

**DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING**

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF)	
VIOLATION ISSUED TO)	
JOHNSON COUNTY ROAD & BRIDGE)	DOCKET NO. 4389-08
ATTN: MR. SCOTT PEHRINGER)	
310 RAILROAD)	
BUFFALO, WYOMING 82834)	
REGULAR MINE PERMIT NO. 476)	

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 Department of Environmental Quality, Land Quality Division, Noncoal Rules and Regulations, Chapter 3, Section 2(c)(i)(A) requires 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.
3. The Wyoming Department of Environmental Quality, Land Quality Division, Noncoal Rules and Regulations, Chapter 3, Section 2(c)(i)(F) states that if abundant topsoil is present, and it is not all needed to accomplish the reclamation required in the approved reclamation plan, the Administrator may approve of use of this topsoil by this or another operator in another area for reclamation purposes.
4. A telephone conversation with an area gravel pit operator on October 20, 2008 indicated that Johnson County Road and Bridge personnel were observed hauling topsoil from the BLM-Rome Hill Pit to the Esponda Pit, both pits permitted under Permit No. 476.

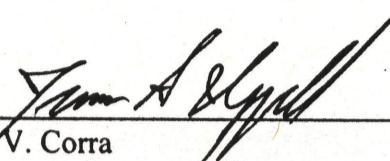
A telephone conversation with Mr. Scott Pehringer of Johnson County Road and Bridge on October 21, 2008 confirmed that approximately five (5) or six (6) dump truck loads of topsoil were removed from the BLM-Rome Hill Pit and used to reclaim the Esponda Pit.

An inspection of the BLM-Rome Hill Pit and the Esponda Pit on October 29, 2008 by Mr. David Schellinger confirmed that an estimated 25 cubic yards of topsoil had been removed from a topsoil stockpile at the BLM-Rome Hill Pit, and that topsoil had been applied and contoured at the Esponda Pit location. Removal of the topsoil from the BLM-Rome Hill Pit was a violation of The Wyoming Department of Environmental Quality, Land Quality Division, Noncoal Rules and Regulations, Chapter 3, Section 2(c)(i)(A) and Chapter 3, Section 2(c)(i)(F).

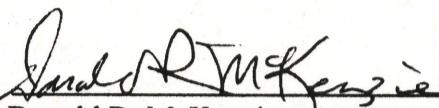
5. Wyoming Statute §35-11-901(a) provides that any person who violates any provision of the Environmental Quality Act or any rule, standard, permit, license or variance adopted hereunder is liable to a penalty of ten thousand dollars (\$10,000.00) for each day of violation, which penalty may be recovered 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 5th day of November, 2008



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

REGULAR MINE PERMIT NO. 476

cc: Mark Rogaczewski, LQD
file, Permit No. 476