

Luke Esch
Assistant Attorney General
123 Capital Building
Cheyenne, WY 82002
Luke.esch@wyo.gov
Telephone: (307) 777-6946
Facsimile: (307) 777-3542

FILED
SEP 12 2011
Jim Ruby, Executive Secretary
Environmental Quality Council

Attorney for the 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) EQC Docket No. 11-4201A
ORDER ISSUED TO)
GOOD MINING COMPANY, LLC)

DEQ'S RESPONSE TO THE PETITIONERS' APPEAL OF NOTICE OF
VIOLATION AND REQUEST FOR HEARING

Respondent Wyoming Department of Environmental Quality, Land Quality Division (DEQ), pursuant to the Wyoming Environmental Quality Council's (EQC) August 12, 2011, Response Order, responds as follows to the Petitioners, Good Mining Company, LLC's August 11, 2011, Appeal of Notice of Violation and Order # 4868-11 (Appeal). DEQ responds to Petitioners' Appeal as follows:

- 1) DEQ admits this allegation.
- 2) DEQ admits this allegation.
- 3) DEQ is without information or knowledge sufficient to form a belief as to the truth of this statement, and therefore, denies this allegation.
- 4) DEQ denies this statement.

5) DEQ is without information or knowledge sufficient to form a belief as to the truth of this statement, and therefore, denies this allegation.

6) DEQ admits this statement.

7) DEQ is without information or knowledge sufficient to form a belief as to the truth of this statement, and therefore, denies this allegation.

8) DEQ admits that Black Hills Bentonite, LLC (Black Hills) currently holds a permit to mine on the property and has not actively mined the area in some time.

9) DEQ believes the Black Hills Annual Report speaks for itself and admits that the only activity occurring at the permit area is reclamation work.

10) DEQ is without information or knowledge sufficient to form a belief as to the truth of this statement, and therefore, denies this allegation.

11) DEQ denies this allegation.

12) DEQ is without information or knowledge sufficient to form a belief as to the truth of this statement, and therefore, denies this allegation.

13) DEQ admits that Mr. Moxley spoke with Mr. Good on or about May 31, 2011, but DEQ denies the remaining allegations.

14) DEQ denies this allegation.

15) DEQ admits that DEQ returned Mr. Good's application, but denies the remaining allegations.

16) DEQ admits this allegation.

17) DEQ denies this allegation.

18) DEQ denies this allegation.

19) DEQ is without information or knowledge sufficient to form a belief as to the truth of this statement, and therefore, denies this allegation.

20) DEQ denies this allegation.

21) DEQ admits this allegation.

22) DEQ admits that Mr. Good contacted Mr. Esch, but is without information or knowledge sufficient to form a belief as to the truth of the remaining allegations, and therefore, denies the remaining allegations.

23) DEQ denies this allegation.

24) DEQ denies this allegation.

25) Petitioners' final averment is a request for a hearing which does not require responsive pleading.

26) Any allegation in Petitioners' Appeal not specifically admitted above is hereby denied.

WHEREFORE, DEQ requests that the EQC approve the issuance of Notice of Violation and Order Docket No. 4868-11 to the Good Mining Company, LLC.

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DATED, this 12th day of September, 2011.

Attorney for Wyoming
Department of Environmental
Quality



Luke J. Esch (6-4155)
Attorney General's Office
123 Capitol Building
Cheyenne, WY 82002
Luke.esch@wyo.gov
Telephone: (307) 777-6946
Facsimile: (307) 777-3542

CERTIFICATE OF SERVICE

This certifies that true and correct copies of the foregoing DEQ's RESPONSE TO PETITIONERS' APPEAL OF NOTICE OF VIOLATION AND ORDER AND REQUEST FOR HEARING were served this 12th day of September by United States mail and by email addressed as follows:

Heather A. Jacobson
Jacobson Law Office, LLC
1839 Madora Ave.
Douglas, WY 82633
hjlawoffice@wyoming.com

