inspections.
4. On June 27, 2013, Mr. Schellinger performed a second inspection of the Murphy Creek drainage to determine the extent of disturbances to the Murphy Creek flood plain that occurred during the 2004 IBR road construction. During this inspection he observed an area of more recent disturbance, approximately 1.1 acres, immediately northwest of the Murphy Creek IBR low water crossing on the Murphy Creek flood plain. During a phone call on July 1, 2013 with LQD District III staff, Mr. Thorson confirmed that approximately 6 scraper loads or 750 cubic yards of alluvium material had been mined to surface and maintain a portion of the road in February, 2013. This disturbance, and those that occurred in the Murphy Creek drainage in 2004, lie outside the approved permit boundary for Permit No. 248C.
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 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 16<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. Mark Rogaczewski, District III Supervisor, Wyoming Department of Environmental Quality/Land Quality Division, 2100 West 5<sup>th</sup> Street, Sheridan, WY, 82801

**Permit No. 248C – Regular Mine Permit**

cc: Mark Rogaczewski, LQD