

DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF)
VIOLATION ISSUED TO)
FISHER SAND & GRAVEL COMPANY)
P.O. BOX 1120)
SPEARFISH, SOUTH DAKOTA 57783)
LIMITED MINING OPERATION 1397ET)

DOCKET NO. 4161-07

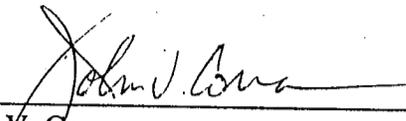
NOTICE

NOTICE IS HEREBY GIVEN THAT:

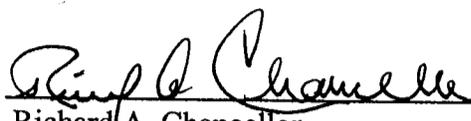
1. Notice of Violation (NOV) is being sent to you pursuant to Wyoming Statute §35-11-701(c)(i) which requires that a written notice shall be issued in the case of failure to correct or remedy an alleged violation.
2. The topsoil violations noted on this mine site were discovered by Bill Hogg, Land Quality Division, District I, during an inspection conducted on September 21, 2007 and documented in the inspection report to the operator dated September 28, 2007. This Limited Mining Operation is located in Carbon County.
3. The Inspection documented that the operator failed to salvage the topsoil resource at the crest of the highwall. This resulted in topsoil loss of an unknown quantity. The inspection also documented the lack of topsoil salvage under equipment stored on site and inadequate soil salvage occurred where mine vehicles access the pit resulting in the compaction of the topsoil and minor losses of the topsoil. Baghouse waste material has been placed onto soil not sufficiently stripped. These actions are in violation of the Department of Environmental Quality/Land Quality Division Noncoal Rules and Regulations (WR&R) Chapter 3, Section 2 (c)(i)(A), requiring, "All topsoil or surface material must be removed from all areas affected in the permit area prior to these areas being affected...".
4. Topsoil identification signs were not present on the topsoil stockpiles. This is a violation of WR&R Chapter 3, Section 2 (c)(i)(D)
5. Salvaged topsoil in stockpiles has been poorly protected and maintained resulting in loss of the topsoil at the base of the stockpiles. The stockpiles were not vegetated or protected by berms or toe-ditches. These poor salvage and protection practices are violations of WR&R Chapter 3, Section 2 (c)(i)(B).
6. Solid wastes including waste from the baghouse have been dumped onto the inadequately stripped soils located near the screen on the mine site. This is violation of WR&R Chapter 3, Section 2 (c)(v).
7. 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 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 19 day of OCTOBER, 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. Lowell Spackman, District I Supervisor, Wyoming Department of Environmental Quality/Land Quality Division, Herschler Building, 3rd W, 122 West 25th Street, Cheyenne, WY 82002

CERTIFIED MAIL #7005 1820 0005 1478 8491
RETURN RECEIPT REQUESTED
DOCKET NO. 4161-07
1397ET

cc: Lowell Spackman, LQD
LMO 1397ET