

DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE OF WYOMING

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF )  
VIOLATION ISSUED TO )  
FLETCHER CONSTRUCTION CO. ) DOCKET NO. 4117-07  
ATTN: MR. ERIC BOULEY )  
P.O. BOX 604 )  
SHERIDAN, WYOMING 82801 )  
TFN 4 5/365--LIMITED MINING OPERATION )  
APPLICATION )

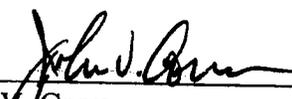
NOTICE

NOTICE IS HEREBY GIVEN THAT:

1. Notice of Violation (NOV) is being sent to you pursuant to Wyoming Statute §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 June 21, 2007, the LQD received an application for a Limited Mining Operation from Fletcher Construction Co. This application is filed under TFN 4 5/365. During an inspection performed on July 2, 2007, Mr. Don Crecelius determined that mining had already commenced at this operation in Section 16, T.55N., R.83W. The disturbance was mapped using a Global Positioning System on July 25, 2007. The mapped disturbances equaled approximately 2.4 acres. Approximately 2 miles of road was surfaced with scoria from two pits. Neither the application or the bond had been accepted by LQD.
3. The Wyoming Environmental Quality Act, W. S. §35-11-401 (e)(vi) allows exempt surface mining operations, whether commercial or noncommercial, for the removal of sand, gravel, scoria, limestone, dolomite, shale, ballast or feldspar from an area of ten (10) acres or less of affected land if the LQD is notified and a bond is filed.
4. Wyoming Statute §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 hereunder 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.

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

SIGNED this 31 day of July, 2007

  
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John V. Corra  
Director  
Department of Environmental Quality

  
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Richard A. Chancellor  
Administrator  
Land Quality Division

Please direct all inquires regarding this Notice of Violation to Mr. Mark Rogaczewski, District III Supervisor, Wyoming Department of Environmental Quality/Land Quality Division, 1866 South Sheridan Avenue, Sheridan, WY, 82801

TFN 4 5/365-- LIMITED MINING OPERATION APPLICATION

cc: Mark Rogaczewski, LQD