

**DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE OF WYOMING**

**NOTICE OF VIOLATION**

**IN THE MATTER OF THE NOTICE OF  
VIOLATION ISSUED TO  
J&A EXCAVATION & CONST., INC.  
ATTN: MR. JASEN OLSEN  
P.O. BOX 95067  
SOUTH JORDAN, UT 84054  
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**DOCKET NO. 4209-08**

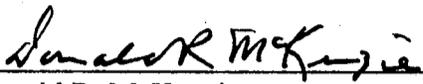
**NOTICE**

**NOTICE IS HEREBY GIVEN THAT:**

1. Notice of Violation is being sent to you pursuant to W.S. §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. On February 13, 2008, an inspection of an unauthorized gravel mining operation was conducted by John Erickson of the Land Quality Division's District II office. The mining operation was located in the NW¼NW¼ Sec. 26, T.21N., R.116W., on private lands within the Town of Kemmerer, Wyoming, in Lincoln County. The unauthorized gravel pit was accessed by a newly constructed road, approximately 2896 feet long by 40 feet wide, which extends across the N½ of Sec. 26.
3. The inspection revealed that the unauthorized pit was currently inactive, but had been recently opened by J&A Excavation & Construction, Inc. of South Jordan, Utah. The pit and road were surveyed with GPS equipment and found to affect 0.6 and 2.7 acres respectively, for a total disturbance of 3.3 acres.
4. Failure of J&A Excavation & Construction, Inc. to submit a Limited Mining Operation Notification or Special License to Explore for Minerals to the Land Quality Division and provide written permission from the landowner before commencing operations is a violation of W.S. §35-11-401(vi).
6. Failure of J&A Excavation & Construction, Inc. to post a bond to ensure reclamation before commencing mining operations is a violation of W.S. §35-11-401(vii).
7. The aforementioned violations have not been corrected or remedied nor has the operator provided any written information concerning the violations.
8. W.S. § 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 thereunder 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 this Notice of Violation (NOV) 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 21<sup>st</sup> day of February, 2008

  
Donald R. McKenzie  
Administrator  
Land Quality Division

  
John V. Corra  
Director  
Department of Environmental Quality

Please direct all inquiries regarding this Notice of Violation to Mr. Mark Moxley, District II Supervisor, Land Quality Division, 510 Meadowview Dr., Lander, WY 82520

xc: Mark Moxley, Lander LQD