

DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF)
VIOLATION ISSUED TO)
ROGER CROELL)
P. O. BOX 1352)
SUNDANCE, WY 82729)
LIMITED MINING OPERATION (LMO) NO. 1212ET)

DOCKET NO. 4551-09

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 violations associated with this Limited Mining Operation were documented by Monte Buchanan, Land Quality Division, District I during the Annual Inspection conducted on August 11, 2009. This LMO is located in Platte County.
3. The operator/permittee failed to adequately save and protect topsoil during mining operations conducted under 1212ET. This is a violation of the Environmental Quality WDEQ/LQD Noncoal Rules and Regulations, Chapter 10, Section 4(b), "All topsoil from affected lands shall be saved and stockpiled in such a manner to minimize wind and water erosion."
4. The aforementioned violations have not been corrected or remedied, nor has the operator/licensee provided any information concerning the violation.
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 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 27th 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. Lowell Spackman, District I Supervisor, Wyoming Department of Environmental Quality/Land Quality Division, Herschler Building, 3rd W, 122 West 25th Street, Cheyenne, WY 82002

CERTIFIED MAIL, RETURN RECEIPT REQUESTED #7008 1140 0004 2414 2060

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LIMITED MINING OPERATION (LMO) NO. 1212ET

cc: Lowell Spackman, LQD, District I
LMO 1212ET, NOV File
Cheyenne NOV File