

DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF)
VIOLATION ISSUED TO)
Jerry Brown Construction, Inc.)
P.O. Box 291)
Worland, Wyoming 82401)
RE: Limited Mining Operation 771ET)

DOCKET NO. 4471-09

NOTICE

NOTICE IS HEREBY GIVEN THAT:

1. Notice of Violation is being sent to you pursuant to W.S. §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.

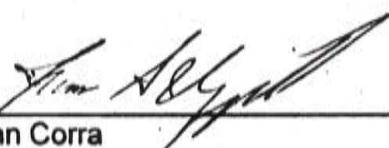
2. On June, 22, 2008 and on March 25, 2009 Limited Mine Operation 771ET was inspected by Brian R. Wood of the Wyoming Department of Environmental Quality - Land Quality Division, District II office. Those inspections are summarized in reports dated July 24, 2008 and March 26, 2009. The pit is located in NW 1/4 SW 1/4 of Section 14, T.47N, R.93W in Washakie County, approximately two miles north of the 15-Mile Canyon Road.

3. The June 22, 2008 and March 25, 2009 inspections revealed that topsoil and subsoil salvage was inadequate as required by WyDEQ/LQD NonCoal Rules and Regulations, Chapter 10, Section 4(b). In addition, topsoil that had been stockpiled for reclamation was often unidentified.

4. W.S. § 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.

DATED THIS 1st day of April, 2009.


Donald R. McKenzie
Administrator
Land Quality Division


John Corra
Director
Department of Environmental Quality

PLEASE DIRECT ALL INQUIRIES regarding this Notice of Violation to Mark Moxley, Land Quality District 2 Supervisor, 510 Meadowview Dr., Lander, Wyoming 82520, telephone (307) 332-3047.