

DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF)
VIOLATION ISSUED TO)
ATTN: MR. GLEN SOUTHWICK.)
P. O. BOX 103)
MASONVILLE, COLORADO 80541)
699(s))

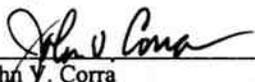
DOCKET NO. 3966-06

NOTICE

NOTICE IS HEREBY GIVEN THAT:

1. This 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 October 13, 2006 a routine annual inspection was conducted on Permit 699(s), located in the E ½ NW ¼ Section 10, T42N, R95W, Hot Springs County Wyoming, by Ms Marit Sawyer, Land Quality Division District 2 field office, with Mike Cochrane of Wind River Quarries, the owner of the land on which the current quarry is excavated.
3. The inspection revealed that overburden and waste rock were dumped on native land in an intermittent stream ravine just upstream of where the quarry access road crosses the main fork of this drainage. The footprint of the dump area is about 100 feet by 100 feet across, with an average depth of about five feet. These findings are documented in an Inspection Report with photos written on October 23, 2006. A similar Notice of Violation, Docket No. 3373-02, was issued to the same operator on July 16, 2002 for dumping overburden over an escarpment onto native land above the main fork of the intermittent drainage noted above.
4. The approved mine plan states on page MP-1 and MP-4, and shows on Map MP-1, that all overburden and waste rock will be stored in piles directly next to the quarry. The materials were dumped outside this area and in a drainage that is considered Waters of the State.
5. Failure to follow the approved mine plan is in violation of W.S. §35-11-415(a). Placing overburden in an intermittent drainage is in violation of Non-coal Rules Chapter 3, Section 2(c)(iv)(B), and failure to remove topsoil prior to piling spoil material is in violation of Non-coal Rules Chapter 3, Section 2(c)(iv)(C).
5. This violation has not been corrected or remedied, nor has the operator provided any information concerning these violations.
6. 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.

Signed this 7th day of November, 2006.



John Y. Corra
Director
Dept. of Environmental Quality



Richard A. Chancellor
Administrator
Land Quality Division

Please direct all inquires regarding this Notice of Violation and Order to Mr. Mark Moxley, Wyoming Department of Environmental Quality, Land Quality Division, Lander Field Office, 510 Meadowview Drive, Lander, WY 82520. Telephone No. (307)332-3047.

CERTIFIED MAIL, RETURN RECEIPT REQUESTED #

DOCKET NO. 3966-06

PERMIT 699(s)

cc: Mark Moxley, District II
Marit Sawyer, District II
Carol Bilbrough, LQD
699(s) NOV File - Southwick Stone