

DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF)
VIOLATION ISSUED TO)
CROELL REDI-MIX, INC.) DOCKET NO. 4181-07
ATTN: Ms. JULIE EWING)
P.O. BOX 1352)
SUNDANCE, WYOMING 82729)
1395ET – LIMITED MINING OPERATION)

NOTICE

NOTICE IS HEREBY GIVEN THAT:

1. This 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. LMO No. 1228ET was approved for Melgaard Construction Co., Inc (Melgaard) on September 25, 2002 and is located within the NW1/4NW1/4 of Section 7, T. 50 N., R. 77 W. in Johnson County, Wyoming. During the November 6, 2007 inspection of LMO 1228ET, Mr. David Schellinger of the Land Quality Division (LQD) was informed by Mr. Pete Maas of Croell Redi-Mix, Inc.(Croell) and Ms. Jenna Polk of Melgaard that Croell had been contracted by Melgaard to perform mining operations at LMO 1228ET.

LMO No. 1395ET was approved for Croell Redi-Mix, Inc. on June 29, 2007, and is located within SW1/4NE1/4, of Section 7, Section 7, T. 50 N., R. 77 W. in Johnson County, Wyoming. This LMO is also operated by Croell.

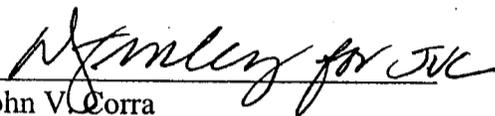
LMO Nos. 1228ET and 1395ET are located less than one-half mile apart. Both are operated by Croell.

3. During the November 6, 2007 inspection of LMO 1228, Mr. David Schellinger and Mr. Jon Sweet of LQD substantiated the information that Croell was operating in both pits through conversations with employees and personal observations that the same individuals were operating Croell equipment in both LMOs, and that Croell equipment was being moved between the two LMOs.
4. Operating two LMOs within such close proximity is a violation of the Wyoming Department of Environmental Quality, Land Quality Division, Noncoal Rules and Regulations, Chapter 10, Section 8(a)(i) that states: "The operator will not be allowed to: Conduct more than one operation under W. S. § 35-11-401(e)(vi) within adjacent areas when the operations are to mine the same minerals." Adjacent lands are defined as all lands within one-half mile of the permit area (W. S. § 35-11-103(e)(vii)).
5. By operating both LMO 1395ET and 1228ET, Croell Redi-Mix, Inc., is circumventing the Wyoming Department of Environmental Quality, Land Quality Division, Noncoal Rules and Regulations, Chapter 10, Section 8(a)(ii) which states: "The operator will not be allowed to : Conduct nearby operations of ten acres or less so as to circumvent the general requirements of the Environmental Quality Act."

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 27th day of December, 2007



John V. Corra
Director
Department of Environmental Quality



Donald R. McKenzie
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

1395ET – LIMITED MINING OPERATION

cc: Mark Rogaczewski, LQD
NOV File, 1395ET