



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

January 13, 2015

CERTIFIED MAIL RETURN RECEIPT REQUESTED 7014 0510 0001 9716 7009

Mr. Dave Hout
Hout Fencing of Wyoming, Inc.
P.O. Box 13
Worland, WY 82401

RE: Notice of Violation (NOV) Docket No. 5523-15, LMO 1520ET, Hout Fencing of Wyoming, Inc.

Dear Mr. Hout,

Enclosed you will find a Notice of Violation under the provisions of Wyoming Statutes (W.S.) § 35-11-701(c). The Notice of Violation is based on the inspections conducted by: Robert Stine, Trihydro Corp., on April 10, 2012; Anna Krzyszowska-Waitkus, Land Quality Division (LQD), on July 6, 2012; Richard Vincent, LQD, on June 7, 2013; and Richard Vincent, LQD, on June 24, 2014.

Ms. Krzyszowska-Waitkus originally issued Notice of Violation (Docket No.) 5027-12 to Hout Fencing of Wyoming, Inc. (Hout Fencing) on August 1, 2012. On January 8, 2015 the LQD submitted a Notice of Termination for NOV (Docket No.) 5027-12 and stated that the Settlement Agreement Compliance Issues 4.A and 4.B, which were not abated by Hout Fencing, would be revised and carried forward in a new NOV. As a result of the operator's failure to complete all of the required abatement actions for these two original Compliance Issues the LQD is issuing Notice of Violation (Docket No.) 5523-15. The violations include exceeding the approved LMO disturbance acreage, failure to file an adequate bond to insure reclamation of all disturbance in accordance with the Wyoming Environmental Quality Act, and failure to protect topsoil from wind and water erosion.

In an effort to resolve this matter without further legal action, the LQD requests you to contact Mr. Robin Jones, LQD District I Supervisor at (307) 777-8956 or robin.jones@wyo.gov within fifteen (15) days of receipt of this letter to schedule a meeting to discuss resolution of this enforcement action. Thank you in advance for your cooperation in this matter.

Respectfully,

Todd Parfitt
Director
Department of Environmental Quality

Alan Edwards
Deputy Director
Department of Environmental Quality
Administrator, Land Quality Division

TP:AE:rv:kp
cc: Robin Jones, LQD, District I

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
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DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF)
VIOLATION ISSUED TO)
HOUT FENCING OF WYOMING, INC.)
ATTEN: MR. DAVE HOUT) DOCKET NO. 5523-15
402 US HWY 20N)
WORLAND, WY 82401)
LIMITED MINING OPERATION 1520ET)

NOTICE

NOTICE IS HEREBY GIVEN THAT:

1. Notice of Violation (NOV) 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. The violations noted on this mine site were confirmed during inspections conducted by: Robert R. Stine from Trihydro Corp. on April 10, 2012; Anna Krzyszowska-Waitkus, Land Quality Division (LQD), on July 6, 2012; Richard Vincent, LQD, on June 7, 2013; and Richard Vincent, LQD, on June 24, 2014. This mining disturbance is located in Converse County, T31N, R70W, Section 3.
3. The inspections documented that Hout Fencing of Wyoming, Inc's actions resulted in the following violations:
 - a) Exceeded the maximum disturbance acreage approved for the Limited Mining Operation (LMO) (10 acres). The disturbance was recorded at 11.4 acres in 2012, 12.4 acres in 2013, and 13.1 acres in 2014. This is a violation of Chapter 10, Section 1(a)(vi) of the Land Quality Division Noncoal Rules and Regulations.
 - b) The operator failed to file an adequate bond to insure reclamation of all affected land in accordance with the purposes of the Wyoming Environmental Quality Act. This is a violation of W.S. §35-11-401(e)(vi)(B).
 - c) The operator did not protect topsoil from wind and water erosion. This is a violation of Chapter 10, Section 4(b) of the Land Quality Division Noncoal Rules and Regulations.
4. 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 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.

SIGNED this 13th day of January, 2015



Todd Parfitt
Director
Department of Environmental Quality



Alan Edwards
Deputy Director
Department of Environmental Quality
Administrator, Land Quality Division

Please direct all inquires regarding this Notice of Violation to Mr. Robin Jones, District I Supervisor, Wyoming Department of Environmental Quality/Land Quality Division, Herschler Building, 3rd W, 122 West 25th Street, Cheyenne, WY 82002

cc: Robin Jones, LQD