

**DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING**

NOTICE OF VIOLATION

**IN THE MATTER OF THE NOTICE OF)
VIOLATION ISSUED TO)
Circle D Gravel)
P.O. Box 978)
Rawlins, WYOMING 82301)
RE: Limited Mining Operation 1341ET)**

DOCKET NO. 3911-06

NOTICE

NOTICE IS HEREBY GIVEN THAT:

1. Notice of Violation is being sent to you pursuant to W.S. §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. On May 9, 2006 the Annual Inspection of the Limited Mining Operation (LMO) 1341 ET was conducted by Melissa L. Bautz of the Land Quality Division, District II office. That inspection was summarized in a report dated May 25, 2006. The pit is located in NE 1/4 NE 1/4 of Section 1, T.20N, R.93W in Sweetwater County several miles north of Exit 184 from Interstate Highway 80 (between Wamsutter, Wyoming and Creston Junction).

3. The May 2006 Inspection revealed that pit occupies the aforementioned location in Section 1. The map of the disturbance at the site was derived from a Garmin™ Global Positioning System (GPS). However, LMO 1341ET is authorized to affect the SE 1/4 SE 1/4 of Section 32, T.21N, R.93W. Therefore, LMO 1341 ET is located outside of its approved area, and mining without the consent of the surface owner as a consequence. Mining without the consent of the surface owner is in violation of W.S. § 35-11-401(e)(vi).

4. The May 2006 inspection also revealed that topsoil was not salvaged properly at the 1341ET site. Failure to properly salvage topsoil is in violation Chapter 10, Section 4(b) of the Noncoal Rules and Regulations.

5. W.S. § 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 thereunder 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.

DATED THIS 16th day of June, 2006.


Richard A. Chancellor
Administrator
Land Quality Division


John Corra
Director
Department of Environmental Quality

PLEASE DIRECT ALL INQUIRIES regarding this Notice of Violation to Mark Moxley, Land Quality District 2 Supervisor, 510 Meadowview Dr., Lander, Wyoming 82520, telephone (307) 332-3047.
