

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF)
VIOLATION AND ORDER ISSUED TO:)
)
Bentonite Performance Minerals)
HCR 69, Box 112)
Belle Fourche, SD 57717)
)

DOCKET NUMBER 3636-05

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. Bentonite Performance Minerals is the owner of a WYPDES Authorization under a general permit allowing them to discharge water to the surface waters of the State of Wyoming. On September 3, 2004, Bentonite Performance Minerals was mailed an invoice for WYPDES Authorizations WYR320011 and WYR320010. On December 1, 2004, Bentonite Performance Minerals was mailed a second invoice for WYPDES Permit fees. WYPDES Permit fees totaling \$200.00 have not been paid for fiscal year 2004;
2. W.S. 35-11-312 states: "On July 1 of each year, the department shall assess an annual permit fee of one hundred dollars (\$100.00) for each national pollutant discharge elimination system permit and for each permit authorization held by any person under W.S. 35-11-301 during any portion of the preceding twelve (12) month period..."
3. By failing to pay all WYPDES Permit fees Bentonite Performance Minerals has violated W.S. 35-11-312;
4. This Notice is being sent to you pursuant to W.S. 35-11-701(c)(i), which requires that in any case of the failure to correct or remedy an alleged violation, the director of the Department of Environmental Quality shall cause a written notice to be issued and served upon the person alleged to be responsible.

ORDER

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL-STATE OF WYOMING

WHEREFORE IT IS HEREBY ORDERED THAT BENTONITE PERFORMANCE MINERALS SHALL:

1. Within thirty (30) days of the receipt of this notice, Bentonite Performance Minerals shall pay WYPDES Permit fees totaling \$200.00.
2. Within thirty (30) days of the receipt of this notice, provide documentation that the facility was no longer active as of March 4, 2004. Additionally, fill out and mail in the Notice of Termination (NOT) which can be downloaded at the following DEQ link <http://deq.state.wy.us/wqd/stormwater.asp>.
3. Payment to the DEQ shall be by check made payable to the Wyoming Department of Environmental Quality, Water Quality Division. The payment and/or NOT shall be sent to: Brian R. Bohlmann, P.E., WYPDES Compliance Program Principal, Department of

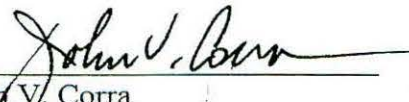
Environmental Quality, Water Quality Division, Herschler Building, 4th Floor West, 122 W 25th St, Cheyenne, Wyoming, 82002. The check or NOT should reference Docket Number 3636-05.

4. If item 1 or 2 is complied with, or an appropriate combination of 1 and 2 is complied with, this will constitute full compliance with this order.

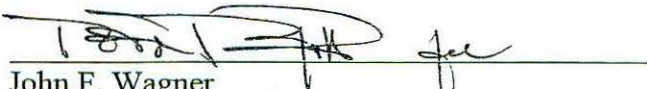
THIS ORDER is final unless, no later than ten (10) days after the date this Notice is received; it is appealed by filing two written petitions for a hearing before the Environmental Quality Council. If a hearing is requested, the first petition shall be mailed to the Chairman, Wyoming Environmental Quality Council, Room 1714, Herschler Building, 1st Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. The second petition shall be mailed to John V. Corra, Director, Wyoming Department of Environmental Quality, Herschler Building, 4th Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. Both petitions must be sent by certified mail, return receipt requested.

NOTHING IN THIS ORDER shall be interpreted to in any way limit or contravene any other remedy available under the Environmental Quality Act, nor shall this Order be interpreted as being a condition precedent to any other enforcement action.

ORDERED this 24th day of November 2005.



John V. Corra
Director
Department of Environmental Quality



John F. Wagner
Administrator
Water Quality Division

PLEASE DIRECT ALL INQUIRES TO: Brian R. Bohlmann, P.E., WYPDES Compliance Program Principal at Herschler Building, 4th Floor West, 122 West 25th Street, Cheyenne, WY 82002, (307) 777-8669.

JVC/JFW/MB/bb/5-0060.ltr

cc: Brian R. Bohlmann, P.E., WYPDES Compliance Program Principal
WYPDES Files WYR320011, WYR320010