

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. 5491-14

NOTICE

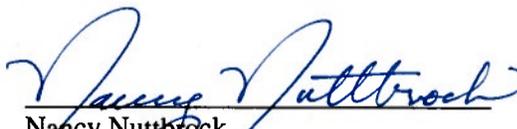
NOTICE IS HEREBY GIVEN THAT:

1. Notice of Violation is being sent to you pursuant to W.S. §35-1-701(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 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 are prior to these areas being affected unless otherwise authorized by the Administrator." The August 26, 2014 inspection revealed that topsoil was not adequately salvaged across the project site, including drilling sumps and constructed road segments.
3. The LQD NCRR 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 May 15, 2012 and May 14, 2013 inspection reports documented mining activity which was undercutting the original topsoil stockpile on the eastern margin of the pit. No buffer was left in place between the mining activity and topsoil stockpile and Red Desert Gravel, Inc. mined up to the toe of the topsoil stockpile. The May 7, 2014 inspection report revealed that no topsoil had been stripped and that no stripped buffer was left between native soil and a newly-mined area. Failure to protect topsoil is a violation.
4. The LQD NCRR Chapter 10, Section 3 states that "The operator shall file annual reports pursuant to W.S. § 35-1-401 (k)." LQD has not received annual reports for Limited Mining Operation ET1358 since 2010.
5. 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.
6. 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.
7. W.S. § 35-1-901(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 22nd 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.