DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF VIOLATION ISSUED TO:	)	)
	)	)
Black Hills Bentonite, LLC	)	**DOCKET NO. 5479-14**
P.O. Box 9	)	
Mills, WY 82664	)	
	)	
OPERATOR, Permit 248C	)	

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. Chapter 13, Section 3,(a)(vi) of the Land Quality Division (LQD) Rules and Regulations requires reclamation to begin within a specified time frame for bentonite operators. If product drying is not occurring in the pit, backfilling and contouring must be initiated within 2 years of when the pit was originally disturbed. Complete reclamation through seeding must completed within 4 years of original disturbance. If product drying is occurring, these timelines are extended to 3 and 5 years.

3. Black Hills Bentonite, LLC (BHB), the operator of Permit 248C requested a variance to the Reclamation Plan for 21 areas within the permit boundary on April 3, 2014.

4. The request was reviewed and it was determined that the areas had not been reclaimed in accordance with the Chapter 13 requirements. This failure constitutes a violation of the Land Quality Divisions Non-Coal Rules and Regulations.

5. 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.

DATED THIS 7th **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 the Notice of Violation to Mr. Robin Jones, District I Supervisor, Wyoming Department of Environmental Quality/Land Quality Division, Herschler Building—Third Floor, 122 W. 25th Street, Cheyenne, Wyoming, 82002

Permit No. 248C—Regular Mine Permit
cc: Robin Jones, LQD