



# 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

March 19, 2013

Mr. Brian Good  
Good Mining Company, LLC  
3796 Lane 32 1/2  
Greybull, WY 82426

**RE: Settlement Agreement, Docket No. 11-4201A**

Dear Mr. Good:

Enclosed please find a copy of the signed Settlement Agreement. I appreciate your cooperation in this matter and I would also like to acknowledge your compliance with item nos. 3, 4 and 5 of the agreement. We received the applications for transfer of mine permit #533 and the mine plan revision materials on January 25, 2013. LQD's review of the transfer was sent to you on January 30, 2013. Our review of the mine plan revision will be sent from District 2 later this week.

Due to the length of time that has transpired since the settlement agreement was drafted, the time for compliance with item no. 6 of the Settlement Agreement has technically past. LQD will therefore expect the \$7,500 penalty, the \$13,000 bond for permit transfer and the \$40,000 bond for reclamation of the newly disturbed lands to be submitted within 30 days of todays' date.

Should you have any questions regarding this matter, please contact me or Mr. Moxley in the Lander Office.

Sincerely,

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

NN/bb

Enclosures: Signed Settlement Agreement

cc: LQD Cheyenne File NOV docket no. 11-4201A  
LQD District 2 Lander

**Exhibit DEQ 9**

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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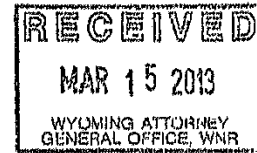


COPY

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Heather A. Jacobson

**JACOBSON LAW OFFICE, LLC**  
**ATTORNEY AT LAW**  
*A Limited Liability Company*  
1839 Madora Avenue  
Douglas, Wyoming 82633



Telephone (307) 358-3180

Fax (307) 358-3182

March 12, 2013

Jeremiah Williamson  
123 Capitol Building  
Cheyenne, WY 82002

LGD

MAR 18 2013

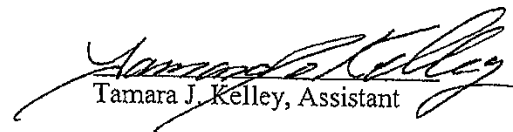
**RE: Good Mining Company, LLC**  
EQC Docket No. 11-4201A

RECEIVED

Dear Jeremiah:

Please find enclosed the Settlement Agreement with Brian "Pablo" Good's original signature. If you have any questions or comments, please feel free to contact this office at any time. Thank you.

Sincerely,  
Jacobson Law Office, LLC

  
Tamara J. Kelley, Assistant

**WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY  
LAND QUALITY DIVISION**

**SETTLEMENT AGREEMENT**

The Wyoming Department of Environmental Quality / Land Quality Division (WDEQ-LQD) and Good Mining Company, LLC (aka Brian "Pablo" Good, herein referred to as GMC) enter into this Settlement Agreement to fully and finally resolve without litigation the violations alleged in the **Notice of Violation (NOV) and Order, Docket Number 11-4201A**. The NOV alleges: GMC failed to obtain a permit prior to initiating mining activity on his property located in Section 30, Township 54N, Range 92W, as required by W.S. § 35-11-401(a).

W.S. § 35-11-901(a)(ii) authorizes the WDEQ-LQD to negotiate a stipulated settlement, including payment of a penalty, in lieu of litigation. To that end, GMC and the WDEQ-LQD hereby stipulate and agree as follows:

