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Attorney for the State of Wyoming
Department of Environmental Quality

**BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING**

**In the Matter of the Appeal of the Notice of)
Violation and Order Issued to Good Bentonite) Docket 17-4201A
Company, LLC, DEQ NOV Docket 5748-17)**

STIPULATED MOTION TO DISMISS

Petitioners, Mr. Brian Good and Good Bentonite Company, LLC (collectively, "Good Bentonite"), and Respondent, Wyoming Department of Environmental Quality ("Department"), through their authorized representatives, move the Environmental Quality Council ("Council") to dismiss this case based upon the following:


The Department and the Director annually reevaluate and set reclamation bond amounts for mining permits under the Wyoming Environmental Quality Act. While the Council has been considering this case, the parties have worked together on evaluating the bond amounts for the upcoming renewal periods for Good Bentonite's permits 533 and 624. As a result of those efforts, the parties have calculated and agreed on new bond amounts for those permits based upon the current conditions of the permit areas.

The two attached Director's bond letters, both dated March 23, 2018, (Exhibits A and B) establish the bond amounts for Permits 533 and 624 for each permit's coming renewal period. Good Bentonite agrees and promises to comply with the requirements in the letters. In exchange

for that commitment, the Department agrees that the Notice of Violation and Order Docket No. 5748-17 will be withdrawn, effective upon the Council's approval of this motion. The withdrawal renders this case moot.

WHEREFORE, the parties ask the Council to enter the proposed order that is being submitted concurrently with this stipulated motion. The parties also request an opportunity to address the Council when it considers this motion at its upcoming meeting.

Dated this 28th day of March, 2018.




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*Counsel for the State of Wyoming Department
of Environmental Quality*

This Stipulated Motion to Dismiss is hereby agreed and stipulated to by the Parties' authorized representatives:



Todd Parfitt, Director
Department of Environmental Quality

3/23/2018
Date



Brian Good
Good Bentonite Company, LLC

3-26-2018
Date

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of March, 2018, a copy of the foregoing document was filed electronically with the Wyoming Environmental Quality Council's online docket system and copies were served by electronic mail on the following:

Todd Parfitt
Director, DEQ
todd.parfitt@wyo.gov

Alan Edwards
Deputy Director, DEQ
alan.edwards@wyo.gov

Brian and Danae Good
Good Bentonite Company, LLC
3796 Lane 32 ½
Greybull, WY 82426
teamrope@tctwest.net



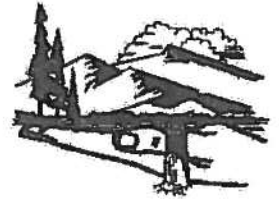
Wyoming Attorney General's Office

EXHIBIT A



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

CERTIFIED MAIL NO.: 7015 1730 0000 7204 9381

March 23, 2018

Mr. Brian Good
Good Bentonite Company
3796 Land 32 1/2
Greybull, WY 82426

RE: 2018 Bond Amount for Good Bentonite Company, Permit No. 0533

Dear Mr. Good:

The information presented in the 2017 Annual Report for Permit No. 0533 has been reviewed by the Land Quality Division (LQD) District 2 staff and the Annual Inspection required by W.S. §35-11-411(c) was conducted on December 14, 2017.

In accordance with W.S. §35-11-411(d), the bond amount is set at \$25,100.00. This represents a decrease of \$18,500 from the bond amount set in the 2017 Director's Bond Letter of \$43,600.00. This decrease is due to a reduction in fuel prices, final bond release of 23.4 acres, and a reduction in the contingency fee due to the site's accessibility for reclamation activities. Currently the bond amount held by the State totals \$13,000.00 so the outstanding bond shortfall is \$12,100.00. Please contact DEQ Bonding Analyst, Casey Robb, at (307) 777-6910 for information on how to increase the bond to \$25,100.00. The bond increase should be submitted to the DEQ Bonding Program within forty-five days of your receipt of this letter.

Due to the short period of time between the date of this letter and your Annual Report due date, the bond amount of \$25,100.00 will be considered sufficient until the Director issues a new bond letter based on the required 2019 annual report. Please note that the 2018 Annual Report is still required to be submitted by your permit anniversary date of June 23, 2018.

This bond amount is based only on an estimate of the cost of the State performing reclamation in the event of bond forfeiture. If this estimate proves to be less than the amount required, the Department will bring suit to recover the additional cost as allowed under W.S. §35-11-422.

Mr. Brian Good
Good Bentonite Company
Permit No. 0533

If you have questions regarding the bond amount, please contact Nancy Williams, LQD District 2 Supervisor at (307) 335-6939.

Sincerely,



Todd Parfitt
Director

Date: 5/23/2018

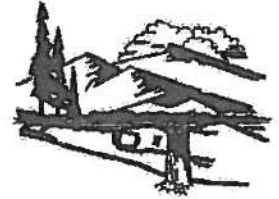
cc: Nancy Williams, District 2 Supervisor
Casey Robb, DEQ Bonding Analyst
Kimber Wichmann, DEQ Bonding Program
Tammi Pusheck, Cheyenne DEQ-LQD
Kim Pandullo, Cheyenne DEQ-LQD
Connie Osborne, DEQ Admin

EXHIBIT B



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

CERTIFIED MAIL NO.: 7015 1730 0000 7204 9398

March 23, 2018

Mr. Brian Good
Good Bentonite Company
3796 Land 32 1/2
Greybull, WY 82426

RE: 2018 Bond Amount for Good Bentonite Company, Permit No. 0624

Dear Mr. Good:

The information presented in the 2017 Annual Report for Permit No. 0624 has been reviewed by the Land Quality Division (LQD) District 2 staff and the Annual Inspection required by W.S. §35-11-411(c) was conducted on May 26, 2017.

In accordance with W.S. §35-11-411(d), the bond amount is set at \$134,100.00. This represents a decrease of \$34,900.00 from the bond amount set by the Environmental Quality Council, through an Order dated September 28, 2016. This decrease is due to a reduction in fuel prices, revised mapping of the land status acreages on site, and revision of unit pricing to reflect currently published rates. Currently the bond amount held by the State totals \$169,127.84. Please contact DEQ Bonding Analyst, Casey Robb, at (307) 777-6910 for information on how to decrease the bond.

Due to the short period of time between the date of this letter and your Annual Report due date, the bond amount of \$134,100.00 will be considered sufficient until the Director issues a new bond letter based on the required 2019 annual report. Please note that your 2018 Annual Report is still required to be submitted by your permit anniversary date of June 27, 2018.

This bond amount is based only on an estimate of the cost of the State performing reclamation in the event of bond forfeiture. If this estimate proves to be less than the amount required, the Department will bring suit to recover the additional cost as allowed under W.S. §35-11-422.

Mr. Brian Good
Good Bentonite Company
Permit No. 0624

If you have questions regarding the bond amount, please contact Nancy Williams, LQD District 2 Supervisor at (307) 335-6939.

Sincerely,



Todd Parfitt
Director

Date: 3/23/2018

cc: Nancy Williams, District 2 Supervisor
Casey Robb, DEQ Bonding Analyst
Kimber Wichmann, DEQ Bonding Program
Tammi Pusheck, Cheyenne DEQ-LQD
Kim Pandullo, Cheyenne DEQ-LQD
Connie Osborne, DEQ Admin