DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF	)	
VIOLATION ISSUED TO	)	
AMERICAN COLLOID COMPANY	)	**DOCKET NO. 5584-15**
ATTN: MR. LYNDON BUCHER	)	
P.O. BOX 2010	)	
BELLE FOURCHE, SD 57717	)	
PERMIT 620	)	

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. American Colloid Company is the operator of a bentonite mining operation located in Crook County, Wyoming. As part of its operation, American Colloid Company has mined mineral from this site and distributed or sold the mined mineral for commercial use.

3. The annual inspection was performed on May 20 and 21, 2015, by Mr. Josh Malmberg of the LQD District III staff.

4. It was observed during the inspection of the Ericsson property in Sections 19 and 30, Township 57 North, Range 62 West and Sections 24 and 25, Township 57 North, Range 63 West that the mine had deposited a significant amount of topsoil in the safety berm around the active pit thereby mixing it with the spoil material in the safety berm.

5. It was also observed on the above described Ericsson property that the mine had failed to remove topsoil that had been disturbed by heavy traffic.

6. It was also observed on the above described Ericsson property that the mine had piled spoil on top of unremoved native topsoil.

7. It was observed on the above described Ericsson property that the mine had placed a temporary topsoil stockpile (without a sign indicating it was topsoil) directly adjacent to the pit. The topsoil of the stockpile and the spoil material of the safety berm around the active pit were in contact.

8. It was observed on the haulroad to the above described Ericsson property that there was native topsoil that had not been removed that had waste from the road situated on it.

9. It was observed on the Haul 1 property located in Section 8, Township 56 North, Range 61 West, that lack of control of sediment-laden runoff of the mining site had resulted in a sediment delta forming on native topsoil that had not been removed prior to being affected by mining.

10. It was observed during the inspection of the Garman/Maupin property located in Sections 29 and 30, Township 58 North, Range 63 West that the mine had failed to remove topsoil from the top of the highwall prior to building a safety berm on it.

11. It was observed during the inspection of the Garman/Ackerman property located in Sections 5 and 6, Township 57 North, Range 63 West that the mine had pushed spoil material onto native areas that had not been stripped prior to disturbance.

12. It was also observed during the inspection of the above described Garman/Ackerman property that that lack of control of sediment-laden runoff of the mining site had resulted in a sediment delta forming on native topsoil that had not been removed prior to being affected by mining.

13. Per items number 4 and 7 above, failure to segregate topsoil from mixing with spoil and waste material is a violation of Non-coal Rules and Regulations Chapter 3, Section 2(c)(i)(A).

14. Per items number 5, 6, 8, 9, 10, 11, and 12 above, failure to remove topsoil from areas to be disturbed by mining activity is a violation of Non-coal Rules and Regulations Chapter 3, Section 2(c)(i)(A).

15. 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 16th day of June, 2015

Todd Parfitt
Director
Department of Environmental Quality

Kyle Wendtland
Administrator
Land Quality Division

Please direct all inquiries regarding this Notice of Violation to Mr. Mark Rogaczewski, District III Supervisor, Wyoming Department of Environmental Quality/Land Quality Division, 2100 West 5th Street, Sheridan, WY, 82801

Permit 620

cc: Mark Rogaczewski, LQD DIII
Cheyenne LQD File