



Department of Environmental Quality

To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.



Matthew H. Mead, Governor

Todd Parfitt, Director

CERTIFIED MAIL, RETURN RECEIPT REQUESTED #7014 0510 0001 9716 5173

October 6, 2014

Mr. Ron Gossard
FMC Wyoming Corporation
P.O. Box 872
Green River, WY 82935

RE: FMC Granger – SMP Project, Notice of Violation Docket No. 5470-14

Dear Mr. Gossard:

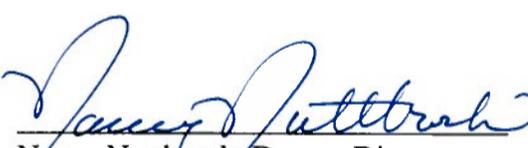
Enclosed you will find a Notice of Violation issued under the provisions of W.S. § 35-11-701 (c)(i). The Notice of Violation is based on a Land Quality Division (LQD) August 6, 2014 inspection and September 22, 2014 follow-up site visit that identified lack of topsoil protection and failure to follow the approved mine plan.

The LQD is attempting to resolve this issue without further enforcement action, and requests that you contact John Erickson, LQD District 2 Supervisor, within fifteen (15) days of receipt of this letter to schedule a meeting to resolve this enforcement action. Should resolution of this enforcement action be reached as a result of this meeting, a Settlement Agreement will be signed by both parties.

Respectfully,



Todd Parfitt, Director
Department of Environmental Quality



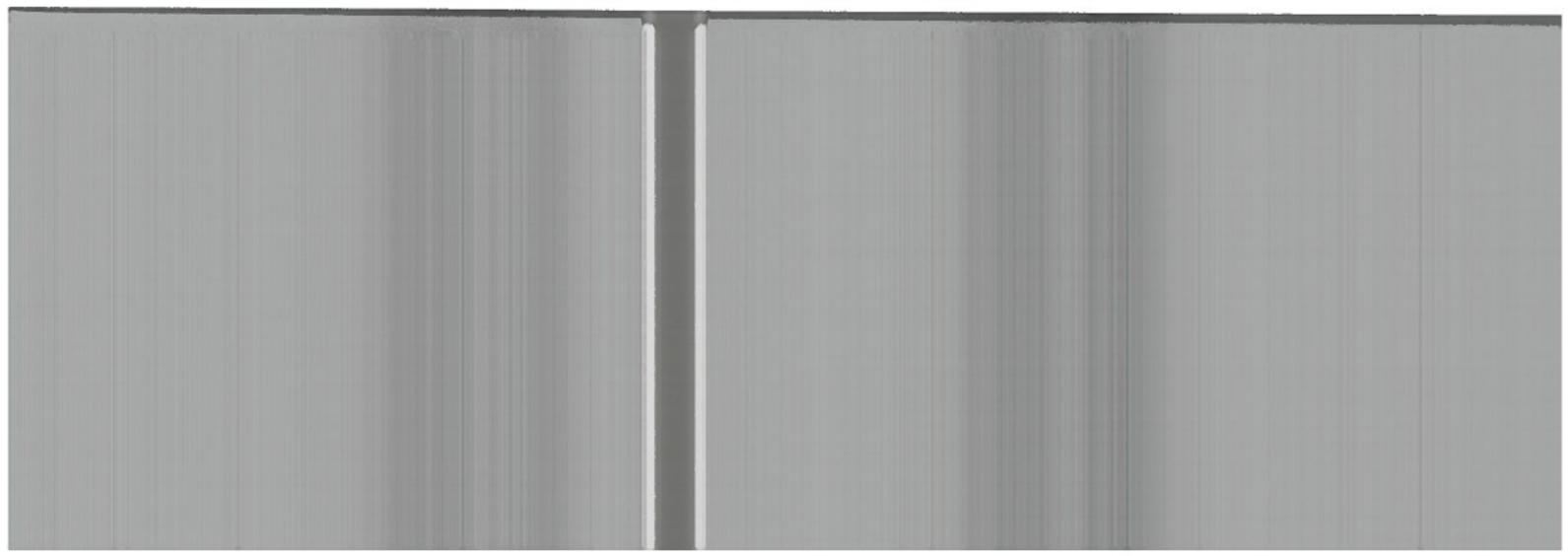
Nancy Nuttbrock, Deputy Director
Department of Environmental Quality
Administrator, Land Quality Division

Enclosures: Notice of Violation

xc: John Erickson, District 2 w/enclosure
Docket #5470-14 w/enclosure

Herschler Building • 122 West 25th Street • Cheyenne, WY 82002 • <http://deq.state.wy.us>

ADMIN/OUTREACH (307) 777-7758 FAX 777-7682	ABANDONED MINES (307) 777-6145 FAX 777-6462	AIR QUALITY (307) 777-7391 FAX 777-5616	INDUSTRIAL SITING (307) 777-7369 FAX 777-5973	LAND QUALITY (307) 777-7756 FAX 777-5864	SOLID & HAZ. WASTE (307) 777-7752 FAX 777-5973	WATER QUALITY (307) 777-7781 FAX 777-5973
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DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE OF WYOMING
NOTICE OF VIOLATION

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

FMC Wyoming Corporation)
P.O. Box 872)
Green River, WY 82935)
RE: Permit 454, FMC-Granger)

DOCKET NO. 5470-14

NOTICE

NOTICE IS HEREBY GIVEN THAT:

1. 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 August 6, 2014 an annual inspection of the FMC-Granger facility (Permit 454), was conducted by Amy Boyle, with District 2 of the Land Quality Division of the Wyoming Department of Environmental Quality. That inspection was summarized in an inspection report dated August 28, 2014. The inspection included a tour of the SMP R&D project area to observe the work that had been performed to date. A follow-up inspection was conducted with mine personnel, the engineering consultant and LQD. The SMP Project area is located in Section 21, T. 99 N., R. 101 W., in Sweetwater County, Wyoming.
3. Wyoming Statute §35-11-415 (b)(ii) requires that all mining and reclamation activities within the permit area conform with the approved plan. Change No. 33 to the permit outlined the protection of topsoil in designated topsoil piles. The follow-up inspection indicated that aspects of the approved plan for the SMP Infrastructure project had not been followed during construction. Specifically, the topsoil was not stripped from the laydown yard and the topsoil stripped from the roads and well pad was not placed in the designated topsoil pile locations.
4. The Land Quality Division (LQD) Non-Coal Rules and Regulations Chapter 3, Section 2(c)(i)(A) states "All topsoil or 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." The follow-up inspection confirmed that topsoil was not salvaged at the laydown yard. The yard was used as a staging area for material and equipment by several contractors during the construction of the pumphouse.
5. The LQD Non-Coal Rules and Regulations Chapter 3, Section 2(c)(iv)(A) states "All overburden, spoil material and refuse shall be segregated from the topsoil and subsoil and stockpiled in such a manner to facilitate the earliest reclamation consistent with the approved reclamation plan." The September 22, 2014 follow-up inspection revealed a failure to protect topsoil. Specifically, salvaged topsoil was not properly stockpiled resulting in a deficiency of approximately 1,200 yd³ of topsoil. In addition, the topsoil from the laydown yard had a pile of subsoil on top of it. Failure to separate and protect topsoil is a violation.
6. 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 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 6th day of October, 2014



Todd Parfitt
Director
Department of Environmental Quality



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

PLEASE DIRECT ALL INQUIRIES regarding this Notice of Violation to John Erickson, Land Quality District 2 Supervisor, 510 Meadowview Dr., Lander, WY 82520, phone (307) 332-3047.