

DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE OF WYOMING

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF )  
VIOLATION ISSUED TO )  
FISHER SAND AND GRAVEL COMPANY ) DOCKET NO. 4365-08  
ATTN: MR. RAY LEAHY )  
P.O. BOX 1120 )  
SPEARFISH, SD 57783 )  
PERMIT 360C )

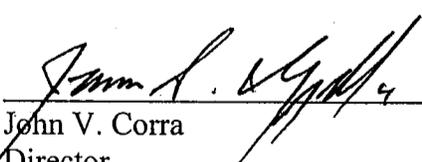
NOTICE

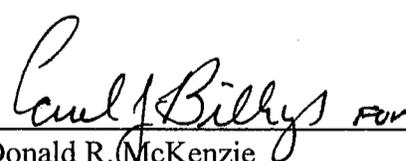
NOTICE IS HEREBY GIVEN THAT:

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. Fisher Sand and Gravel Company is the operator of a limestone quarry mining operation located in Weston County, Wyoming, in Section 9, Township 44 North, Range 60 West. As part of its operation, Fisher Sand and Gravel has mined mineral from this site and distributed or sold the mined mineral for commercial use.
3. During an inspection performed on August 19, 2008, by Mr. Mark Rogaczewski, Mr. Mark Taylor, and Mr. Glenn Mooney of the LQD District III staff, erosional deposits carried by overland flows from disturbed areas within the permit boundary were observed outside the approved permit boundary.
4. Affecting lands outside the approved permit boundary of Permit 360C is a violation of W. S. § 35-11-415 (b) (ii).
5. 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 23<sup>rd</sup> day of September, 2007

  
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John V. Corra  
Director  
Department of Environmental Quality

  
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Donald R. McKenzie  
Administrator  
Land Quality Division

Please direct all inquiries 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

Permit 360C

cc: Mark Rogaczewski, LQD DIII  
Cheyenne LQD File