

DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE OF WYOMING

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF )  
VIOLATION ISSUED TO )  
PETE LIEN & SONS, INC. )  
ATTN: DANIELLE WIEBERS ) DOCKET NO. 4535-09  
P.O. BOX 440 )  
RAPID CITY, SD 57709 )  
PERMIT NO. 320C HARTVILLE (INGLESIDE) QUARRY )

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. During the Annual Inspection of the Permit 320c on December 17, 2008, conducted by Monte Buchanan of the Wyoming Department of Environmental Quality – Land Quality Division, District 1 office, a newly constructed diversion ditch was observed to be constructed along the access road and the channel of an ephemeral drainage was incised. The incised drainage channel was dug during the 2007-08 reporting period and leads approximately 200 feet to the east and parallels the access road. The Land Quality Division (LQD) requested that sediment control be installed in the diversion ditch. Pete Lien and Sons, Inc. installed rock check dams as indicated in a response letter and photo dated May 6, 2009.
3. During the Annual Inspection of Permit No. 320c on May 21, 2009, conducted by Monte Buchanan of the Wyoming Department of Environmental Quality – Land Quality Division, District 1 office, inquiries were made to determine the proximity of the incised channel in relation to the permit boundary in the Annual Inspection Report dated June 3, 2009. A permit revision was to be required to account for any activity outside of the authorized permit area.
4. On June 24, 2009, Pete Lien & Sons, Inc. notified the Land Quality Department that the incised channel is partially outside of the permit area. Approximately 200 ft. of the incised channel was dug outside of the permit area. Mine related activities outside of the permit area is in violation of Wyoming Statute 35-11-415(b)(ii), which states that the operator shall “*Conduct all surface and reclamation activities within the permit area in conformity with his approved plan.*”
5. 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 OF VIOLATION (NOV)** 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 4<sup>th</sup> day of August, 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. Lowell Spackman, District 1 Supervisor, Wyoming Department of Environmental Quality/Land Quality Division, Herschler Building, 3<sup>rd</sup> W, 122 West 25<sup>th</sup> Street, Cheyenne, WY 82002.

**DOCKET NO. 4535-09**  
**PERMIT NO. 320c**

cc: Lowell Spackman, LQD, District 1  
Permit No. 320c, NOV File  
Cheyenne NOV File