

DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF)
VIOLATION ISSUED TO)
KG CONSTRUCTION, INC.)
ATTN: MR. MONTIE MEANS)
P.O. BOX 1024)
GILLETTE, WYOMING 82717)
1309ET – LIMITED MINING OPERATION)

4120-07
DOCKET NO. 4119-07

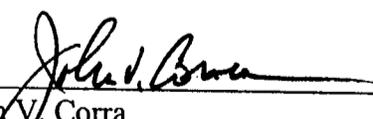
NOTICE

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. 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.
3. During inspections performed on July 19, 2007, Mr. David Schellinger mapped the disturbances associated with Limited Mining Operation (LMO) 1309ET using a Global Positioning System. The mapped disturbances equaled approximately 14.1 acres; 17.0 acres with approved the 2.9 acre access/haul road. This acreage is 7.0 acres greater than the 10 acres allowed under a LMO by state law.
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 2 day of August, 2007



John V. Corra
Director
Department of Environmental Quality



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

1180ET – LIMITED MINING OPERATION

cc: Mark Rogaczewski, LQD
file, 1309ET
Cheyenne LQD