

**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. 5585-15
ATTN: MR. LYNDON BUCHER)	
P.O. BOX 2010)	
BELLE FOURCHE, SD 57717)	
PERMIT 622)	

NOTICE

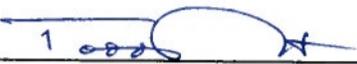
NOTICE IS HEREBY GIVEN THAT:

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 21, 2015, by Mr. Josh Malmberg of the LQD District III staff.
4. It was observed during the inspection of the Miller Read property in Section 33, Township 58 North, Range 65 West that the mine had failed to remove topsoil from the top of the highwall prior to building a safety berm on it.
5. It was observed during the inspection of the Pimento/Lion South property located in Section 35, Township 58 North, Range 65 West that there were areas that were heavily trafficked by mining activity that had not had the topsoil removed prior to disturbance.
6. It was also observed on the above described Pimento/Lion South property that the mine had displaced topsoil but had not subsequently removed and protected it from contamination.
7. It was observed on the above described Pimento/Lion South property that the mine had situated a topsoil stockpile near the active pit, but had not protected the topsoil from being lost and contaminated by mixing by allowing it to erode onto the heavily trafficked disturbed area.
8. It was also observed on the above described Pimento/Lion south property that there was an area of native topsoil that had not been removed prior to disturbance that was being encroached by mining disturbance.
9. It was observed during the inspection of the Pimento/Lion North property located in Section 32, Township 58 North, Range 65 West that there was no clear distinction between areas that had had topsoil removed and the native areas. It is clear that some contamination and some topsoil loss occurred in the margins along the stripping edge.
10. Per items number 4, 5, 8, and 9 above, failure to remove topsoil from areas to be disturbed by mining activity and to segregate topsoil from mixing with spoil or waste material are violations of Non-coal Rules and Regulations Chapter 3, Section 2(c)(i)(A).
11. Per items 6 and 7 above, failure to segregate topsoil from disturbance is a violation of Non-coal Rules and Regulations Chapter 3, Section 2(c)(i)(A).
12. 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 622

cc: Mark Rogaczewski, LQD DIII
Cheyenne LQD File