

**DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE OF WYOMING**

**NOTICE OF VIOLATION**

<b>IN THE MATTER OF THE NOTICE OF</b>	)	
<b>VIOLATION ISSUED TO</b>	)	
<b>OPERATOR: CROELL REDI MIX, INC.</b>	)	<b>DOCKET NO. 4387-08</b>
<b>ATTN: MS. JULIE EWING</b>	)	
<b>P.O. BOX 1352</b>	)	
<b>SUNDANCE, WYOMING 82729</b>	)	
	)	
<b>1396ET - LIMITED MINING OPERATION</b>	)	

**NOTICE**

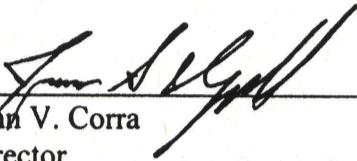
**NOTICE IS HEREBY GIVEN THAT:**

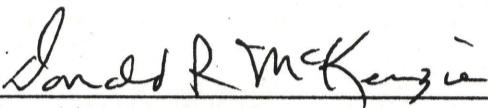
1. Notice of Violation (NOV) is being sent to you pursuant to Wyoming Statute §35-11-701(c)(i) which requires that a written notice shall be issued in the case of failure to correct or remedy an alleged violation.
2. The Wyoming Environmental Quality Act, W. S. § 35-11-401(e)(vi) allows a permit exemption for surface mining operations, whether commercial or noncommercial, for the removal of sand, gravel, scoria, limestone, dolomite, shale, ballast, or feldspar from an area of ten (10) acres or less.
3. During inspections performed on October 28, 2008, Mr. Glenn Mooney mapped the disturbances associated with Limited Mining Operation (LMO) 1396ET using a Global Positioning System. The mapped disturbances equaled approximately 20.5 acres; 10.5 acres greater than the 10 acres allowed under a LMO by state law.
4. The Wyoming Department of Environmental Quality, Land Quality Division, Noncoal Rules and Regulations, Chapter 3, Section 2(c)(i)(A) requires that all topsoil to be removed from all areas to be affected in the permit area prior to the areas being affected by mining. The topsoil must be segregated as not to become mixed with spoil or waste materials, must be stockpiled, and must be saved for reclamation purposes.
5. During the October 29, 2008, inspection of LMO No. 1396ET Mr. Mooney observed numerous areas around the edges of the disturbed areas where gravel and rock had been placed or spilled into native topsoil. Overall, it appeared that topsoil salvage from most of the affected area was inadequate.
6. The Wyoming Department of Environmental Quality, Land Quality Division, Noncoal Rules and Regulations, Chapter 10, Section 6(b) states: The operator may allow contractors to operate within its limited mining area provided notice is given to the Division and the contractor meets the other requirements of the Division, including filing of Form 10.
7. The 2007-2008 Annual Report for LMO 1396ET indicated that Bruening Rock Products is performing mining operations at LMO No. 1396ET. Croell Redi Mix Inc. did not submit a Form 10 for LQD approval that changed the operator of LMO 1396ET from Croell Redi-Mix, Inc. to Bruening Rock Products. Bruening Rock Products is not registered with the Wyoming Secretary of State's Office to do business in the State of Wyoming.
8. 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 5<sup>th</sup> day of November, 2008

  
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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

**1396ET – LIMITED MINING OPERATION**

cc: Mark Rogaczewski, LQD  
file, 1396ET