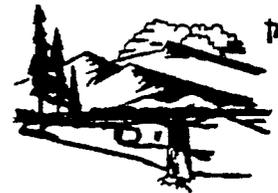




Department of Environmental Quality



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To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.

John Corra, Director

Dave Freudenthal, Governor

November 6, 2007

Ms. Cindy DeVries
Big Horn RediMix, Inc.
P.O. Box 1249
Thermopolis, WY 82443

RE: Notice of Violation, Docket No. 4104-07, Big Horn RediMix, Inc., Permit 653(s)

Dear Ms. DeVries:

On October 31, 2007, I conducted an inspection of Permit 653(s) to determine if all aspects of the Settlement Agreement for Docket No. 4104-07 had been satisfied. On September 25, 2007, the WyDEQ/LQD received the fine payment; thus, honoring the penalty assessment portion of the Settlement Agreement. The on-site inspection found the following:

- The small topsoil and subsoil piles noted in the June 27, 2007 report were generally consolidated into larger piles as required by the Settlement Agreement, Item 4;
- All topsoil, subsoil, and spoil piles were signed as required by the Settlement Agreement, Item 5. See Photo 1 on the following page as documentation;
- Big Horn RediMix (BHRM) has removed the reject or pit-run material that once contaminated various topsoil and/or subsoil piles observed in the June 21, 2007 inspection as required by the Settlement Agreement, Item 7; and,
- BHRM has spread topsoil on the one area east of the BLM road that remained unreclaimed. The area was seeded on approximately October 15, 2007 and the previously reclaimed areas were reseeded at the same time as required by the Settlement Agreement, Items 8 and 9. See Photos 2 and 3 on the following page as documentation.

The Settlement Agreement also discussed other issues regarding topsoil salvaging practices, specifically the maintenance of an adequate buffer zone between the highwall edge and any topsoil and subsoil stockpiled on the highwall bench. During this inspection, the buffer zone appeared to be adequate. Please continue to ensure that during the mining and topsoil/subsoil salvage operations that the buffer zone is maintained.

In closing, with this letter, I am terminating the Notice of Violation associated with Docket 4104-07 as BHM has honored all of its obligations under the Settlement Agreement. If you have any questions, please do not hesitate to contact me.

Respectfully,

Brian R. Wood
District II Hydrologist

Cc Mark Moxley > Permit 672(s) NOV file
Carol Billbrough, WyDEQ/LQD, Cheyenne
Jayne Doyle, BLM - Worland Field Office, PO Box 119, Worland, WY 82401
Brian Wood, Chron File

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