

**DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING**

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF)	
VIOLATION ISSUED TO)	
J&J GRAVEL)	DOCKET NO. 4584-09
ATTN: MR. MARK JONES)	
1889 BIG SANDY ROAD)	
BOULDER, WY 82923)	
RE: LIMITED MINING OPERATION NO. 1051ET)	

NOTICE

NOTICE IS HEREBY GIVEN THAT:

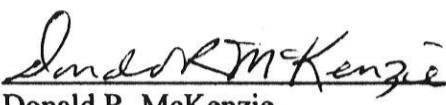
1. This Notice of Violation is being sent to you pursuant to Wyoming Statute (W.S.) 35-11-701(c)(i) which requires that a written notice shall be issued in the case of failure to correct or remedy an alleged violation.
2. On October 22, 2009, an Annual Inspection of J&J Gravel, Limited Mining Operation No. 1051ET, was conducted by Tanya King of the Land Quality Division (LQD), District II. The pit is located in the SE¼SE¼ Sec. 19, T.31N., R.106W., Sublette County, Wyoming.
3. During the inspection, Ms. King measured the area affected by mining using Global Positioning System equipment. Mining disturbances were found to affect 11.7 acres, of which 0.3 is ranch stockpile; resulting in a net of 11.4 acres as mine site disturbance.
4. Affecting more than 10 acres is a violation of W.S. 35-11-401(e)(vi), which allows exempt mining operations to remove gravel from an area of 10 acres or less of affected land.
5. The operator has not posted an adequate reclamation bond. J&J Gravel did not respond to LQD letters dated October 16, 2007 (Annual Inspection Report), August 27, 2008 (Annual Inspection Report) or November 13, 2008 which requested a bond increase to cover the 11.6 acres of land that was estimated to be affected at that time. The currently affected area of 11.4 acres will require a total bond of \$11,400, an increase of \$1,400 from the current bond of \$10,000.
6. Failure to post bond is a violation of W. S. 35-11-401(e)(vii) which requires the operator to file a bond to insure reclamation in the amount of \$1,000.00 per acre of affected land.
7. The inspection revealed that topsoil stockpiles were not identified by signs.
8. Failure to clearly identify topsoil stockpiles with signs is a violation of LQD NonCoal Rules and Regulations, Chapter 10, Section 4(b).
9. 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 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 3 day of November, 2009



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 Moxley, Land Quality Division District II Supervisor, 510 Meadowview Dr., Lander, WY, 82520, telephone 307-332-3047.