

DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF)
VIOLATION ISSUED TO)

Mr. Dave Roberts)
Hyland Enterprises, Inc.)
P. O. Box 2377)
Rawlins, WY 82301)

DOCKET NO. 4560-09

RE: Large Mine Permit 728)

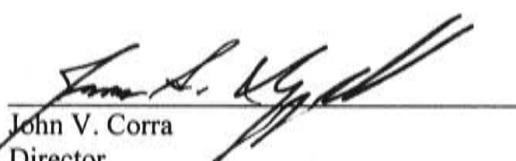
NOTICE

NOTICE IS HEREBY GIVEN THAT:

1. Notice of Violation is being sent to you pursuant to Wyoming Statute (W.S.) §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. Large Mine permit number 728 is located in Sweetwater County in the SW ¼ Section 31, T.17N, R.94W and the NE ¼ NE ¼ Section 1, T.16N, R.95W approximately 21 miles south by southwest of Wamsutter, Wyoming. The permit area encompasses 76 acres.
3. Hyland Enterprises, Inc. is the permittee, holder of Large Mine permit number 728.
4. On September 9, 2009 the Annual Inspection of the Large Mine Permit 728 was conducted by Sarah Naylor of the Wyoming Department of Environmental Quality - Land Quality Division, District II office. This inspection was summarized in a report dated September 14, 2009.
5. The September 9, 2009 Inspection revealed failures to properly salvage, segregate, and protect topsoil at the Permit 728 site. Failure to "*Protect the removed and segregated topsoil from wind and water erosion...and preserve such in a usable condition for sustaining vegetation when restored in reclamation...*" is a violation of W.S. §35-11-415(b)(iii).
6. The September 9, 2009 Inspection also revealed that the pit disturbance affects lands outside the permit boundary. Affecting land outside the approved permit boundary is a violation of §35-11-415(b)(ii).
7. W.S. § 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 there under 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 21st day of September, 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 Mark Moxley, Land Quality District 2 Supervisor, 510 Meadowview Dr., Lander, Wyoming 82520, telephone (307) 332-3047.