

**DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE OF WYOMING**

**NOTICE OF VIOLATION**

**IN THE MATTER OF THE NOTICE OF  
VIOLATION ISSUED TO  
KNIFE RIVER (JTL GROUP, INC. DBA)  
P.O. BOX 20150  
CHEYENNE, WY 82003-7003  
Re: VR Quarry, Permit No. 684**

**DOCKET NO. 5489-14**

**NOTICE**

**NOTICE IS HEREBY GIVEN THAT:**

1. Notice of Violation (NOV) is being sent to you pursuant to Wyoming Statute (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. Knife River, doing business as JTL Group, Inc. is the operator of a sand and gravel operation located in Natrona County, Wyoming in Sections 13, 23, 24, 26 T33N, R76W. As part of its operation, Knife River has mined material from this site and disturbed or sold material for commercial use.
3. According to the 2013-14 Annual report, Knife River had mined material outside the approved permit area. Mr. Cameron Dustin also alerted Mr. Robin Jones, District I Supervisor of this activity July, 2014. According to the Annual Report, once Knife River realized they had mined outside the approved permit, they stopped any additional mining and planned to reclaim the pits later this year. The Annual Report states that there was about 1.85 acres of disturbance in these two pits. Additional disturbance also includes the haul road into these two pits. The two pits were inspected during both site visits on September 24 and October 8, 2014.
4. During the September 24, 2014 inspection, it was noted that an area south of the approved mining block 2010, as outlined on Exhibit MP-1 of the approved permit, had been disturbed. According to the Form 1, the Approved Permit Acres is 1120 acres while the Approved Area to Affect is 434 acres therefore, restricting mining from over 50% of the Approved Permit Acres. This disturbance was outside the approved Area to Affect.
5. Mining outside the approved permit area is a violation of the Wyoming Statute (W.S.) § 35-11-405(a) which 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 possessed the rights."
6. Furthermore, failure to conduct mining and reclamation activities within the approved area to affect is a violation of W.S. § 35-11-415(b)(ii) which states that the operator shall "conduct all surface mining and reclamation activities within the permit area in conformity with his approved mine plan."
7. In addition, during the LQD inspection of September 24, 2014, the LQD determined that the topsoil and subsoil had not been removed from several areas. These areas included the areas mined outside the approved permit. An area to the south of the 2010 block shown in the approved mine plan sequence map, Exhibit MP-1, and a current active mining area in the most western mining area.
8. Knife River failed to salvage and protect the topsoil and subsoil from several areas listed in No. 3 above, therefore violating the LQD Noncoal R&R, Chapter 3, Section 2(c)(A) and (ii)(A). LQD Noncoal R&R, Chapter 3, Section 2(c)(i)(A) states that "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 authorized by the Administrator. The topsoil may be mixed with the subsoil but shall be segregated so as not to become mixed

with spoil or waste material, stockpiled in the most advantageous manner and saved for reclamation purposes.” Additionally, LQD Noncoal R&R, Chapter 3, Section 2(c)(ii)(A) requires “all subsoil determined by field methods or chemical analysis to be suitable as a plant-growth medium shall be removed from all areas to be affected and handled in accordance with the topsoil requirements of this section.”

9. W.S. § 35-11-901(a) provides that any person who violates and 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) 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 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 22<sup>nd</sup> day of October, 2014

  
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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 and Order to Mr. Robin Jones, Wyoming Department of Environmental Quality, Land Quality Division, Cheyenne Office, 122 West 25<sup>th</sup> Street, Cheyenne, WY 82002. Telephone No. (307) 777-8956.

**CERTIFIED MAIL, RETURN RECEIPT REQUESTED #7014 0510 0001 9716 6217**

cc: Lowell Spackman, District I