

DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF)
VIOLATION ISSUED TO)
SPENCER'S INC. OF MT. AIRY, NC, D/B/A ARARAT)
ROCK PRODUCTS OF WYOMING) DOCKET NO. 4522-09
ATTN: J. H. CROSSINGHAM)
P.O. BOX 988)
MT. AIRY, NC 27030-0988)
1294ET - LIMITED MINING OPERATION)

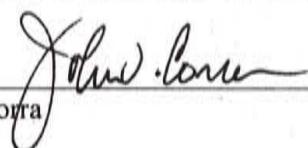
NOTICE

NOTICE IS HEREBY GIVEN THAT:

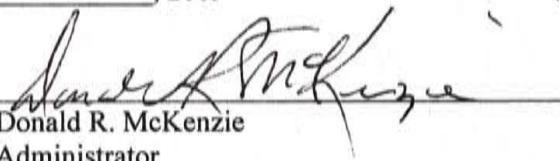
1. Notice of Violation (NOV) is being sent to you pursuant to Wyoming Statute §35-11-701(c)(i) which requires that a written notice shall be issued in the case of failure to correct or remedy an alleged violation.
2. The Wyoming Department of Environmental Quality, Land Quality Division Noncoal Rules and Regulations, Chapter 3, Section 2(c)(i)(D) states that topsoil stockpiles shall be marked with a legible sign containing letters not less than six inches high on all approach roads to such stockpiles.
3. During an inspection performed on July 9, 2009, Mr. David Schellinger and Mr. Mark Rogaczewski observed that no topsoil stockpiles at LMO 1294ET were marked by topsoil signs.
4. The Department of Environmental Quality, Land Quality Division Noncoal Rules and Regulations Chapter 10, Section 4(b) states that in no case shall any materials be pushed or dumped over natural escarpments.
5. The Department of Environmental Quality, Land Quality Division Noncoal Rules and Regulations Chapter 3, Section 2(c)(i)(A) that states all topsoil shall be removed from all areas to be affected prior to these areas being affected.
6. During the July 9, 2009 inspection of LMO 1294ET, Mr. David Schellinger and Mr. Mark Rogaczewski observed materials from the pit disturbance pushed over the north edge of LMO 1294ET onto areas where topsoil had not been salvaged.
7. 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 22 day of July, 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 Rogaczewski, District III Supervisor, Wyoming Department of Environmental Quality/Land Quality Division, 1866 South Sheridan Avenue, Sheridan, WY, 82801

1294ET - LIMITED MINING OPERATION

cc: Mark Rogaczewski, LQD
file, 1294ET