

DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF
VIOLATION ISSUED TO
MOBILE CONCRETE, INC.
BOX 1129
CASPER, WY 82602

DOCKET NO. 4332-08

&

MCMURRY READY MIX
PO BOX 2488
CASPER, WY 82602

&

TIMBERLINE PRODUCTION CO., LLC
800 WERNER CT., STE. 220
CASPER, WY 82601

NOTICE

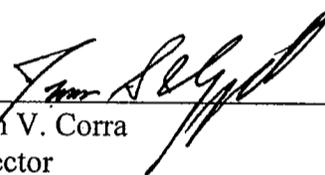
NOTICE IS HEREBY GIVEN THAT:

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 violations noted on this mine site were discovered by Pam Rothwell, Land Quality Division, District I, during an inspection conducted on July 16, 2008 and during review of the 2007 and 2008 Annual Reports. This is a Small Mining Operation located in Niobrara County.
3. The inspection documented that the operator Mobile Concrete, Inc. (MC) disturbed acres outside the permit boundary to enable expansion of the facilities area currently operating at the quarry. Topsoil was stripped and stockpiled prior to submitting a revision to expand the permit boundary. This is a violation of the Wyoming Environmental Quality Act (ACT) § 35-11-405(a), which states, "...*No mining operation may be commenced or conducted on land for which there is not in effect a valid mining permit to which the operator possesses the rights.*"
4. MC, failed to adequately protect all existing and new topsoil stockpiles with the approved temporary seed mix as stated in the approved permit Mine Plan. This is a violation of the approved permit Mine Plan commitments and the Wyoming Department of Environmental Quality/Land Quality Division Rules and Regulations (WDEQ/LQD R&R), Chapter 3, Section 2,(c)(i)(B), requiring all topsoil be stockpiled in a manner that minimizes erosion and unnecessary compaction.
5. The materials crushing operator, McMurry Ready Mix (MRM) failed to obtain a License to Mine (Form 3) prior to moving material in the quarry with mining equipment. This is the responsibility of the permittee (TP), the mine operator (MC) and the crushing subcontractor (MRM) and is a violation of the ACT § 35-11-410 (a), which states, "*No mining operation, of any kind may be commenced or conducted without a license to mine.*"

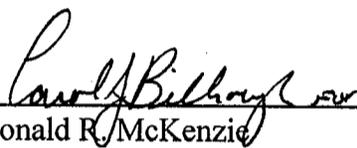
6. Timberline Production, Co., LLC is responsible for the permitting and mining activities at this mine site, according to § 35-11-415(a) which states, "Every operator to whom any permit or license is issued shall comply with all requirements of this act, the rules and regulations promulgated hereunder, and reclamation plans and other terms and conditions of any permit or license."
7. The Wyoming Environmental Quality Act § 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 there under 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 1st day of August, 2008



John V. Corra
Director
Department of Environmental Quality



Donald R. McKenzie
Administrator
Land Quality Division

Please direct all inquiries 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

DOCKET NO. 4332-08
PERMIT 712(s)

cc: Lowell Spackman, LQD
Permit 712 (s)
Timberline Production Co., LLC