DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF	)	
VIOLATION ISSUED TO	)	
JOHNSON COUNTY ROAD AND BRIDGE	)	**DOCKET NO. 4541-09**
ATTN: SCOTT PEHRINGER	)	
310 RAILROAD	)	
BUFFALO, WY 82834	)	
AND	)	
SPENCER'S INC. OF MT AIRY, NC D/B/A	)	
ARARAT ROCK PRODUCTS OF WYOMING	)	
ATTN: LARRY DOLLYHIGH	)	
482 MUDDY CREEK ROAD	)	
BUFFALO, WY 82834	)	
MINE PERMIT 476	)	

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. Ararat Rock Products of Wyoming has been contracted by Johnson County Road and Bridge to perform mining and processing operations at the Hackert and BLM-Rome Hill Pits.

3. 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.

4. During the August 5, 2009 inspection of the Hackert Pit of Johnson County Road and Bridge Permit No. 476, Mr. David Schellinger observed materials from the pit disturbance pushed over the western and northern pit edges of the pit.

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 August 5, 2009 inspection of the Hackert Pit, Mr. David Schellinger observed that no topsoil salvage had occurred on the western and northern edges of the pit where materials from the pit disturbance had been deposited. Additionally, topsoil mixed with pit materials were pushed onto areas of native vegetation and soils on the eastern pit edge.

7. During the August 6, 2009 Inspection of the BLM-Rome Hill Pit of Permit No. 476, Mr. David Schellinger and Ms. Kris Thompson observed dozer tracks, oil spills, processed product and equipment on areas where topsoil had not been salvaged in advance of disturbances.

8. The Department of Environmental Quality, Land Quality Division Noncoal Rules and Regulations Chapter 3, Section 2(c)(i)(B) states that when topsoil is not promptly redistributed, the topsoil shall be stockpiled on stable areas within the permit area in such a manner so as to minimize wind and water erosion and unnecessary compaction.

9. During the August 5, 2009 inspection of the Hackert Pit, Mr. David Schellinger observed topsoil possibly mixed with other pit materials bermed along and adjacent to the eastern pit edge, not stockpiled and protected as required.

10. During the August 6, 2009 inspection of the BLM-Rome Hill Pit, Mr. David Schellinger and Ms. Kris Thompson observed topsoil windrowed as a sediment control feature on the eastern pit edge, and observed a topsoil stockpile in contact with the active pit area and processed materials on the southern pit end.

11. 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 18th 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.

PERMIT NO. 476

cc: Mark Rogaczewski, LQD
file, permit no. 476