

DEPARTMENT OF ENVIRONMENTAL QUALITY STATE OF WYOMING

NOTICE OF VIOLATION

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

Red Desert Gravel )  
c/o Mr. Jim Wise )  
1640 Colorado Drive )  
Green River, WY 82935 )

DOCKET NO. 5490-14

NOTICE

NOTICE IS HEREBY GIVEN THAT:

1. Notice of Violation is being sent to you pursuant to W.S. §35-1 1-701(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 Land Quality Division (LQD) Noncoal Rules and Regulations (NCRR) Chapter 10, Section 3 states that "The operator shall file annual reports pursuant to W.S. § 35-1 1-401 (k)." LQD has not received any annual reports for Limited Mining Operation ET1305 since the application was approved on April 20, 2005.
3. The LQD NCRR Chapter 10, Section 5 (a) (i) (A) states that the operation will be considered to be abandoned if "The individual, partnership, or corporation conducting the operation goes out of business." Red Desert Gravel, Inc. was Administratively Dissolved (Tax) by the Wyoming Secretary of State on February 9, 2010. Red Desert Gravel, Inc. has not been reinstated as of the date of this Violation.
4. The LQD NCRR Chapter 10, Section 5 (a) (i) (B) states that the operation will be considered to be abandoned if "No further mining or reclamation work has been done from one annual report to the next." There has been no activity at Limited Mining Operation ET1305 since 2009, and Red Desert Gravel, Inc. has not addressed the reclamation failures documented in consecutive annual inspection reports.
5. The LQD NCRR Chapter 10, Section 5 (a) (i) (C) states that the operation will be considered to be abandoned if "The period of time for which the surface owner (or lessee) gave permission has expired and a written extension has not been obtained." In correspondence dated September 24, 2014, Anadarko Petroleum Corporation notified Red Desert Gravel, Inc. that the company was in default of their lease agreement and that Anadarko Petroleum Corporation has moved to terminate the lease.
6. W.S. § 35-1 1-901 (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.

DATED 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 to John Erickson, Land Quality District 2 Supervisor, 510 Meadowview Dr., Lander, WY 82520, phone (307) 332-3047.