DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF	)	
VIOLATION ISSUED TO	)	
MR. JOHN DEROMEDI, dba JOHN'S EXCAVATION	)	**DOCKET NO. 4414-09**
P.O. BOX 156	)	
MEETEETSE, WY 82433	)	
RE: LIMITED MINING OPERATION NO. 1177ET	)	

NOTICE

NOTICE IS HEREBY GIVEN THAT:

1. This Notice of Violation 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. On January 8, 2009 an inspection of the John Deromedi Limited Mining Operation No. 1177ET was conducted by Craig Smith of the Land Quality Division, District II. The pit is located in the NW¼NW¼ Sec. 19, T.48N., R.100W., Park County, Wyoming.

3. During the inspection, Mr. Smith observed that topsoil stockpiled along the crest of the west highwall had been irretrievably wasted when the highwall was re-affected.

4. Failure to save and stockpile topsoil is a violation of Land Quality Division Non-Coal Rules and Regulations, Chapter 10, Section 4(b).

5. During the inspection the disturbed area was measured using GPS equipment. The size was found to be 4.4 acres plus a .1 acre access road for a total disturbed area of 4.5 acres.

6. Limited Mining Operation No. 1177ET was issued April 30, 2001 for 3 acres of mining. Affecting more than 3 acres is a violation of Wyoming Statute § 35-11-401(e)(vi) which requires that the operator of an exempt mining operation to obtain written permission from the owner and notify the Land Quality Division before commencing operations.

7. John Deromedi has not submitted an updated form 10 with the land owner's authorization or notified Land Quality Division of an increased mining area beyond the original permitted area.

8. The operator has not posted reclamation bond for the additional affected 1.5 acres.

9. Failure to post bond is a violation of Wyoming Statute § 35-11-401(e)(vii) which requires the operator to file a bond to insure reclamation in accordance with the purposes of this act in the amount of $1,000.00 per acre of affected land.

10. These violations have not been corrected or remedied nor has the operator provided any information to the Land Quality Division concerning the violations.

11. 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 14 day of JAN., 2009

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. John Erickson, Land Quality Division District II Assistant Supervisor, 510 Meadowview Dr., Lander, WY, 82520, telephone 307-332-3047.