

**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>HEBDON CONSTRUCTION</b>	)	<b>DOCKET NO. 4516-09</b>
<b>Mr. KELLY HEBDON</b>	)	
<b>P.O. BOX 204</b>	)	
<b>THAYNE, WY 83127</b>	)	
<b>RE: LIMITED MINING OPERATION NO. 559ET</b>	)	

**NOTICE**

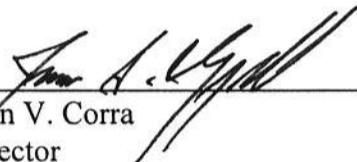
**NOTICE IS HEREBY GIVEN THAT:**

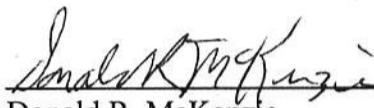
1. This Notice of Violation is being sent to you pursuant to Wyoming Statute 35-11-701(c)(i) which requires that a written notice shall be issued in the case of failure to correct or remedy an alleged violation.
2. On November 20, 2008 an inspection of the Hebdon Construction Limited Mining Operation No. 559ET was conducted by Tanya King and John Erickson of the Land Quality Division, District II. The pit is located in the SW¼SE¼ Sec. 34, T.35N., R.119W., Lincoln County, Wyoming.
3. During the inspection, Ms. King and Mr. Erickson observed that topsoil was not being stripped and stockpiled as the pit highwall advanced south, thus topsoil had been irretrievably wasted as the highwall progressed.
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. The inspection revealed that a legible Limited Mining Operation identification sign was not posted at the entrance to the operation.
6. Failure to post and maintain a sign showing the operator's name, address, and telephone number and the LQD Limited Mining Operation number is a violation of Land Quality Division Non-Coal Rules and Regulations, Chapter 10, Section 4(a).
7. The inspection revealed that topsoil stockpiles were not identified by signs.
8. Failure to clearly identify topsoil stockpiles with signs is a violation of Land Quality Division Non-Coal Rules and Regulations, Chapter 10, Section 4(b).
9. During the inspection, Ms. King measured the area affected by mining using Global Positioning System equipment. Mining disturbances were found to affect 11.8 acres.
10. 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.
11. The operator has not posted an adequate reclamation bond. Hebdon Construction did not respond to a Land Quality Division letter dated July 24, 2007 stating a bond increase was required if the operation exceeded the 8 acres of land that was estimated to be affected at that time. The currently affected area of 11.8 acres requires a total bond of \$9,700, an increase of \$3,789.50 from the current bond of \$5,910.50.
12. 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 the amount of \$1,000.00 per acre of affected land.

13. These violations have not been corrected or remedied nor has the operator provided any information to the Land Quality Division concerning the violations.
14. Hebdon Construction failed to file annual reports in January of 2006, 2007, 2008 and 2009. All were received June 16, 2009. Therefore, no action regarding reports is being taken at this time.
15. Failure to file an annual report is a violation of Wyoming Statute 35-11-401(k) which states that an operator shall file an annual report on or within 30 days prior to the anniversary date of the operation.
16. 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 29<sup>th</sup> day of June, 2009

  
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John V. Corra  
Director  
Department of Environmental Quality

  
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Donald R. McKenzie  
Administrator  
Land Quality Division

Please direct all inquiries regarding this Notice of Violation to Mr. Mark Moxley, Land Quality Division District II Supervisor, 510 Meadowview Dr., Lander, WY, 82520, telephone 307-332-3047.