

DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF)
VIOLATION ISSUED TO)
MR. LEE JAY) DOCKET NO. 4537-09
133 LOBBAN ROAD)
HULETT, WYOMING 82720)
)
)
1428ET – LIMITED MINING OPERATION)

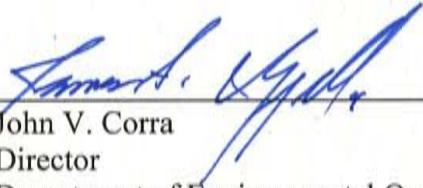
NOTICE

NOTICE IS HEREBY GIVEN THAT:

1. This 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 Environmental Quality Act, W. S. § 35-11-401(e)(vi) allows a permit exemption for surface mining operations, whether commercial or noncommercial, for the removal of sand, gravel, scoria, limestone, dolomite, shale, ballast, or feldspar from an area of ten (10) acres or less.
3. During inspections performed on July 30, 2009, Mr. Glenn Mooney mapped the disturbances associated with Limited Mining Operation (LMO) 1428ET using a Global Positioning System. The mapped disturbances equaled approximately 12.5 acres; 2.5 acres greater than the 10 acres allowed under a LMO by state law.
4. The Wyoming Department of Environmental Quality, Land Quality Division, Noncoal Rules and Regulations, Chapter 3, Section 2(c)(i)(A) requires that all topsoil to be removed from all areas to be affected in the permit area prior to the areas being affected by mining. The topsoil must be segregated as not to become mixed with spoil or waste materials, must be stockpiled, and must be saved for reclamation purposes.
5. During the July 30, 2009, inspection of LMO1428ET Mr. Mooney observed numerous areas around the edges of the disturbed areas where equipment had been repeatedly driven on and parked on native, in-place topsoil and a topsoil stockpile.
6. Equipment found parked in and around the LMO1428ET gravel pit is not believed to belong to Mr. Lee Jay or his family and in fact belongs to an unknown contractor.
7. The Wyoming Department of Environmental Quality, Land Quality Division, Noncoal Rules and Regulations, Chapter 10, Section 6(b) states: The operator may allow contractors to operate within its limited mining area provided notice is given to the Division and the contractor meets the other requirements of the Division, including filing of Form 10. No notice of another contractor was given to the Division.
8. 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 11th day of August, 2009



John V. Corra
Director
Department of Environmental Quality



Donald R. McKenzie
Administrator
Land Quality Division

Please direct all inquiries 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

1428ET – LIMITED MINING OPERATION

cc: Mark Rogaczewski, LQD
File, 1428ET