

**DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE OF WYOMING**

**NOTICE OF VIOLATION**

<b>IN THE MATTER OF THE NOTICE OF</b>	)	
<b>VIOLATION ISSUED TO</b>	)	
<b>WIND RIVER QUARRY</b>	)	<b>DOCKET NO. 4543-09</b>
<b>639 E. LOCKEFORD STREET</b>	)	
<b>LODI, CA 95240</b>	)	
<b>RE: SMALL MINE PERMIT NO. 699(s)</b>	)	

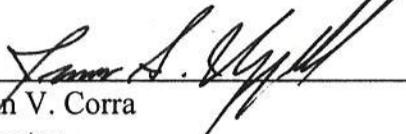
**NOTICE**

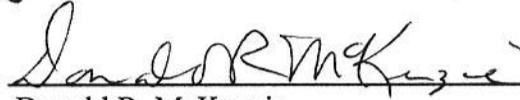
**NOTICE IS HEREBY GIVEN THAT:**

1. This Notice of Violation 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. On June 16, 2009 an inspection of the Wind River Quarry permit number 699(s) was conducted by Craig Smith of the Land Quality Division, District II. The mine is located in the E ½ NW ¼ of Section 10, T. 42N, R. 95W, Hot Springs County, Wyoming.
3. As a result of the inspection and the level of disturbance, Mr. Smith set the bonding amount at \$34,800.00, an increase of \$16,200.00 over the previous level. An inspection report stating these findings were mailed to Wind River Quarry on June 22, 2009.
4. A certified letter was signed and mailed by John Corra, Director Wyoming Department of Environmental Quality, on June 24, 2009 stating the increased bond must be submitted within 45 days.
5. Failure to post adequate bonding for surface mining disturbances is a violation of Wyoming Statute § 35-11-417(c)(ii).
6. A review of the Wind River Quarry File 699(s) revealed that the last Annual Report was submitted on August 29, 2008 covering the period from April 1, 2007 through March 31, 2008.
7. The inspection report mailed to Wind River Quarry on June 22, 2009 stated that the Annual Report was delinquent and a new Annual Report must be submitted by July 15, 2009.
8. Wyoming Statute § 35-11-411(a) requires an operator to "file an annual report with the administrator on or within thirty (30) days prior to the anniversary date of each permit". The anniversary date of permit 699(s) was April 1, 2009.
9. These violations have not been corrected or remedied nor has the operator provided any information to the Land Quality Division concerning the violations.
10. 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 inquiries regarding this Notice of Violation to Mr. Mark Moxley, Land Quality Division District II Supervisor, 510 Meadowview Dr., Lander, WY, 82520, telephone 307-332-3047.