

**DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE OF WYOMING**

**NOTICE OF VIOLATION**

**IN THE MATTER OF THE NOTICE OF )  
VIOLATION ISSUED TO )  
INTERMOUNTAIN CONSTRUCTION )  
AND MATERIALS, INC. )  
ATTN: MR. SCHUYLER DELCAMP )  
P.O. BOX 2469 )  
GILLETTE, WY 82717-2469 )  
718(S) – SMALL MINING PERMIT )**

**DOCKET NO. 4156-07**

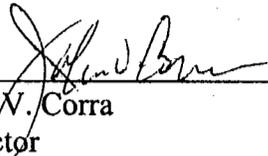
**NOTICE**

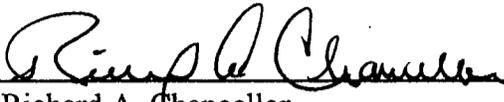
**NOTICE IS HEREBY GIVEN THAT:**

1. A 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. § 35-11-406 (b) (iii) states: The operator shall protect the removed and segregated topsoil from wind and water erosion, and preserve such in a usable condition for sustaining vegetation when restored in reclamation.
3. The Department of Environmental Quality, Land Quality Rules and Regulations, Chapter 3, Section 2(c)(i)(A) states: The topsoil may be mixed with the subsoil but shall be segregated so as not to become mixed with spoil or waste material, stockpiled in the most advantages manner and saved for reclamation purposes.
4. The Department of Environmental Quality, Land Quality Rules and Regulations, Chapter 3, Section 2(c)(i)(B) states: When topsoil is not promptly redistributed, the topsoil shall be stockpiled on stable areas within the permit area in such a manner so as to minimize unnecessary compaction.
5. During an inspection on October 10, 2007 of the mining operations under Permit No. 718(s), Mr. David Schellinger and Mr. Mark Rogaczewski noted that screening equipment in the form of several sections of conveyor belt were located on top of a topsoil stockpile. The location and operation of the screening equipment caused the stockpiled topsoil to not remain segregated from the mining operations, become buried by materials removed from the active pit, and unnecessarily compacted. It was also noted that the required topsoil stockpile identification sign was present but had been run over during the placement of the conveyor belt sections. During Mr. Rogaczewski's 2005 Annual Inspection on July 21, 2005, Mr. Rogaczewski requested Mr. Jeff Williams of ICM to construct a larger buffer between the current mining operations and the topsoil stockpile noted in this violation. ICM has failed to segregate stockpiled topsoil from mining activities and protect it from unnecessary compaction and mixing with non-topsoil or subsoil material.
6. 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 15 day of OCTOBER, 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

**CERTIFIED MAIL, RETURN RECEIPT REQUESTED**  
**NOTICE OF VIOLATION DOCKET NO. 4156-07, 718(s) – SMALL MINING PERMIT**

cc: Mark Rogaczewski, LQD