

DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE OF WYOMING

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF )  
VIOLATION ISSUED TO )  
OPERATOR: SPENCER'S INC. OF MT. AIRY, NC )  
D/B/A ARARAT ROCK PRODUCTS OF WYOMING )  
ATTN: MR. LARRY DOLLYHIGH )  
482 MUDDY CREEK RD. )  
BUFFALO, WYOMING 82834 )  
1311ET - LIMITED MINING OPERATION )

DOCKET NO. 4540-09

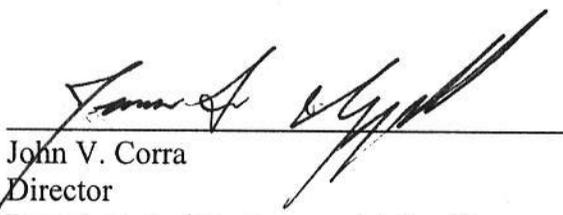
NOTICE

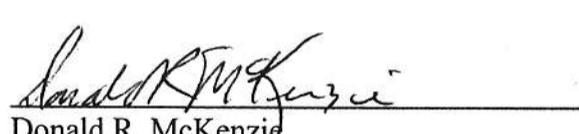
NOTICE IS HEREBY GIVEN THAT:

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 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 August 6, 2009, Mr. David Schellinger mapped the disturbances associated with Limited Mining Operation (LMO) 1311ET using a Global Positioning System. The mapped disturbances equaled approximately 11.9 acres; 1.9 acres greater than the 10 acres allowed under a LMO by Wyoming State statutes.
4. 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.
5. During the August 6, 2009 inspection of LMO 1311 Mr. David Schellinger and Ms. Kris Thompson observed disturbance of native vegetation and topsoil where equipment had been operated on areas where topsoil had not been salvaged at LMO 1311ET.
6. 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 18<sup>th</sup> day of August, 2009

  
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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

**1311ET – LIMITED MINING OPERATION**

cc: Mark Rogaczewski, LQD  
File, 1311ET