



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

December 22, 2014

CERTIFIED MAIL, RETURN RECEIPT REQUESTED # 7014 0510 0001 9716 5395

Mr. Rick Peavler
Peavler's Mountain Star, Inc.
P. O. BOX 395
Afton, WYOMING 83110

**RE: Peavler's Mountain Star, Inc., Limited Mining Operation No. 1374ET
Notice of Violation, Docket No. 5488-14**

Dear Mr. Peavler:

Enclosed you will find a Notice of Violation issued under the provisions of W.S. § 35-11-401(e)(vi), 35-11-415(e)(vii) and WDEQ-LQD Non-Coal Rules & Regulation, Chapter 10, Sections 1 and 2. The Notice of Violation is based on the inspection conducted by Ms. Tanya King on October 7, 2014. The items requiring correction are: mining in excess of 10 acres, failure to post adequate bond, failure to salvage topsoil, failure to stockpile topsoil, failure to protect topsoil and failure to install topsoil stockpile identification signs.

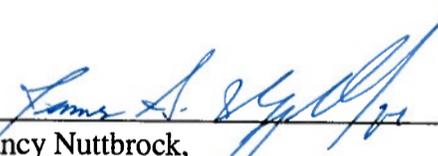
The Land Quality Division is attempting to resolve this issue without further enforcement action, and requires that you contact Mr. John Erickson, LQD District II Supervisor, at 307-332-3047 within fifteen (15) days of receipt of this letter to schedule a meeting to resolve this enforcement action. Should resolution of this enforcement action be reached as a result of this meeting, a Settlement Agreement will be signed by both parties.

Should you have any questions, please contact Mr. John Erickson.

Respectfully,



Todd Parfitt,
Director, Department of Environmental Quality



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

Enclosure: Notice of Violation
xc: John Erickson, LQD, District II

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
--	---	---	---	--	--	---



**DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING**

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF VIOLATION ISSUED TO MR. RICK PEAVLER Officer of PEAVLER'S MOUNTAIN STAR, INC. PO BOX 395 AFTON, WY 83110)	
)	
)	
)	
)	DOCKET NO. #5488-14
)	
)	
)	
)	
RE: LIMITED MINING OPERATION NO. 1374ET)	

NOTICE

NOTICE IS HEREBY GIVEN THAT:

1. This Notice of Violation is being sent to you pursuant to Wyoming Statute § 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. Limited Mining Operation Notification No. 1374ET, located in Lincoln County near Afton, Wyoming, is permitted for ten (10) acres in Section 13, T.32N., R.119W.
3. Peavler's Mountain Star, Inc. (Peavler) is the operator of Limited Mining Operation No. 1374ET.
4. On October 7, 2014, an inspection of the Peavler Limited Mining Operation No. 1374ET was conducted by Tanya King of the Land Quality Division, District II.
5. During the inspection, Ms. King observed that topsoil had been stripped on an area of 2.1 acres north of the LMO for the purpose of parking mining equipment.
6. Topsoil from the 2.1 acres was being screened so that the fine fraction could be sold.
7. During the inspection, Ms. King observed that approximately 8.6 acres west of the main pit had been disturbed in conjunction with an asphaltic concrete staging area operated by DePatco, (a company not registered to do business in Wyoming) bringing the total disturbance to 20.7 acres.
8. During the inspection, Ms. King observed that the north topsoil stockpile of the Peavler pit was being used as a road to the DePatco site. Ms. King also observed that a new road had been constructed as a ramp up the west highwall to the DePatco site.
9. Topsoil in the DePatco staging area was insufficiently stripped. Remaining topsoil had been irretrievably wasted by covering it with crushed aggregate and aggregate stockpiles. Stripped topsoil from this area had been irretrievably wasted by combining it with pit run and crushed aggregated to form berms along the highwall of the pit and the new ramp road between the pit and the DePatco site.
10. During the inspection, Ms. King observed that a waste oil pit had been constructed in the DePatco staging area. While most of the pit was lined, an area approximately 30 feet by 30 feet south of the pit liner was saturated with waste oil, resulting in irretrievably wasted topsoil.
11. During the inspection Ms. King observed that hardened asphalt and gravel had been placed on ground where topsoil had not been stripped.

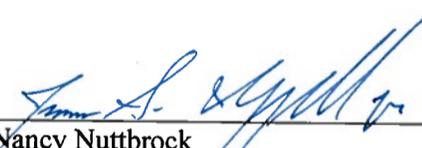
12. During the inspection, Ms. King observed reject material from the DePatco operation had been returned to the Peavler pit, some of the reject material had been placed against and on top of existing topsoil stockpiles resulting in topsoil being irretrievably wasted.
13. During the inspection, Ms. King observed that topsoil signs were either illegible or missing.
14. Wyoming Statute § 35-11-401(e)(vi), W.S. § 35-11-401(e)(vii), together with WDEQ-LQD Non-Coal Rules & Regulation, Chapter 10, Sections 1 and 2, require that any operator desiring to engage in a mining operation shall make a written notification to the administrator
15. WDEQ-LQD Non-Coal Rules & Regulation, Chapter 10, Sec. 4(b) requires that all topsoil be salvaged, stockpiled and saved for reclamation purposes. Such stockpiles shall be clearly identified by a sign.
16. These violations have not been corrected or remedied nor has the operator provided any information to the Land Quality Division concerning the violations.
17. Wyoming Statute § 35-11-415 (a) provides that every operator to whom any permit or license is issued shall comply with all requirements of the Environmental Quality Act, the rules and regulations promulgated hereunder, and reclamation plans and other terms and conditions of any permit or license.
18. Wyoming Statute § 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 hereunder 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 THIS 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 22nd day of December, 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 Mr. John Erickson, Land Quality Division District II Supervisor, 510 Meadowview Dr., Lander, WY, 82520, telephone 307-332-3047.