

DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF)
VIOLATION ISSUED TO)
2M CONSTRUCTION, INC.)
ATTN: MR. MIKE CUNNINGHAM)
P.O. BOX 1298)
RIVERTON, WY 82501)
RE: LIMITED MINING OPERATION NO. 1447ET)

DOCKET NO. 4459-09

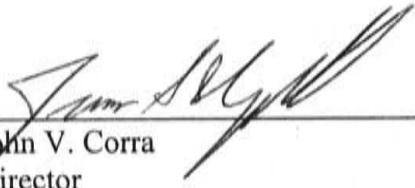
NOTICE

NOTICE IS HEREBY GIVEN THAT:

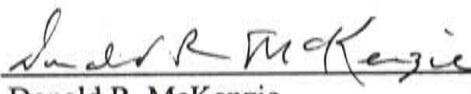
1. This Notice of Violation is being sent to you pursuant to Wyoming Statute § 35-11-701(c)(i) which requires that a written notice shall be issued in the case of failure to correct or remedy an alleged violation.
2. On December 05, 2008, an Annual Inspection of 2M Construction, Inc., Limited Mining Operation No. 1447ET, was conducted by Steve Platt of the Land Quality Division, District 2. The pit is located in the S½SW¼ Sec. 18 and S½SE¼ Sec. 13, T.1N., R.4E., WRM, Fremont County, Wyoming.
3. During the inspection, Mr. Platt measured the area affected by mining using Global Positioning System (GPS) equipment. Mining disturbances were found to affect 14.4 acres.
4. Affecting more than 10 acres is a violation of Wyoming Statute § 35-11-401(e)(vi), which allows exempt mining operations to remove gravel from an area of 10 acres or less of affected land.
5. The operator has posted an additional adequate reclamation bond in the amount of \$1,300. 2M Construction did respond to the Land Quality Division inspection report dated December 05, 2008 indicated that an NOV would be written and that both additional reclamation bond (\$4,500) and reclamation (i.e., to reduce the affected area to 10 acres or less) would be required. Prior to the NOV being issued and on January 14, 2009, Mr. Mike Cunningham telephoned and indicated that over 4 acres of affected area were graded and re-topsoiled. On January 20, 2009, Steve Platt again inspected the site and determined with GPS equipment that 4.501 acres were prepared for seeding, leaving an affected area of 9.9 acres. Because grading and re-topsoil work was completed the planned bond increase of \$4,500 (i.e., \$1,000/acre to cover the 4.5 acres over the 10 acres) was adjusted to \$1,300 (i.e., revegetation retainer of \$300/acre). The total bond of additional reclamation bond of \$1,300 results in an increase in total bond to \$11,300 from the current bond of \$10,000.
6. 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 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 13th day of March, 2009



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 Moxley, Land Quality Division District 2 Supervisor, 510 Meadowview Dr., Lander, WY, 82520, telephone 307-332-3047.