

DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF)
VIOLATION ISSUED TO)
MCMURRY READY MIX CO.) DOCKET NO. 4799-11
ATTN: GENE BRUMMOND)
P.O. BOX 2488)
CASPER, WYOMING 82602)
PERMIT NO. 776 – REGULAR MINE OPERATION)

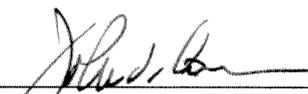
NOTICE

NOTICE IS HEREBY GIVEN THAT:

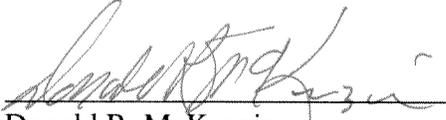
1. Notice of Violation (NOV) is being sent to you pursuant to Wyoming Statute §35-11-701(c)(i) which requires that a written notice shall be issued in the case of failure to correct or remedy an alleged violation.
2. Wyoming Statute § 35-11-415(b)(ii) states the operator, pursuant to an approved surface mining permit and mining plan and reclamation plan, or any approved revision thereto, shall conduct all surface mining and reclamation activities within the permit area in conformity with his approved plan.
3. Due to a bald eagle nest located north of the permit disturbance between Little Piney and Piney Creeks, Section MP-1.5.3 (Wildlife) of the approved LQD permit restricts operations in the northwest portion of the above disturbance during the nesting period for bald eagles from January 1 until three weeks following eaglet fledging. The United States Department of the Interior Fish and Wildlife Service provided a letter of concurrence with this commitment that has been placed in the approved permit. While traveling north on I-90 toward Sheridan on January 13, 2011, David Schellinger observed a front-end loader filling a truck trailer with materials from a gravel stockpile located on the western edge of the pit, within the restricted area. Mr. Schellinger photographed activities and obtained GPS points within the permit disturbances that were mapped and compared with Figure MP-1 of the approved LQD permit Mine Plan to confirm that activities were within the restricted area. Mr. Schellinger met with Mr. Llyod Spanyers and Mr. Gene Brummond in the permit disturbance. Mr. Brummond indicated that he was aware that the activities were in a restricted location of the pit, but that the decision to operate within the restricted area was made by upper management. Mr. Ron McMurry confirmed that the decision to operate within the restricted area was made by him during a January 18, 2011 meeting with Mr. Schellinger.
4. 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 2 day of Feb, 2011



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, 2100 West 5th Street Sheridan, WY, 82801.

Permit No. 776 – Regular Mine Operation

cc: Mark Rogaczewski, LQD
File: Regular Mine Permit 776