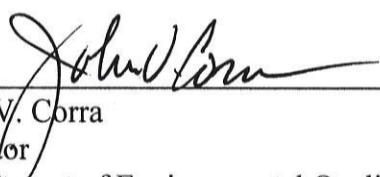


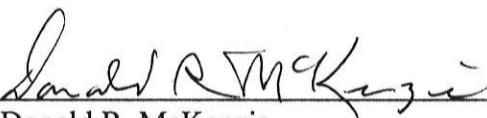


9. DEQ/LQD Noncoal Rules and Regulations, Chapter 10, Section 4(b) states topsoil stockpiles shall be identified by a sign.
10. During the inspection performed on November 18, 2009, Mr. Schellinger observed processed materials of unknown quality spilled over and onto a topsoil stockpile windrow constructed on the southeastern pit edge. Additionally, the northeast edge topsoil stockpile has been contaminated by an adjacent overburden stockpile.
11. W.S. § 35-11-415(b)(iii) states that the duties of the operator are to protect the removed and segregated topsoil from wind and water erosion, and from acid or toxic materials, and preserve such in a usable condition for sustained vegetation when restored reclamation.
12. 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 30 day of Nov., 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

**1407ET – LIMITED MINING OPERATION**

cc: Mark Rogaczewski, LQD DIII  
Cheyenne LQD File