1. The WDEQ-LQD, pursuant to W.S. § 35-11-104, is a department in the executive branch of Wyoming State Government and is principally situated in Cheyenne, Wyoming. The WDEQ is the agency principally responsible for administering the Wyoming Environmental Quality Act, including all provisions of the WDEQ-LQD Non-Coal Rules and Regulations.
2. GMC shall not conduct any further mining operations at this property, except reclamation activities as described below, until such time as operations are authorized by WDEQ-LQD.
3. GMC shall complete the reclamation of the affected lands adjacent to Bear Creek by grading and contouring the overburden materials, retrieving and spreading topsoil and seeding the affected lands. DEQ-LQD acknowledges that this work was completed on November 30, 2012.
4. It is WDEQ's understanding that GMC desires to mine the subject property. Therefore, in order to resolve the NOV and proceed through the permitting process simultaneously, GMC agrees to submit to WDEQ an application to transfer mine permit no. 533 from Black Hills Bentonite, LLC (BHB) to GMC no later than January 31, 2013. The application package shall include a properly executed permit transfer form (LQD form 1t) and a properly executed license to mine form (LQD form 3) for GMC, including the required filing fee.
5. GMC also agrees to submit to WDEQ a permit revision application which will include a permit revision form (LQD form 11), a mine plan, reclamation plan and environmental information as required to cover the lands that have been and are proposed to be affected by GMC's operations no later than February 28, 2013. If the revision will increase the affected area by more than 20%, the revision will be deemed significant and require public notice. LQD shall review the permit transfer application and the permit revision application and notify GMC of any deficiencies within 60 days of receipt. GMC shall respond in a diligent and timely manner to address any noted deficiencies. LQD shall notify GMC once the applications are determined to be complete.
6. Upon submission of the permit revision application to WDEQ, GMC shall also submit the following within 30 days:
  - a. A stipulated penalty of seven thousand five hundred dollars (\$7,500) in the form of a check payable to WDEQ-LQD.
  - b. A reclamation bond in the amount of thirteen thousand dollars (\$13,000) in a form acceptable to the LQD to replace BHB's bond for mine permit no. 533.
  - c. A reclamation bond in the amount of forty thousand dollars (\$40,000.00) in a form acceptable to LQD to cover the estimated cost to the State to reclaim the existing mine-related disturbance, including a reasonable contingency.
7. In the event GMC fails to submit an application to transfer permit 533 by January 31, 2013 or a permit revision application by February 28, 2013, GMC agrees to pay the penalty of \$7,500 and submit the reclamation bond for \$40,000 to LQD no later than March 31, 2013.
8. Execution of this Settlement Agreement, payment of penalty, posting of reclamation performance bonds and reclamation of the disturbed area adjacent to Bear Creek shall constitute satisfaction and resolution of the alleged violations specifically contained in the NOV Docket No. 11-4201A. Contingent upon GMC's compliance with the terms of this

Settlement Agreement, the WDEQ/LQD will refrain from taking further enforcement action against GMC for the violations cited in the NOV Docket No. 11-4201A

9. Upon satisfaction of the terms of this settlement agreement, LQD shall issue the transfer of mine permit no. 533 and notify GMC to commence public notice of the mine permit revision.
10. GMC waives any statute of limitations which may apply to an enforcement action by the WDEQ/LQD involving specific matters described in the NOV and Order, Docket No. 11-4201A in the event that GMC fails to fulfill its obligations under this Settlement Agreement.
11. Nothing in this Settlement Agreement precludes the WDEQ/LQD from taking additional enforcement action, including the issuance of a Notice of Violation, Order, and/or pursuing additional penalties should GMC violate the Wyoming Environmental Quality Act or applicable WDEQ/LQD Rules and Regulations in the future.
12. This Settlement Agreement shall be admissible by either party without objection by the other party in any subsequent action between these parties.
13. Notwithstanding any other language in the Settlement Agreement, the State of Wyoming, and the WDEQ do not waive Sovereign Immunity by entering into this Settlement Agreement with GMC and specifically retain all immunity and defenses available as sovereigns under State and Federal law.
14. Each party shall bear its own attorney fees and costs, if any, incurred through the date of this Settlement Agreement is signed by both parties.
15. This Settlement Agreement is binding upon GMC, its successors and assignees, and upon the WDEQ/LQD.
16. The persons signing this Settlement Agreement certify that they are duly authorized to bind their respective parties to this Settlement Agreement.

For: **GOOD MINING COMPANY, LLC**

Signed: Brian Good

Date: Feb 15-13

Typed: Brian Good

Title: Owner

For: **WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY**

Todd Parfitt  
Todd Parfitt, Director  
Department of Environmental Quality

Date: 2/19/13

Nancy Nuttrock  
Nancy Nuttrock, Administrator  
Land Quality Division

Date: 3/18/13

Cc: Carol Bilbrough, WDEQ/LQD Cheyenne  
Mark Moxley, WDEQ/LQD Lander  
Docket No. 11-4201A